UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

David Schied, one of the *Sovereign* American People
recognized by the U.S. CONSTITUTION;
a totally and permanently disabled *RECENT QUAD-AMPUTEE*; *CRIME VICTIM*;
Common Law and Civil Rights *sui juris*
GRIEVANT / CLAIMANT / BENEFICIARY
"BENEFICIARY" / RELATOR

Court of Appeals
 # 21-2809

v.

UNITED STATES OF AMERICA, et al
recognized now widely as a "*Federal Corporation*" masquerading as an Administrative ("*Fourth Branch*") State and ARTICLE III *"constitutional"* fixture "*of, by and for The American People*"
"*CO-TRUSTEES*"

On CLAIM and APPEAL from the USDC-SDWD
Civ. No. 21-5030
JUDGE: Lawrence Piersol

With DEMAND FOR FEDERAL SPECIAL GRAND JURY INVESTIGATION (under 18 USC §3332)

DISABLED / BENEFICIARY David Schied - RELATOR P.O. Box 321 SPEARFISH, S. DAKOTA 57783 605-580-5121 (all calls	versus	Lawrence Piersol and Matthew Thelen; *acting* as the latest in a long line of "UNITED STATES" *principles* and *agents* usurping the Powers otherwise "*Reserved to the States respectively*", and/or "*Retained by the* [Sovereign] *People*".

INTRODUCTION TO THIS "*BRIEF*" ON "*CLAIM*" AND "*APPEAL*"

BENEFICIARY/RELATOR David Schied, an alleged victim of an attempted murder (just recently in 2018) and criminal coverup by agents of the CO-TRUSTEES of the UNITED STATES, the STATE OF MICHIGAN, and DTE

ENERGY, was horrendously transformed into a totally and permanently disabled quad-amputee.

Thereafter – just this year (2021) while living as a totally and permanently disabled man living peaceably and reasonably safely under self-quarantine by sworn, notarized DECLARATION in compliance with the longstanding 2020-2021 "*CDC ORDER OF EVICTION MORATORIUM*" – BENEFICIARY/RELATOR was subsequently criminally "*evicted*" in the dead of Winter. He thus was forced – during a NATIONAL PANDEMIC and without being provided required ADA "*accommodations*" or constitutional "*due process*" by STATE or UNITED STATES court officers – to flee the numerous *crime syndicates* and *domestic terrorists* operating under the false auspices of being *usurpers* and *insurrectionists* otherwise masquerading as the "*government*" of the STATE OF MICHIGAN. Throughout this period, the UNITED STATES agents and principals were all notified and remained silent in "*tacit agreement*" with criminal coverup of these proven crimes.

BENEFICIARY/RELATOR now is declaring himself as a "*state refugee*" living in safety with the sovereign People of the STATE OF SOUTH DAKOTA jurisdiction. Herein below BENEFICIARY/RELATOR, as persistent "*CRIME VICTIM,*" as repeated "*GRIEVANT,*" and as long-lasting common law "*CLAIMANT,*" now STATES:

These instant COMMON LAW actions of "*CLAIMS*" and "*APPEAL*" come in opposition to the dated and signed – and undated and unsigned – actions

deliberately taken by the actors and jesters who have long been collectively operating a "*continuing financial crimes enterprise*" as the so-called "*UNITED STATES DISTRICT COURT*"; one ***usurping*** the Federal jurisdiction of the "EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION" (hereafter "USDCEDM") in the CITY OF DETROIT in the CHARTER COUNTY OF WAYNE, and the other ***usurping*** the Federal jurisdiction of the "DISTRICT OF SOUTH DAKOTA, WESTERN DIVISION" (hereafter "USDCSDWD") in RAPID CITY (and/or SIOUX FALLS) of the STATE OF SOUTH DAKOTA.

The **FACTUAL** basis for this "*notice*" is by Reason and **Evidence** that the "*official*" acts of the "*Court Clerks*", the and the so-called "*Judges*" of USDCEDM and the USDCSDWD have long been engaging in much more than the mere "*appearance*" of a "*DEEP STATE*" criminal conspiracy to commit SEDITION, TREASON, and INSURRECTION against the sovereign People, against the sovereign States of Michigan and South Dakota, and against the sovereign (i.e., the organic body politic or "*True State*") of The United States of America, using a plethora of combined RICO CRIMES and DOMESTIC TERRORIST ACTS.

This is my country! Land of my birth!
This is my country! Grandest on earth!
I pledge thee my allegiance, America, the bold,
For this is my country to have and to hold.

(Lyrics by Don Raye and music by Al Jacobs)

This is my country! Land of my choice!
This is my country! Hear my proud voice!
I pledge thee my allegiance, America, the bold,
For this is my country to have and to hold.

