Court has no jurisdiction because of improper service (their rules).

I have not seen a sworn affidavit from a competent witness with firsthand knowledge therefor the court has no subject matter jurisdiction.

Plaintiff in error, opened a court not of record (nisi prius court under statutory law) and I have not consented therefore this court has no personam jurisdiction.

Plaintiff in error committed fraud on the court when they knowingly filed a complaint having no contract and no sworn affidavit.

I filed an action in a court of record, to proceed according to common law, as is my unalienable right of due process protected under the 5th and 7th amendment. I cannot deprived of life, liberty, or property, without due process of law;

**Article VI Clause 2** This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, **shall be the supreme law of the land**; (common law) and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

**N.Y.S. CONSTITUTION ARTICLE VI** Section 1. b. The court of appeals, the supreme court including the appellate divisions thereof, the court of claims, the county court, the surrogate's court, the family court, the courts or court of civil and criminal jurisdiction of the city of New York, and such other courts as the legislature may determine shall be courts of record.

"*No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than lawless violence*." Ableman v. Booth US

“*Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded*.” [[1]](#footnote-1)

“*We (judges) have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution*."[[2]](#footnote-2)

“… *Thus, the particular phraseology of the constitution of the United (50) States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument*.” Marbury v. Madison 5 U.S. 137 (1803)

1. 3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; 95 Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231. [↑](#footnote-ref-1)
2. Cohen v. Virginia, (1821), 6 Wheat. 264 and U.S. v. Will, 449 U.S. 200 [↑](#footnote-ref-2)