

# Salvation or Damnation?

Namaste,

Do you really think the 14<sup>th</sup> Amendment is an exclusive club for the few? This is not about the *me*, this is about the *WE*, The People...;

Page | 1

*The debates were long and extensive. It is abundantly clear that one reason the legislation was passed was to afford a federal right in federal courts because, by reason of prejudice, passion, neglect, intolerance or otherwise, state laws might not be enforced and the claims of citizens to the enjoyment of rights, privileges, and immunities guaranteed by the Fourteenth Amendment might be denied by the state agencies. [Monroe v. Pape](#), 365 US 167 - Supreme Court 1961*

In truth and peace, let us explain what most cannot see. Civil rights violations. It has injured our family, and soon many others will find this occurred to injure them. How can this be? It is a long story but we are providing a limited version. We will not go into what these actor's acts have accomplished to the investors, that would be for those whom were injured by investment.

If a litigant can prove beyond a reasonable doubt that the opposing party was not eligible to file summary judgment motions or motion to dismiss, yet an individual, allegedly acting as an agent of the state disregards such proof and grants such summary judgment and motions to dismiss, does this deprive an individual its equal due process rights and rights to trial by jury guaranteed by the Federal Constitution? -  
AlvieC

## **In the beginning**

We've represented ourselves as *pro se* from JP court all the way up to the Texas Supreme Court. All the while, pointing out these violations only to be disregarded due to our external appearance, though internally, the petitions we've written held merit, according to various attorneys whom reviewed them. Were we completely accurate could be a question to many? Nevertheless more importantly, we are finding the opposing attorneys we were litigating against were apparently

# Salvation or Damnation?

acting by their own actions, not their alleged principal, Wells Fargo? This is according to my conversation with [Michelle F. Roberts](#), Executive Mortgage Specialist, Office of the President, Wells Fargo Home Mortgage<sup>1</sup>, who, by the way, still thinks they are our mortgage servicer and thinks they hold our alleged mortgage loan according to what she claimed she was reviewing while we conversed on the phone. She could not understand a gap of missing information from 2007 to present. It was apparent by the questions she was asking. With that understanding, we now realize that for over five years now, we appear to have litigated against various individual rogue attorneys whom were committing civil rights violations; and using individuals clothed in robes to commit their criminal acts. Then using law enforcement to further the violations of our rights guaranteed by the federal constitution by attempting to force us from our lawfully owned real property. Could it be more interesting to figure out who committed securities fraud? Which one did it? American Mortgage Network, Inc., Wells Fargo Home Mortgage, or Wells Fargo Bank, N.A. or JP Morgan Chase<sup>2</sup>?

Page | 2

Since two of the four mentioned entities listed above made a claim which allegedly originated from American Mortgage Network, Inc., can any one of those entities reflect how they could lawfully prove up on such thing they are claiming and prove it by meeting the requirements of 3.203(d), Uniform Commercial Code? When the alleged interest in the intangible was allegedly sold to Ginnie Mae in 2004, did that alleged transaction meet the 3.203(d) requirement? “The UCC places the burden on the first bank in the collection chain to ensure an endorsement's authenticity”<sup>3</sup> Was it a scam? One thing is for certain, severe violations of rights guaranteed by the federal constitution have occurred.

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<sup>1</sup> Her contact info came from a Whitehouse inquiry, I found during WF discovery process.[RFP]

<sup>2</sup> Indicated in wiring instructions of closing documents.

<sup>3</sup> [Jones v. Wells Fargo Bank, NA](#), 666 F. 3d 955 - Court of Appeals, 5th Circuit 2012

# Salvation or Damnation?

## Frightened or Intimidated?

This past week has caused fear and panic to those in our home, and around me, because of their fear of the unknown. The misses is very afraid I am going to get hurt in this *stand-off* for Civil Rights.

Page | 3

Previously, I warned our local government that civil rights violations occurred and they were unknowingly being subjected to those violations. Now, I am demonstrating to the world that civil rights violations have occurred. Those with ears, hear, and with eyes, see.

Last week, January 9, 2014, various men, constables of Williamson County, Texas came around our property. I called Michelle F. Roberts and made an offer to her as an agent Wells Fargo. We also sent the offer in an email to Ms. Roberts, and cc'd agents of our local government. My offer was that if Wells Fargo uses law enforcement, as unsuspecting victims for carrying out civil rights violations, to force us from what is lawfully ours [real property], the possibility of a civil rights claim against Wells Fargo would be likely since these violations have already occurred in Wells Fargo's name, and it will be sad for the world to find that Wells Fargo caused innocent men of law enforcement to become involved in something unlawful when these men only thought they were just doing their job.

