IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

PATRICK L. MCCRORY in his official Capacity as Governor of The State of North Carolina, NORTH CAROLINA DEPT. OF PUBLIC SAFETY
Plaintiffs,

v.

UNITED STATES OF AMERICA
US DEPT. OF JUSTICE, et al
Defendants.

CASE # 5:16-CV-00238-BO

VERIFIED REPLY TO PARTIES RESPONSE IN OPPOSITION TO MOTION TO INTERVENE AS PROPOSED PLAINTIFF BY Steven-Glenn: Johnson

NOW COMES Proposed Intervener Plaintiff, Steven-Glenn: Johnson in response to The United States Department of Justice's and THE STATE OF NORTH CAROLINA'S Opposition to the Intervention of Steven-Glenn: Johnson as a Proposed Plaintiff.

INTRODUCTORY STATEMENT

Traditionally the "bar" for intervention qualification has never been high in the United States District Court and that "bar" should not be raised to prevent a pro se from becoming a party, especially when the issues raised are not, at all, represented by the existing parties and are as serious to the public as the issues raised by this Proposed Plaintiff. Although this proposed litigant was aware that there would be opposition to his intervention due to the potential devastating political repercussions, duty and necessity calls. In fact, "Though the heavens may fall, let right be done" as was written in the famous case where the Judge ruled that slavery itself was abolished in the worldwide empire of the British. Intervenor will have this court consider that right outweighs all comers and that intervention as a matter of right is the personification of

this present intervention. And while even the mere presence of opposing counsel's appearance for THE STATE OF NORTH CAROLINA in this present dispute is questionable, there is no question that as a North Carolinian and an American National that the Proposed Plaintiff, without question, has a ongoing interest in the moral overtones rising from this case. And while the authorities are alleged to be here represented by opposing counsel(s), there is no question but that under the American Republic form of government the author of that very authority is this Proposed Plaintiff himself along with every other consciously awake citizen who takes exception, indeed offense, at the fact and their implications surrounding the factual basis of this present dispute.

While the US Attorneys and the acting attorneys for THE STATE OF NORTH CAROLINA like to point out in their footnotes that this pro se is no stranger to the Court's nor to introducing the underlining jurisdictional issues, it is important to note that the issue of the qualification for office in North Carolina has NEVER been vetted or decided on its merits. One wit is reported to have said: "If you don't like the law, take it up with the legislature." The acting authorities in North Carolina have always found a way to prevent this simple issue from being honestly looked-at carefully by the Courts. This Intervener strongly takes exception to the illegitimate claim that all offices are lawfully occupied because somehow the issue of the oath qualification for office in North Carolina routinely ignores the fundamental oath of office required by black letter law prior to the exercise of any function of that office. Intervener prefers to note that the same "authorities" have contemptuously ignored THE LAW in this regard and the public, all of us, and most importantly as to the intervention issue raised by opposing counsel, this citizen strongly takes exception to public authority routinely and perfunctorily flouting the law as to the oath prerequisites to exercising any authority of public office.

This case is a "shark feeding frenzy" for billable hours for these attorneys to raise complex issues for this Court to sort through and it has not escaped the attention of this proposed litigant

that the Court wishes to get to "the rub" and dispose of this case on its merits as efficiently as possible. Intervener raises a question as to the propriety of opposing counsel(s) for THE STATE OF NORTH CAROLINA presence in this case even to the point of making an objectionable appearance for want of jurisdiction. Just what is, specifically, the authority and jurisdictional basis of their presence? However, the true issue being raised by this Intervener is that of the North Carolina people's right to maintain the common law status quo, an issue which is not being raised by the other parties. The other parties are defendants against this pro se and therefore, by nature, cannot represent the issues of this pro se even though they claim to be the government. The issue of "jurisdiction" can be raised or challenged at any point during a proceeding, even upon or after final determination. In this case, it is being raised in the beginning and the existing parties would have this Court ignore this basic challenge and move forward under the presumption that no issue exists. "Plausible deniability" being the parties' only weapon in defense, demands that the Court ignore a legitimate question because it is being raised by a "pro se," yet that issue affects every North Carolinian and, in particular, how HB2 will change the status quo of their lives in a fundamentally and perhaps "im-moral" manner. The Court should keep in mind as it reads the opposition of the existing parties that this Proposed Intervener brings his Motion to Intervene, his Proposed Complaint and this Reply via Affidavit, which is "prima facia" evidence and the opposing parties merely make unsworn and unverified statements in argument that should have no weight against the actual evidence of an Affidavit. Accordingly, not only is Opposing Counsel(s) pleadings wholly without verified sworn controverting affidavits, Intervenors Motion is lawfully unopposed but also, more fundamentally, without vetting the underlying issue of whether the prerequisites of public office are discharged as prescribed by law, the jurisdiction of opposing counsel(s) presence in this ongoing case is highly suspect and arguably non-existent.

