

Anthony Williams
Private Attorney General
Common Law Counsel for

HENRY MACASIO MALINAY;
MARILYN CORPUZ MALINAY
Plaintiffs
98-588 Kaimu Loop,
Aiea, Hawaii [96701]
(877)714-1233

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

AUG 05 2013

at 2 o'clock and 00 min. P.M.
SUE BEITIA, CLERK

Filed

AUG 05 2013

Common Law Court
Article III Jurisdiction

IN THE DISTRICT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

HENRY MACASIO MALINAY;
MARILYN CORPUZ MALINAY,
Plaintiffs,

vs.

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

Defendants.

CIVIL NO. 13-00372 SOM-KSC

CIVIL RIGHTS ACTION

(42 U.S.C. §1983, §1985)

COMMON LAW JURISDICTION

TRIAL BY JURY DEMANDED

ORDER TO SHOW WHY NO

LICENSE IS NEEDED TO

PRACTICE LAW THEREFORE

COMPLAINT CAN NOT BE

DISMISSED,

EXHIBITS "A", "B", AND "C"

ORDER TO SHOW WHY NO LICENSE IS NEEDED
TO PRACTICE LAW THEREFORE COMPLAINT
CAN NOT BE DISMISSED

***I. SUPREME COURT GIVES LAWFUL AUTHORITY TO
REPRESENT OTHERS IN COURT WITHOUT A LICENSE
FROM THE CORRUPT ILLEGAL CORPORATION CALLED
THE BAR ASSOCIATION***

The Complaint in this matter was signed by Private Attorney General Anthony Williams as authorized agent for Henry and Marilyn Malinay according to Tennessee Code Annotated (T.C.A.) 34-6-109 (Exhibit "A") and Hawaii Revised Statute (HRS) 551D (Exhibit "B") and executed by a notarized Power of Attorney dated July 5, 2013. (Exhibit "C")

As it is codified in T.C.A. 34-6-109, Private Attorney General Anthony Williams does not need any judicial authorization or approval to sue, defend or litigate in court on behalf of the principal executing the power of attorney.

Furthermore Private Attorney General is acting within the guidelines of the Supreme Law of the land specifically pursuant to the Sixth Amendment of the U.S. Constitution. Federal Rules Civil Proc., Rule 17, 28 U.S.C.A. "Next Friend" states A next friend is a person who represents someone who is unable to tend to his or her own interest, Title 42 USC 1988, the Supreme Court Cases, NAACP v. Button (371 U.S. 415); United Mineworkers of

America v. Gibbs (383 U.S. 715); and Johnson v. Avery 89 S. Ct. 747 (1969). Members of groups who are competent nonlawyers can assist other members of the group achieve the goals of the group in court without being charged with "Unauthorized practice of law." Brotherhood of Trainmen v. Virginia ex rel. Virginia State Bar (377 U.S. 1); Gideon v. Wainwright 372 U.S. 335; Argersinger v. Hamlin, Sheriff 407 U.S. 425. Litigants may be assisted by unlicensed layman during judicial proceedings.

The undersigned will continue to appear as Common Law Counsel and Private Attorney General on behalf of HENRY MALINAY AND MARILYN MALINAY; Defendants legal fictions and Henry Malinay and Marilyn Malinay, Secured Party Creditors, sentient beings and American citizens. Also the Magistrates Oath of Office is demanded to be produced in order to ensure the safeguard and protection of the constitutional rights of the defendants be preserved. All motions, pleadings and arguments will be in accordance with the US Constitution, Hawaii State Constitution, the Common Law, Public Law, Enactment clauses and the Uniform Commercial Code (UCC). All rights are reserved under UCC 1-308, 1-103.

II. HAWAII BAR ASSOCIATION IN VIOLATION OF MONOPOLY LAW

According to state statute the Hawaii Bar Association is operating illegally and unlawfully by purporting itself as the only avenue one may take in order to execute or “practice” law in the court.

§480-2 - Unfair competition, practices, declared unlawful.

§480-2 Unfair competition, practices, declared unlawful. (a) Unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are unlawful.

(b) In construing this section, the courts and the office of consumer protection shall give due consideration to the rules, regulations, and decisions of the Federal Trade Commission and the federal courts interpreting section 5(a)(1) of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)), as from time to time amended.

(c) No showing that the proceeding or suit would be in the public interest (as these terms are interpreted under section 5(b) of the Federal Trade Commission Act) is necessary in any action brought under this section.