## Fraud to Ginnie Mae

Ms. Roberts appeared not to take us too seriously except when I explained to her how we could prove Wells Fargo defrauded Ginnie Mae<sup>4</sup>, thus taking advantage of millions of American taxpayers, since Ginnie Mae IS a government agency. I could only imagine she realized what investors would realize. I suppose it was then she began to listen to me. She said something about initiating an investigation. I believe Ms. Roberts realizes she too is subject to 42 USC 1983. It is up to Michelle Roberts to take an action to prevent her from joining the parties. I also believe that Ms. Roberts and Wells Fargo may now be finding that a group of individuals with

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<sup>4</sup> Confirmed by using [Texas Licensed investigator](#).

# Salvation or Damnation?

access to the MERS system are making money off Wells Fargo or its investors while unlawfully repossessing real property in Wells Fargo's name, Or she is denying the facts before her. She did not appear to have the names of these "agent's" readily available and wanted to know where and who they were? I explained to Michelle F. Roberts, that even if Wells Fargo was not aware, these rogue "agent's" were acting in the Principal's name, thus leaving the principal liable also for these civil rights violations. For some strange reason while speaking with Michelle at Wells Fargo Home Mortgage, the constables vehicles left the area and have not been back? Coincidence?

Page | 4

If this type of activity happened in the name of Wells Fargo, how many other names of principals for these rogue agents are being used without consent?

## Repent

As stated, this is a fairly long scenario, but we believe the state of Texas is about to realize a grave error with Texas law and civil rules, not to mention the local government since they may now realize they too are not immune to such civil rights violations no matter what the individual does when he is acting outside his/her capacity or oath. What future lies for those individuals whom enacted laws that allowed for the violations of rights guaranteed by the 14<sup>th</sup> amendment of our federal constitution?

States and state agencies are entitled to Eleventh Amendment immunity in federal court,<sup>[64]</sup> but local governments have no immunity from damages flowing from their constitutional violations, and may not assert the good faith of its agents as a defense to liability.<sup>[65]</sup> Further, state law sovereign immunity and state law limitations on damages do not protect local governments from liability under section 1983,<sup>[66]</sup> and state laws requiring pre-suit notification prior to initiating an action against the state or its subdivisions similarly do not apply.<sup>[67]</sup> Therefore, local governments are left in the unique and unhappy situation of being subject to suit without the benefit of any form of immunity. – See "A Guide to Civil Rights Liability Under 42 USC 1983", [link below]

# Salvation or Damnation?

If we are wrong, why did law enforcement not force, nor remove us from our real property, when allegedly the rogue attorney had a lawful order? Even though the possibility arises, certain individuals may consider retaliation? I do not wear a swami hat to know if they would or would not. Would they murder me, like others did my brother<sup>5</sup>? That choice is left to them, as my Father looks after me. I am a man of peace. All we've expected anyone to do is to follow their oaths and the laws of the land that men made. Have you not read [Legal Duty - Statutes](#)? How about [Legal Duty](#)? Did they not both bring men's laws to you? He brought you to me.

The problem we are faced with now is the known fact that I sat before the local Sheriff and a couple of other men at a meeting a while back to report this rising issue then, and forewarned them about civil rights violations occurring, and what the people might do when they find out civil rights violations occurred. Unexpectedly, these men were basing their ideals to my external; and not my internal qualifications, thus being a bit disrespectful to me when I came in peace. Nevertheless, one thing I witnessed from that meeting was what was admitted by Mr. Sheriff, when he said that whatever the "judge" tells them to do that was what they had to do. I could agree with this to an extent, except when it comes following orders from individuals acting outside their capacity that violate the federal constitution.

Our question to all law enforcement is; Why would an individual in law enforcement carry out such violations for civil rights guaranteed by the federal constitution, thus subjecting themselves to such violations and destroying their freedom? I remember something my father told me a long time ago; "Son, just because the others jump off a cliff, does not mean you should do it also".

Facing our dilemma now, is how we can file criminal complaints when law enforcement is afraid of losing their job that is being held over their head if they do not follow unconstitutional orders provided by individuals acting outside their

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<sup>5</sup> He was neither killed, nor crucified.

# Salvation or Damnation?

capacity or oath? We suppose these law guys thought the judge was their friend? Some friend wouldn't you say? Why would you want them to lead you over the cliff?

We've tried federal law enforcement also, but they seem not to understand that local does not want to take our complaint. Or they too are depriving us of our rights guaranteed by the federal constitution?

## How they do it

Since these individuals continue to violate civil rights,<sup>6</sup> we are going to explain to you so we can ALL come together to solve this serious issue, and we will do it by the pen, not by the sword, even though the pen will work just like a sword.

