

ORIGINAL

Anthony Williams
Private Attorney General
Common Law Counsel for

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JUL 26 2013
at 1 o'clock and 25 min M.
SUE BEITIA, CLERK

HENRY MACASIO MALINAY;
MARILYN CORPUZ MALINAY

Plaintiffs
98-588 Kaimu Loop,
Aiea, Hawaii [96701]
(877)714-1233

Filed

JUL 26 2013

Common Law Court
Article III Jurisdiction

U.S.
v.
IN THE DISTRICT COURT OF THE ~~FIRST CIRCUIT~~ ^{FOR} DISTRICT OF

STATE OF HAWAII

HENRY MACASIO MALINAY;
MARILYN CORPUZ MALINAY,
Plaintiffs,

vs.

RHONDA NISHIMURA, FIRST
CIRCUIT COURT OF STATE OF
HAWAII, CAROL EBLIN,
JOHNATHAN BOLTON,
AUDREY YAP

Defendants.

CIVIL NO. CV13 00372 **SOM**
KSC

CIVIL RIGHTS ACTION
(42 U.S.C. §1983, §1985)

COMMON LAW JURISDICTION

TRIAL BY JURY DEMANDED

Table of Contents:

Honorable and Esquire are Titles of Nobility

Denial of Due Process

Denial of Counsel of Choice

Tennessee Bar in Violation of Sherman Antitrust Act

Conspiracy. Overt Acts

1. Comes now the Plaintiffs Private Attorney General Anthony Williams and the above named Plaintiffs in their own individual sovereign capacity and servant of Yahshua the Messiah and complains against Defendants above namely for depriving Plaintiffs of constitutional rights under color of State Law, custom or usage, conspiracy to so deprive and/or failure, neglect or refusal to protect Plaintiffs from said conspiracy although it was within their power to do so.

Jurisdiction

2. This Court has jurisdiction under 28 USC 1343 (1), (2), (3), and (4) and under 42 USC 1983, 1985 and by consent of Private Attorney General Anthony Williams who reserves the right to deny jurisdiction.
3. Plaintiffs and individuals, named are citizens and residents of the State of Hawaii. Defendants are employees of the State of Hawaii and The County of Honolulu.

1st Cause of Action

4. Plaintiffs are residents of the County of Honolulu, State of Hawaii.
5. Plaintiffs have resided in Hawaii for at least the past two years.
6. Rhonda Nishimura is an acting Judge in the Circuit Court of the First Circuit, County of Honolulu, State of Hawaii.
7. By Law, Article X Section 1 of the Constitution, State of Hawaii, Defendants, Rhonda Nishimura, Carol Eblen, Johnathan Bolton and Audrey Yap, have been required by Oath of affirmation, to support and defend Plaintiff's Constitutional rights when or where they claim to have jurisdiction over or official duties with the Plaintiffs.

Honorable and Esquire are Titles of Nobility

8. Both are Titles of nobility and said titles are in violation of Article 1 Section 10 of the Constitution of the United States of America.

Denial of Due Process

9. Plaintiffs is guaranteed Due process of Law by the Fifth Amendment and Seventh Amendment of our U.S. Constitution and Article I section 13 of the Hawaii Constitution.

Denial of Counsel of Choice

10. The Bill of Rights includes, Counsel of choice in the 6th amendment.
11. Due Process is guaranteed by the both the 5th and the 14th amendments to the constitution and Article I section 5 of the Hawaii Constitution.

Hawaii Bar in Violation of Sherman Antitrust Act

12. Defendants, Under Color, Usage and Custom set forth in Article I Sec.10 of the USA constitution (attached hereto as Exhibit A) and made a part here of as though stated in total herein, in their capacity of public ministers have denied Plaintiffs the unalienable right to counsel of Plaintiffs own choice, Who may or may not be a member of an exclusive organization, Which Organization may well be in Violation of the Sherman antitrust Act 25 USC 1, 2, 3,

13. Defendants Nishimura, Eblen, Bolton and Yap Conspired in concert, acting outside their Lawful Duties, To bring to bear upon Plaintiffs unconstitutional acts under Color, custom and Usage of State laws.

14. Defendants Nishimura, Eblen, Bolton and Yap acted outside the perimeters of their Lawful Duties.

15. Defendants violated their Oaths of office. They did so under Color, Custom and usage of Federal and State Law. Defendants acted Grossly, Willfully, Wantonly, Unlawfully, Carelessly, Recklessly, Negligently, Maliciously, purposefully, Intentionally and Discriminatingly against Plaintiffs and did so taking advantage of Color, Custom and Usage of State Law and custom within a citizen's fear of State personnel prosecuting good citizens for having stood up for their Natural rights protected by the U.S. constitution and the Hawaii State Constitution.

Conspiracy. Overt Acts

16. Defendants conspired together and with others as yet unknown to Plaintiffs to deprive them of their rights.

17. Overt acts committed by Defendants Nishimura, Eblen, Bolton and Yap, includes that complained of in above paragraph of this complaint.

18. Denying Plaintiffs a right to choice of counsel, are all in collusion with the State Legislative Branches of the State of Hawaii.