ARGUMENT

1. The legal standard for intervention in this case as set forth in the 4th Circuit case *Teague v. Bakker, 931 F.2d 259, 260-61 (4th Cir.1991)* did not escape the attention of this Proposed Intervener Plaintiff. A mere unverified statement by opposing counsel that Proposed Intervener does not meet this standard does not make the statement true. In fact, the issues raised by Intervener meet all three (3) prongs laid out by the 4th Circuit. *First*, this Proposed Plaintiff has an interest in that he uses public rest rooms but more importantly the injury-in-fact to him that invades his legally protected interest is to have statutes passed via fraud, artifice, nefarious means that are otherwise unauthorized that will affect the common law status quo of his life and the lives of those around him.

Claims made in a complaint are not to be considered as "theoretical" by the Court but are "prima facia" when done by affidavit. *Secondly*, whereas, both so-called governments in this case are defendants in this Proposed Plaintiff's cause of action, they cannot represent his interests, by nature, and "standing" is automatically conferred despite the opposition's claims referring to *Lujan v. Defenders of Wildlife, 504 U.S. 555, 560 S. Ct. 2130, 119 L. Ed. 2d 351 (1992).* According, and astonishingly, opposing counsel(s) opposition to this Proposed Intervener would have this court ban Intervener from making any claim of injury that does not affect "only" him. If that is the prerequisite intended by the Supreme Court then only class actions have standing, which require the agreement of an attorney to represent that cause, and thus limits or denies access to the Courts. *Lastly*, the protection of Intervener's interest regarding unauthorized persons making decisions about the status quo of Intervener's life will remain impaired by whatever the outcome of this action because assuming acting NC Legislators have authority to vote on this issue gives the DOJ statutory authority to challenge, but if acting NC Legislators have NO right to vote due to the absence of the

prerequisite qualification(s), then the issue reverts back to a common law status in which the United States has no "say so" pursuant to *Erie RR. v Tompkins (1938)* and must yield to state common law.

2. Counsel for the Opposition USDOJ, raises the issue in *Shaw v. Hunt, 154 F.3d 161, 168 (4th Cir. 1998)* that the court must decide "whether intervention will unduly delay or prejudice the adjudication of the original parties rights." However, this Proposed Intervener maintains that neither party has any rights regarding legislating this issue. To raise an allegory in the extreme: can two competing "mafia" organizations sue each other in federal court and be immune from intervention because of concern for their rights over which criminally controls a certain territory? In that case and in this case, neither have rights but those presumed until challenged. Denying an Intervener challenger is to thwart justice. This Proposed Plaintiff's intervention is not "collateral" in that it attacks a procedural error of one of the parties, but is rather foundational, jurisdictional and fundamental to the existence of HB2 and is an issue not being raised by any other party.

3. Counsel for the (acting) Governor, William W. Stewart, Jr. states that "Johnson presents no evidence for this contention, "that a deficiency for office exists." The evidence presented is by negative averment via affidavit. The Office of the Secretary of State cannot produce an Article VI, Section 7 oath (of the NC Constitution) for the governor or any member of the General Assembly and the Proposed Complaint shows, for example, the oath's deficiency of acting Attorney General Roy Cooper. This Proposed Intervener also maintains that Counsel Stewart and Counsel Stephens are deficient authority to practice law by virtue of their failure to take, subscribe and file the Article VI, Section 7 oath of the NC Constitution as required for him by N.C.G.S. §11-11 and N.C.G.S. §84-1 and are subject to the penalty found in N.C.G.S. §14-229 Because of this, it is no wonder that the parties and counsel for the parties wish to avoid any part of this issue

being decided on its merits. Suffice it to say that neither party share the same interests as this Proposed Intervener Plaintiff.

