

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

<hr/> ROBERT L. SCHULZ)	
)	
Plaintiff)	
)	
-against-)	No.
)	
UNITED STATES; INTERNAL REVENUE SERVICE,)	
)	
Defendants)	

PETITION TO QUASH IRS SUMMONS

Plaintiff ROBERT L. SCHULZ (“Schulz”) petitions the Court to quash the Summons served October 12, 2006 on the Glens Fall National Bank and Trust Company (“Bank”) by Defendant INTERNAL REVENUE SERVICE (“IRS). A copy of the Summons is included in Schulz’s Declaration #1 at Exhibit A.

JURISDICTION

Schulz’s claims arise under the First, Fourth, Fifth, Ninth and Fourteenth Amendments to the U.S. Constitution. This Court has jurisdiction under Article III of the Constitution and 28 U.S.C. Sections 1331 and 1343(3). The Bank, located in Glens Falls, New York is the party summoned. Glens Falls is located within the boundaries of this federal District Court. This Court has jurisdiction under 26 U.S.C. 7609.

RELIEF REQUESTED

Plaintiff respectfully requests an order:

- a) quashing the IRS Summons served on October 12, 2006, or
- b) alternatively, scheduling an evidentiary hearing to determine the legitimacy of the Summons, and
- c) temporarily and preliminarily enjoining and prohibiting the IRS from enforcing the Summons, by directing the IRS to notify the Bank not to comply with the summons and not to send the summoned information, until the underlying questions before the Court are fully determined, and
- d) granting such other and further relief that to the Court may seem just and proper.

PARTIES

ROBERT L. SCHULZ is over the age of 18, is a citizen of the State of New York. He resides at 2458 Ridge Road, Queensbury, NY 12804. He is the founder and Chairman of the We The People Foundation for Constitutional Education, Inc., (“Foundation”) a New York based research and educational Foundation in good standing with the Internal Revenue Service as a 501c3, tax-deductible corporation.

The UNITED STATES is the federal government created in 1787 by the several States.

On information and belief, the INTERNAL REVENUE SERVICE (“IRS”) is an agency of the Executive Branch of the United States and a division of the U.S. Department of the Treasury.

STATEMENT OF THE CASE

This Petition arises from the service of an IRS “three-party” summons on Schulz’s Bank and the violation of Plaintiff’s Rights as guaranteed by certain Amendments to the Constitution of the United States of America: the First Amendment’s guarantee of the Right of free Speech, Association and Petition; the Fourth Amendment’s guarantee of the Right to privacy and against unreasonable searches and seizures; the Fifth and Fourteenth Amendments’ guarantee of the Right to Due Process; and the Ninth Amendment’s guarantee of the Right to be left alone.

This Petition also arises from the failure of the Defendants to respond to Plaintiff’s Petitions for Redress of Grievances regarding Defendants’ violations of their powers to make war, to tax, to make and borrow money and to police. Defendants are obligated to respond under the Petition Clause of the First Amendment to the Constitution of the United States of America.

This complaint also arises from the Executive Branch of the United States government in its retaliation against Plaintiff for Petitioning the government for a Redress of Grievances, namely grievances relating to violations of the U.S.

Constitution's war powers, taxing, money and "privacy" clauses, and for Peaceably Assembling and Associating with other individuals under the umbrella of the We The People Foundation For Constitutional Education and the We The People Congress.

The Summons was issued in spite of the decisions in *Schulz v. IRS*, 395 F.3d 463 (2d Cir. 2005)(*Schulz I*), and *Schulz v. IRS*, 413 F.3d 297 (2d Cir. 2005)(*Schulz II*).

Having no prima facie case, Defendants have issued the subject Summons in bad faith.

The IRS has no jurisdiction over Schulz under Article I, Section 8, Clause 17 of the Constitution.

THE FACTS AND THE ARGUMENTS

The facts and the arguments in support of this Petition are included in Plaintiff's Memorandum of Law and Declaration (attached).

Respectfully submitted,

Dated: November 1, 2006

ROBERT L. SCHULZ
2458 Ridge Road
Queensbury, NY 12804
518) 656-3578