(d) No person other than a consumer, the attorney general or the director of the office of consumer protection may bring an action based upon unfair or deceptive acts or practices declared unlawful by this section.

(e) Any person may bring an action based on unfair methods of competition declared unlawful by this section. [L 1965, c 129, pt of §1; Supp, §205A-1.1; HRS §480-2; am L 1987, c 274, §2; am L 1988, c 51, §1; am L 2002, c 229, §2]

§480-9 - Monopolization.

§480-9 Monopolization. No person shall monopolize, or attempt to monopolize, or combine or conspire with any other person to monopolize any part of the trade or commerce in any commodity in any section of the State. [L 1961, c 190, §7; Supp, §205A-7; HRS §480-9]

III. LOCAL RULE 83.2 IS VOID IN VIOLATION OF THE US CONSTITUTION

Private Attorney General Anthony Williams is not subject to Local Rule 83.2 because it is an unconstitutional statute and has no legal or lawful authority authorized by the US Constitution. The Sixth Amendment afford

citizens "Counsel of Choice". No where in the amendment does it state that said counsel must be a member of the BAR (British Accredited Registry). The Supreme Court ruled in *Marbury v. Madison* 5 U.S. 137, that "Any law repugnant to the Constitution is void."

Article 1 Section 22 in the Hawaii State Constitution states, "The enumeration of rights and privileges shall not be construed to impair or deny others retained by the people." [Ren Const Con 1978 and election Nov 7, 1978].

In the Supreme Court case *Schwartz v. Board of Examiners*, the Supreme Court judges ruled the following:

(a) A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process Clause of the Fourteenth Amendment. Pp. 353 U. S. 238-239.

(d) Whether the practice of law is a "right" or a "privilege" need not here be determined; it is not a matter of the State's grace, and a person cannot be barred except for valid reasons. P. 353 U. S. 239, n 5.

The order that was signed by Susan Mollway indicated that, "One of the reasons for requiring membership in a bar to practice law before this court is to ensure that people who are being represented have some minimal level of representation by attorneys subject to standards of professionalism and

ethics. “ it goes on to say that, “The complaint filed by Private Attorney General Anthony Williams in this matter falls short of that minimal level of representation as it is, in many respects, nonsensical.”

I categorically and emphatically object to both of those ignorant statements because neither of them are true and both shows the corruption of the court and the bar. The reason that the court wants to require everyone to be a member of the bar is so that the court and the bar can have a monopoly on who can represent others in court and use it as a weapon to force compliance with the powers that be and to manipulate the system to their own selfish gain and disbar or punish anyone who steps out of line and actually follow the constitution and protect the rights of the people. Anyone who has taken an oath to become a member of the bar is a traitor to the American people and should be tried and convicted of treason against the United States of America.

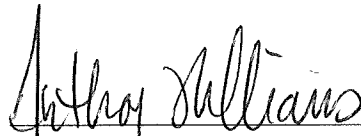
*“The people — the people — are the rightful masters of both Congresses, and courts — not to overthrow the Constitution, but to overthrow the men who pervert it.” - **“Abraham Lincoln, [September 16-17, 1859] (Notes for Speech in Kansas and Ohio),” Page 2.***

What truly is nonsensical is to continue to allow attorneys at law to continue to represent the people with no positive outcome for homeowners. I

have yet to meet a client who previously hired an attorney at law, who saved their home from foreclosure. The only relief that homeowners have been able to gain is through representation by Private Attorney Generals.

Private Attorney Generals are held to a higher standard than attorneys at law because we take our duty to the American people very serious and oftentimes we work without any compensation. We have no allegiance to any person or organization but our allegiance is to truth, honesty, liberty and justice for all people.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Anthony Williams", is written over a horizontal line.

Anthony Williams

Private Attorney General

Common Law Counsel for Plaintiffs

UCC 1-308, 1-103

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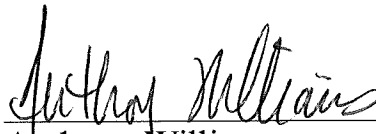
CERTIFICATE OF SERVICE

I hereby certify that on this date of August 5, 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.
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P.O. BOX 3196
HONOLULU, HAWAII [96801]

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DATED: August 5, 2013



Anthony Williams
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Common Law Counsel for
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UCC 1-308, 1-103

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