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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

BRANDON JOE WILLIAMS®, Plaintiff, v. UNITED STATES SMALL BUSINESS ADMINISTRATION, Defendant.	No. 2:24-cv-09553-RGK-SK **Plaintiff's Response in Opposition to Defendant's: "UNITED STATES SMALL BUSINESS ADMINISTRATION'S RESPONSE TO PLAINTIFF'S 'OBJECTIONS TO COURT ORDER'" [DKT. 28]** Honorable R. Gary Klausner United States District Judge

Plaintiff's Response in Opposition to Defendant's: "UNITED STATES SMALL BUSINESS ADMINISTRATION'S RESPONSE TO PLAINTIFF'S 'OBJECTIONS TO COURT ORDER'" [DKT. 28]

1. On page 2, the defense states: **"This pleading includes arguments in support of the Plaintiff's Motion for Reconsideration [Dkt. 27], but the pleading itself does not request a response from the SBA"**

REBUTTAL: To be clear, this filing was not a motion for reconsideration, nor would it fall within the definition of the word "pleading." I'm not sure if Mr. Ferrall is just fishing here or what but this is either a malicious attempt at presumption or, at its peak, is fraud.

This filing was objections to preserve the record for an appeal if this case doesn't turn around and the current abuses in discretion are not reversed so that we can properly sort out this justiciable controversy.

In the same way that I did not drive over to Mr. Ferrall's house to tell him what to have for breakfast this morning, the choice for the defense to respond to the testimony and evidence contained in the affidavit that was submitted into the docket (and is hereby to be placed into evidence) is entirely up to Mr. Ferrall. At this point, each and every individual point of the affidavit is now the senior facts of this case due to the Rules of Evidence #402, 602 and 603. Mr. Ferrall continues to be confused as to if he is the witness or advocate for his client.

2. On page 2, the defense states: **"Courts have construed an "objection" to an order filed by pro se plaintiffs as a motion for reconsideration."**

   REBUTTAL: That's cute and fun but, regardless of how "courts" have "construed" objections, my filing was **ONLY** and **EXCLUSIVELY** objections. Not a "motion for reconsideration."

   This court is to entirely ignore this awful attempt to inject a presumption into my filings. It's almost as if Mr. Ferrall is forgetting who his client is, because it certainly is not me.

3. On page 2, the defense states: **"To the extent the Court considers the Plaintiff's Objections as a motion for reconsideration, the Plaintiff's Objections is duplicative of his Motion for Reconsideration, filed on January 10, 2025. 1 Dkt. 27."**

   REBUTTAL: This is not to be "considered" anything. My filing was what it says it was and Mr. Ferrall appears to be skirting the edge of trying to give me legal advice as to what my filings are.

4. On page 2, the defense states: **"To the extent that Plaintiff brings his Objections as a non-human entity, as "BRANDON JOE WILLIAMS ®" – a "public corporation" [Dkt. 24 1], the Court should deny the motion because a non-human entity cannot appear pro se in this Court and must be represented by a member of this Court's bar. See CD. Cal. L.R. 83-2.1.1.1; 83-2.2; 83-2.2.2"**

   REBUTTAL: The term "represent" means the following: **"To appear in the character of; personate; to exhibit; to expose before the eyes. To represent**

a thing is to produce it publicly. Dig. 10, 4, 2, 3; In re Matthews, 57 Idaho, 75, 62 P.2d 578, 580, 111 A.L.R. 13. To represent a person is to stand in his place; to supply his lace; to act as his substitute. Plummer v. Brown, 64 Cal. 429, 1 P. 703; Seibert v. unn, 216 N.Y. 237, 110 N.E. 447, 449."

As made clear in the definition, the term "represent" means there are a minimum of **TWO** parties needed for the word to be operative. So in the sentence "are you representing yourself?" there must be two independent parties: one as defined by the word "you" and another as defined by the word "yourself."

When taking the Commerce Clause of the Constitution into consideration, this makes perfect sense: the "you" would be defined as " a 'man' of the 'Union,'" in accordance with the Honorable Justice Miller in ***The Slaughter-House Cases, 83 US 36 (U.S. Supreme Court - 1873)***," while the word "yourself" would be defined as "a commercial entity that can be entered into the public arena as a 'person' under the Commerce Clause. In its most basic form, this person is called a 'sole proprietorship.'"

In order for the court to have "plenary power" over a plaintiff or defendant, that plaintiff or defendant must fit within the Commerce Clause.

EVERYONE who is suing pro se is operating under the above equation, even if that situation is not clearly delineated like I have done so in this case. I truly believe that very few people are even aware of this fact. This fact was also clearly delineated in my affidavit (Docket #24-1 and 27-1) under point #17 and has not been rebutted in accordance with the Rules of Evidence #402, 602 and 603.

Non-commercial entities may not sue in Federal or State court due to the Commerce Clause of the Constitution. Hence the reason I was given a sole proprietorship with a Social Security Number (tax-identification number) near my birth. I am not opposed to this system and am quite pleased to have this sort of setup as it buffers me and gives me limited liability at all times in commerce.

A sole proprietorship is a unique type of entity that may be represented by its "owner," due to the fact that the sole proprietorship and the owner are typically considered to be the same "person." The reason why this is, is due to the fact that, since a "man" of the "Union" is not legally an "individual" or "person," the courts are unable to directly "see" and address them. Whereas the sole proprietorship is a strictly commercial entity where the "owner" has expressed some kind of commercial interest in it, thus allowing a sort of "filter" or "flowthrough" that permits the court to "see" the "man" of the "Union."

United States v. Doe, 465 US 605 (U.S. Supreme Court - 1984) is an excellent case that speaks about this situation in detail.

The facts of this situation are not new or novel, it's only the explicit explanation and delineation in this case that is unique. This situation applies to **EVERY** pro se case that has existed for over 100 years in our court system.

In conclusion:

The defense has failed to place any evidence on the record, in accordance with the Rules of Evidence #402, 602 and 603. As a result, each and every fact on the affidavit that has been previously submitted on docket #24-1 and 27-1 are now the facts of this case. Mr. Ferrall is in complete agreement with each and every individual point in the affidavit.

This allows the case to be released back to State court and that should be done immediately so that this case can be properly processed using the California Commercial Code. This Federal court does not have the authority to adjudicate this case and should simply move this case back to where lawful relief can be granted for the concerns in the original complaint, which would be State court.

At this point, both the plaintiff and the defense are in complete and total agreement on each individual point of the affidavit previously submitted in Docket #24-1 and 27-1. This will allow for smooth and swift transfer as there is no justiciable controversy available on the facts laid forth in the affidavit.

The plaintiff and his agent have the right to seek justice and relief for the theft and peonage involved in this justiciable controversy and to dismiss this case would be a severe abuse of discretion. This case is to be remanded back to State court as it only contains State causes of action.

Local Rule 11-6.2 Certificate of Compliance:

The undersigned counsel of record for BRANDON JOE WILLIAMS® certifies that this memorandum contains 1,418 words and is 4 pages which complies with the word limit set by L.R. 11-6.1 and the page limit set by the Court's Standing Order [Dkt. 6]

Dated: January 23, 2025

Respectfully submitted,

BRANDON JOE WILLIAMS®
By: */s/ Brandon Joe Williams, agent*