CORPORATE DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure 26.1, BENEFICIARY/RELATOR David Schied, as well as all others "*similarly situated*" by "*backward-looking-access-to-court*" cases being presented by BENEFICIARY/RELATOR acting in the capacity of a "*Private, Public Proxy*" in COMMON LAW – which is akin to working in the capacity of a "*Private Attorney General*" in the "*statutory*" realm – herein certify that he/they are all natural persons being presented (not "*represented*") with a "*sovereign*" status as "*We, The* [American] *People*", the posterity of those "*Founding Fathers*" who created and/or established and ordained the original, "*organic*" Constitution for the united States of America.

On the other hand, those designated as "CO-TRUSTEES" by this case – though many are named and being sued in their "*private*" capacities as natural persons – are named in this case in their "*public*" capacities as well. As such, virtually every one of these CO-TRUSTEES are neither operating under the Common Law nor under "*Constitutional*" forms of governments; but are actually instead being *disclosed* herein as illegitimate FEDERAL and STATE CORPORATIONS otherwise masquerading as legitimate "*governments*" through various forms of meaningless rhetoric and the dumbing down of the American "*body politic*" through propagandizing and outright FRAUD, SEDITION, and TREASON. This they do using unconstitutional applications of the "*codified*" and "*statutory*"

systems, along with the misuse and misapplication of "*administrative procedures*", in gross violation of both the "*letter*" and the "*spirit*" of the RULES ENABLING ACT.

Thus, even those named CO-TRUSTEES that are licensed "*officers*" and "*franchises*" of these FEDERAL and STATE "*governments*" are also being "*disclosed*" herein as "*CORPORATIONS*", pursuant to Federal Rule of Appellate Procedure 26.1.

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AUTHORITIES ALREADY FURNISHED TO THE U.S. DISTRICT COURT AND THE COURT OF APPEALS FOR THE SIXTH CIRCUIT (per Footnotes ## 28 and 36 of this instant filing, incorporated herein as if repeated in entirety verbatim)

Per Footnote #28

FEDERAL

OTHER STATES

OTHER AUTHORITIES

CASES LEFT UNRESOLVED EXCEPT BY FRAUD UPON THE COURT

Fields, Gary, and Emshwiller, John. *As Criminal Laws Proliferate, More Are Ensnared* (7/23/11) Wall Street Journal.....

Fletcher, George. *Parochial Versus Universal Criminal Law*. Journal of International Criminal Justice (Vol. 3) (2005).....

Fletcher, George. *Rethinking Criminal Law* (Oxford: Oxford University Press, reprinted 2000).....

Fullerton, Maryellen. *No Light at the End of the Pipeline: Confusion Surrounds Legislative Courts*. 49 Brook L. Rev. (1983).....

Main, Thomas. *The Procedural Foundation of Substantive Law*. Washington University Law Review, Vol. 87 (2009).....

Martin, Michael. *Inherent Judicial Power: Flexibility Congress Did Not Write Into the Federal Rules of Evidence*. 57 Tex. L. Rev. Vol. 2; pp.167-202. (Jan. 1979).....

Mishkin, *Some Further Last Words on Erie-The Thread*, 87 Harv. L. Rev. 1687 (1974).....

Risinger, Michael. *"Substance" and "Procedure" Revisited: With Some Afterthoughts on the Constitutional Problems of "Irrebuttable Presumptions*," 30 UCLA L.Rev. at 190, 201 (1982).....

Scott, *Actions at Law in the Federal Courts*, 38 Harv. L. Rev. 1, 3-4 (1924).....

Silberman, Linda. *Judicial Adjuncts Revisited: The Proliferation of Ad Hoc Procedure*. 137 Univ. of Penn. L. Rev. (1989) pp. 2131-2178.....

Weaver, Justice Elizabeth and Schock, David. *Judicial Deceit: Tyranny and Secrecy at the Michigan Supreme Court*.....

Weinstein, Jack. *After Fifty Years of the Federal Rules of Civil Procedure: Are the Barriers to Justice Being Raised?* University of Pennsylvania Law Review. Vol. 137.....

"JURISDICTIONAL STATEMENT" WITH "STATEMENT OF '*ISSUES*' PRESENTED FOR REVIEW"

On p.9 of the Lower Court's "*Memorandum and Opinion and Order*", Lawrence Piersol – himself acting as the embodiment of "*the Court*" – stated "[Beneficiary/Relator] *has set up his own court to deal with such issues*...[and] *seeks empaneling of a Grand Jury and Petit Jury...damages...and other relief*."

This statement demonstrates that this federal "*judge*" has acknowledged Beneficiary/Relator's own assertions that he seriously distrusts his own government, as embodied in part by the Federal "*Judiciary*"; and that indeed, acting in the COMMON LAW tradition, Beneficiary/Relator has claimed the creation and/or reinstatement of "*The People's*" own ARTICLE III "*COURT OF RECORD*".

THE SOVEREIGN PEOPLE'S GRANTING "*ORIGINAL*" JURISDICTION TO THE "*DISTRICT COURT*" DOES NOT GRANT ANY "*JUDGE*" ENTITLEMENT TO "*EXCLUDE*" THE PEOPLE'S COMMON LAW JURISDICTION

The opening above is significant in terms of this "*Jurisdictional Statement*" because it proves the intent of the SEVENTH AMENDMENT, being that "*[I]n suits at common law..." reexamination of facts 'tried' by a jury*" (of the sovereign American "*People*") is to be conducted ONLY "*according to the rules of COMMON LAW*".