So, what these criminal actors found to use as a quick and easy method to accomplish their criminal acts thus causing the harm appear to be either overlooked or acted upon outside their capacity. These are (1) Motions for Summary and No-Evidence Summary Judgments; and (2) Motion to Dismiss. I've been down the path, I should be able to recognize it, and so should lawyers defending or opposing these things.

In 1952, the Texas Supreme Court stated; "Rule 166-A, Rules of Civil Procedure, provides for summary judgment "(c) \* \* The judgment sought shall be rendered forthwith if the pleadings, depositions, and admissions on file, together with the affidavits, if any, show that, except as to the amount of damages, there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." See [Gulbenkian v. Penn](#), 252 SW 2d 929 - Tex: Supreme Court 1952

The honorable court went on to state; "We adopted this rule from Federal Rules of Civil Procedure rule 56, 28 U.S.C.A., and that rule has been construed as allowing summary judgments only when there is no disputed fact issue." Id

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<sup>6</sup> I assure you, many have had this happen to them.

# Salvation or Damnation?

The honorable court also cited from [Kaufman v. Blackman](#) that stated "The underlying purpose of Rule 166-A was elimination of patently unmeritorious claims or untenable defenses; not being intended to deprive litigants of their right to a full hearing on the merits of any real issue of fact." Id.

## Does the State of Texas know?

We stated the following piece in our Petition for Bill of Review to the Texas Supreme Court, the last court whom took jurisdiction of the Campbell v. MERS suit.<sup>7</sup>

*If a litigant could prove beyond a reasonable doubt the opposing party was not eligible to file such summary judgment motions and an individual, acting as an agent of the state grants such summary judgment, does this deprive an individual its rights to trial by jury guaranteed by the Texas Bill of Rights?*

According to the Texas Supreme Court "While this court has always upheld the sanctity of final judgments, we have also always recognized that showing the former judgment was obtained by fraud will justify a bill of review to set it aside." The High Court claimed this in [Montgomery v. Kennedy](#), yet it declined our petition because the "case is closed". Is that not what a Bill of Review is for? According to a U.S. District court of men it was stated; "The Where jurisdiction depends upon domicile that question is always open to re-examination, even upon contradictory evidence... Moreover, fraud destroys the validity of everything into which it enters. It affects fatally even the most solemn judgments and decrees". That cite is from [Diehl v. United States](#).

## Court of the World

To let the world know, we provided this to both the Texas Appellate Court, at Austin, Texas and to the Texas Supreme Court. At the appellate level, it took a

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<sup>7</sup> These are posted on [Ourlemon.com](http://Ourlemon.com), or [scribd.com/alviiec](http://scribd.com/alviiec).

# Salvation or Damnation?

week for the clerk to determine if the filing was accepted or rejected. At the Supreme Court level it took almost that long. Yet, while these were being determined, the serviced alleged agent attorney Mark D. Hopkins, went to the county court and seemingly coerced an individual to signing a “writ of possession” to be served upon Alvie Campbell and all other occupants of 250 PR .947, Taylor, Texas, 76574. Was is served? Was it lawful? Page | 8

Now the reader may see the revelation of a bit of retaliation from Mark D. Hopkins or s/he may not. If s/he has not read the Memorandum in Support of the Petition for Bill of Review this may be the reason retaliation does not cross the imagination.

The *Monroe v. Pape*<sup>8</sup> opinion is an interesting opinion which many should read to better understand rights. Here are just a few cites of interest;

“We had before us in *United States v. Classic*, supra, § 20 of the Criminal Code, 18 U. S. C. § 242,[30] which provides a criminal punishment for anyone who "under color of any law, statute, ordinance, regulation, or custom" subjects any inhabitant of a State to the deprivation of "any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States." Section 242 first came into the law as § 2 of the Civil Rights Act, Act of April 9, 1866, 14 Stat. 27.“

“For if one thing is very clear in the legislative history, it is that the Congress of 1871 was well aware that no action requiring state judicial enforcement could be taken in violation of the Fourteenth Amendment without that enforcement being declared void by this Court on direct review from the state courts.”

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<sup>8</sup> [Monroe v. Pape](#), 365 US 167 - Supreme Court 1961

# Salvation or Damnation?

"As to the civil remedies, for a violation of these privileges, we know that when the courts of a State violate the provisions of the Constitution or the law of the United States there is now relief afforded by a review in the Federal courts. And since the 14th Amendment forbids any State from making or enforcing any law abridging these privileges and immunities, as you cannot reach the Legislatures, the injured party should have an original action in our Federal courts, so that by injunction or by the recovery of damages he could have relief against the party who under color of such law is guilty of infringing his rights. As to the civil remedy no one, I think, can object." *Id.*, at 501."