19. Defendants named above relying on their own discretion and erroneous interpretation of the Supreme Law of the Land, Which is the Constitution and not any statute in conflict there with issued or coursed to be issued order for Plaintiffs to conspire with Defendants to subvert the constitution by excepting Titles of Nobility and to make something other than gold and silver coin a tender for payment of debt.

20. All these are contrary to Article 1, Sec. 10, of the Constitution.

21. Defendants afore named deprived Plaintiffs of their 9th and 10th Amendment rights, which protect him from Oath-breaking so-called "public servants" who wallow in the public trough while trampling upon Plaintiffs' Constitutional Rights.

22. Said defendants, meanwhile attempt to impose totalitarian Socialism upon the People, although such a System is the Antithesis of the Constitution, that public servants and duly constituted authorities are sworn to uphold.

23. Defendants have exceeded their jurisdiction.

24. They have abused their discretion.

25. They have acted outside the Lawful perimeters of their official duties.

26. They have Grossly, Willfully, wantonly, Unlawfully, Carelessly, Recklessly, Negligently, Intentionally, maliciously, Purposefully, and Discriminatingly Conspired to deprive Plaintiffs of their Constitutional rights and They have Refused, neglected or Failed to Protect Plaintiffs from said Conspiracy although they have been in a position to do so.

27. Defendants Mr. Nishimura, Mr. Eblen, Mrs. Bolton and Mr. Yap, are the spouses respectively of the afore-named Defendants Who are Employed as Erstwhile "public-servants"; These spouses are in effect are "Socialist- Kings and Queens", enjoying and living on the Largess and Unlawful spoils brought home by their spouses as compensation for said spouse's Violation of their Oaths of Office and for their willing perversion of the U.S. Constitution and the Hawaii Constitution.

28. Said spouse Defendants named above have failed, refused or neglected to protect Plaintiffs from the conspiracy of their spouses and said failure is intentional, purposeful and malicious.

29. The acts of omission of said spouse Defendants named above constitute an overt act of conspiracy to refuse to protect Plaintiffs.

30. Defendant acts as heretofore complained of, have caused harm and damage to Plaintiffs.

31. Said acts have caused mental and physical suffering, insomnia, worry, financial insecurity, stress and strain in relationships, in their work, with their family, relatives and friends, Defendants activities have impaired Plaintiffs credit standing.

32. They have subjected them to public ridicule and embarrassment.

Prayer

33. Defendants complained of acts entitle Plaintiffs to recover money damages from Defendants and from each of them as follows:

34. For general damages \$ 50,000;

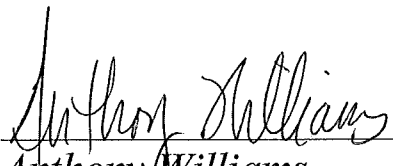
35. For punitive damages \$100,000;

36. This shall be payable to Plaintiffs in Constitutional Lawful Money redeemable in gold or silver coin as set forth in Article 1 Sec. 10 of the constitution.

37. In addition Plaintiffs prays such other and further relief as to the jury demanded in this case shall appear just and based on the contractual obligations of each defendant.

38. Defendants herein are sued in their individual capacities and not as agents of the State of Hawaii or The United States.
39. This is a civil rights Suit and not under the torts claims act.
40. The United States or the State of Hawaii cannot be substituted as a party defendant and the consent of the United States or the State of Hawaii to be sued is not demanded.
41. If necessary; Plaintiffs demands for all issues to be decided by the Jury Demanded;
42. If defendants move to dismiss this suit, Plaintiffs Demands that it be heard by the jury demanded, and only be dismissed if the Jury considers it lacks merit.
43. Plaintiffs are also prepared to take this civil action all the way to the Supreme Court if they aren't granted the relief they are entitled to under the Constitution of the United States of America.

Respectfully Submitted,



Anthony Williams
Private Attorney General
Common Law Counsel for Plaintiffs
UCC 1-308, 1-103

P.O. Box 8918
Honolulu, Hawaii [96830]
877-714-1233 ext. 105

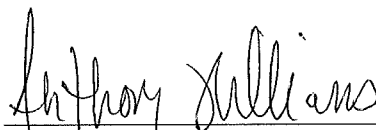
CERTIFICATE OF SERVICE

I hereby certify that on this date of July 26, 2013 a true copy of the foregoing document was served on the following by U.S. Certified Mail to the Defendant's below:

CAROL A. EBLEN
JOHNATHAN C. BOLTON
AUDREY M. YAP.
666 BISHOP STREET SUITE 1600
P.O. BOX 3196
HONOLULU, HAWAII [96801]

RHONDA NISHIMURA
1111 ALAKEA STREET
HONOLULU, HAWAII [96813]

DATED: July 26, 2013



Anthony Williams
Private Attorney General
Common Law Counsel for
Plaintiffs
UCC 1-308, 1-103

P.O. Box 8918
Honolulu, Hawaii [96830]
877-714-1233 ext. 105

Cc: US Dept. of Justice Attorney General Eric Holder
US Office of the Private Attorney General