4. Opposition is attempting to convince the Court that Proposed Intervener's basis for standing in this case exists around his claim that he is Attorney in Fact for the STATE OF NORTH CAROLINA. This is not the basis of his standing yet is merely an additional point for consideration. In 2006, administrative procedure was applied to secure the Resulting Trust Declaration and Agreement where the STATE OF NORTH CAROLINA through the Secretary of State's office had numerous opportunities to respond, argue and deny the terms of the agreement, (which gave Steven-Glenn: Johnson, among others, the authority to represent THE STATE OF NORTH CAROLINA), but failed to do either. Ten years has passed since the agreement and the filing of an unopposed Mandatory Judicial Notice which is part of the Proposed Complaint. This evidence is prima facia, as well, and opposition's mere unsworn statement that "Johnson" has filed "certain papers" (which in fact are very certain evidence) with the Wake County Registrar of Deeds makes the Proposed Plaintiff's contention "not plausible" does not negate the prima facia status of such evidence.

5. Finally, the Intervention should be allowed because the issue is easily vetted in the discovery process. Upon request for discovery the STATE OF NORTH CAROLINA acting governor, legislators, counsel and Secretary for the North Carolina Department of Safety should be able to produce an official copy of their qualifying Article VI, Section 7 oath of the North Carolina Constitution in conjunction with the N.C.G.S. §11-11 oath and the same oath for the administrator of each respective oath required by N.C.G.S. §11-7.1. If discovery sufficiently shows a certified, filed oath with the exact proper language of Article VI, Section 7 of the North Carolina Constitution, the Proposed Plaintiff will

abandon this litigation by withdrawing his motion to intervene and his proposed complaint.

6. I, Steven-Glenn: Johnson, being duly sworn affirm that I have first hand knowledge of the facts stated in the foregoing document and the statements are true, accurate, complete and not misleading under the penalty of perjury and to other statements herein above that they are true to the best of my knowledge and belief.

WHEREFORE, Proposed Intervener Plaintiff, Steven-Glenn: Johnson asks that this Court receive this reply as an affidavit and allow this intervention as a Plaintiff so that the issues brought forth can be thoroughly vetted.

Respectfully submitted, this 18th day of July 2016.

Steven-Glenn: Johnson, Proposed Intervener
c/o 208 Nydegg Road
New Bern, North Carolina (28562)
252-665-3060
Jevets67@yahoo.com

NORTH CAROLINA)
)
CRAVEN COUNTY)

I certify that on this 18 day of July, 2016, that the man, personally known by me, Steven-Glenn: Johnson, presenting sufficient evidence of his identity did appear and attest and affirm that he is the Man executing the foregoing **VERIFIED REPLY TO PARTIES RESPONSE IN OPPOSITION TO MOTION TO INTERVENE AS PROPOSED PLAINTIFF BY Steven-Glenn: Johnson**

I, THEREFORE, set my hand and seal in affirmation of the execution thereof.

Marissa Payne
NOTARY PUBLIC

[SEAL]

MARISSA PAYNE NOTARY PUBLIC CRAVEN COUNTY, NC

My Commission Expires: March 5, 2020

CERTIFICATE OF SERVICE

I do hereby certify that I have, this 18th day of July 2016 served a copy o

foregoing **VERIFIED REPLY TO PARTIES RESPONSE IN OPPOSITION TO MOTION TO INTERVENE AS PROPOSED PLAINTIFF BY Steven-Glenn: Johnson** upon the below listed parties by placing a copy in the U.S. Mail, addressed as follows.

Ripley Rand
US Attorney
US Dept. of Justice
101 South Edgeworth St., 4th Floor
Greensboro, NC 27401

And

MILLBERG GORDON STEWART PLLC
William W. Stewart, Jr.
Counsel for:
THE STATE OF NORTH CAROLINA
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And
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