With what we've presented, by the proof we have and evidence from Wells Fargo's own files, we ask why an individual outside their capacity could possibly deprive us of our rights for equal due process and right to trial by jury guaranteed by the federal constitution using motions for summary judgments and motions to dismiss when it can be proven deprivation of rights have occurred already?

To those chosen few,

I came to you in peace and you rejected me.

Now, do I bring you fire?

"There can be no sanction or penalty imposed upon one because of his exercise of constitutional rights." [Sherar v. Cullen](#), 481 F. 2d 946 (1973). "The claim and exercise of a Constitution right cannot be converted into a crime"... "a denial of them would be a denial of due process of law". [Simmons v. United States](#), 390 U.S. 377 (1968)

In [Boyd v. United](#), 116 U.S. 616 at 635 (1886), Justice Bradley, stated "It may be that it is the obnoxious thing in its mildest form; but illegitimate and unconstitutional practices get their first footing in that way; namely, by silent

# Salvation or Damnation?

approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of persons and property should be liberally construed. A close and literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of the Courts to be watchful for the Constitutional Rights of the Citizens, and against any stealthy encroachments thereon. Their motto should be *Obsta Principiis*."

"It will be an evil day for American Liberty if the theory of a government outside supreme law finds lodgement in our constitutional jurisprudence. No higher duty rests upon this Court than to exert its full authority to prevent all violations of the principles of the Constitution." *Downs v. Bidwell*, 182 U.S. 244 (1901)

## **Fourteenth Amendment to the United States Constitution**

The Equal Protection Clause requires each state to provide equal protection under the law to all people within its jurisdiction.

### **Due Process Clause**

The Due Process Clause of the Fourteenth Amendment applies against only the states, but it is otherwise textually identical to the Due Process Clause of the Fifth Amendment, which applies against the federal government; both clauses have been interpreted to encompass identical doctrines of procedural due process and substantive due process.[74] Procedural due process is the guarantee of a fair legal process when the government seeks to burden[jargon] a person's protected interests in life, liberty, or property, and substantive due process is the guarantee that the fundamental rights of citizens will not be encroached on by government.[75] The Due Process Clause of the Fourteenth Amendment also incorporates most of the provisions in the Bill of Rights, which were originally applied against only the federal government, and applies them against the states.[76]

# Salvation or Damnation?

## List of United States Supreme Court cases involving constitutional criminal procedure

### **Criminal due process**

Also the Fifth Amendment

Page | 11

Minder v. Georgia, 183 U.S. 559 (1902)

Frank v. Mangum, 237 U.S. 309, 345 (1915)

Moore v. Dempsey, 261 U.S. 86 (1923)

Tumey v. Ohio, 273 U.S. 510 (1927)

Manley v. Georgia, 279 U.S. 1 (1929)

Buchalter v. New York, 319 U.S. 427, 430–31 (1943)

### **Proof beyond a reasonable doubt**

Coffin v. United States, 156 U.S. 432 (1895)\*

Leland v. Oregon, 343 U.S. 790 (1952)

Holland v. United States, 348 U.S. 121 (1954)

Leary v. United States, 395 U.S. 6, 29–54 (1959)

In re Winship, 397 U.S. 358 (1970)

Cool v. United States, 409 U.S. 100 (1972) (per curiam)

Mullaney v. Wilbur, 421 U.S. 684 (1975)

Patterson v. New York, 432 U.S. 197 (1977)

Hankerson v. North Carolina, 432 U.S. 233 (1977)

Taylor v. Kentucky, 436 U.S. 478 (1978)

County Court of Ulster Cty. v. Allen, 442 U.S. 140 (1979)

Sandstrom v. Montana, 442 U.S. 510 (1979)

Jackson v. Virginia, 443 U.S. 307 (1979)

Murray v. Carrier, 477 U.S. 478 (1986)

Cage v. Louisiana, 498 U.S. 39 (1990) (per curiam)

Sullivan v. Louisiana, 508 U.S. 275 (1993)

# Salvation or Damnation?

Victor v. Nebraska, 511 U.S. 1, 22 (1994)

Schlup v. Delo, 513 U.S. 298 (1995)

Question?

Will it be revealed that a certain foreclosure mill in Addison Texas is the main actor(s) behind these civil rights violations? It is written; The truth will be revealed.

Question?

If you cannot file criminal charges against a computer system<sup>9</sup>, can you do so against the individual men whom enacted such laws and rules that violate the rights guaranteed by the federal constitution?

Another question?

If men are not following the laws that men made, are men following the laws my Father inscribed?

The choice is yours...

May peace come to you and your house, while there is still an opportunity.

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<sup>9</sup> MERS, a.k.a. Mortgage Electronic Registrations System, Inc., a.k.a. *book entry system*