Thus, the Seventh Amendment holds a GUARANTEE to "*We, The People*" – including Beneficiary/Relator as a "*statutorily protected*" disabled "*person*" – that "*the right of trial by jury shall be preserved*". As one of those sovereign People,

Beneficiary/Relator has clearly "*tried*" applying his JURY DEMAND – only to no avail, due to the conspiracy to *corruption*, *sedition*, and *treason* taking place at the lower court levels, which is beyond the reasonable control of Beneficiary/Relator as one of **"*We, The People*", the highest form of "*government*" in the *Constitutional Republic* of America.**

Yet, relative to the "*Issues Presented for Review*", Lawrence Piersol acted outside of this mandate by the U.S. CONSTITUTION to unilaterally overstep his permissive bounds of "*Original*" jurisdiction to usurp "*Exclusive*" jurisdiction by substituting his own "*Opinion*" and "*Order*" for both a "*Trial* [Petit] *Jury*" and the "*Grand Jury*" of the People. He did this seditiously and with malicious *intent* – after initially working with the "*Clerk of the Court*" to "*SEAL*" the contents of this case from the scrutiny of the Sovereign American People. He then summarily "*dismissed*" the entirety of the *ORIGINAL COMPLAINT*, which was chock full of stated COMMON LAW CLAIMS – as well as "*statutory*" ones – for DAMAGES and OTHER RELIEF. **Piersol did this tortuously; while treasonously barring Beneficiary/Relator's rightful *access* to any such "*Court*" comprised of such other Sovereign American People.**

Piersol even did all of this without the so-called "*Defendants*", on whose behalf he was acting, even knowing that they were being sued – precluding their being properly and legally "*served*" by the U.S. Marshals with copies of the

complaints against them; precluding the due process "*discovery*" of FACTS; **and precluding all else reasonably and meaningfully defining "*access*"** to the so-called "*U.S. DISTRICT COURT*".

These actions by Lawrence Piersol are substantive *constitutional* violations, as well as violations of the RULES ENABLING ACT OF 1934.

Moreover, Piersol did so *fraudulently* using the very same "*conclusory*" process of "*threadbare recitals*" of the law that he alleged Beneficiary/Relator to has used; in feeble attempt to justify his own unfounded claim that "[Beneficiary/Relator] *does not allege sufficient facts*" while falsely stating "*no facts [or claims] upon which relief can be granted*". Piersol cited the "*color*" of 28 U.S.C. § 1915(e), § 1346(b) and § 2676 as his FALSE CLAIM that "*The Accused*" were all "*acting within the scope of his office or employment*", so entitled to "*immunity*".

Piersol intentionally ignored the CODE OF FEDERAL REGULATIONS ("CFR") on how these laws are to be applied; thus, *abusing his discretion*. For instance, 32 CFR § 750.23 defines the "*scope of employment*" as differing from "*in the line of duty*", **particularly when allegations of *gross negligence* and *intentional torts* – and where "*inherently dangerous activities*" and "*nondelegable duties*" – are involved.** In this case, minimally, there are significant FACTS and EVIDENCE against government "*officials*" that these U.S. DISTRICT COURT "*judges*" in both South Dakota and Michigan summarily dismissed as

"*frivolous*" – without trial, without "*Discovery*" proceedings, and without any other form of "*due process*" being applied – constituting both "*inherently dangerous activities*" and "*acts dangerous to human life*" being underscored as follows:

1) The CO-TRUSTEES of the FBI were involved in an ATTEMPTED MURDER of David Schied and the U.S. DEPARTMENT OF JUSTICE has been covering it up by denying "*requests for documents*" under the laws of government transparency;
2) The LOCAL and STATE governments in the STATE OF MICHIGAN were instrumentally involved in the *CRIMINAL* EVICTION of a totally and permanently disabled quad-amputee (David Schied) just after a blizzard, in the middle of a Michigan winter, during a nationwide COVID pandemic, in spite of a Federal "*Eviction Moratorium*" (containing both civil and criminal penalties for violation); and in spite of the disabled person issuing his sworn DECLARATION in compliance with federal mandates. Similarly, **numerous named CO-TRUSTEES of the UNITED STATES gross negligently engaging in that "*criminal coverup*" reside in WASHINGTON, D.C., the STATE OF MICHIGAN, and (now as recently revealed with this instant case) in the STATE OF SOUTH DAKOTA.**

The lower court "*judge*" Lawrence Piersol also *fraudulently* stated that the above **detailed** [1] **CLAIMS** are "*frivolous*"; and that those – who are like Lawrence Piersol in acting OUTSIDE of their *official* capacities as *usurpers* of the People's *enunciated* and *delegated* sovereign powers – are to be granted "*[sovereign* and *other]immunity*"; in spite of his (and their) committing what amounts to "*war crimes*" and "*crimes against humanity*", being also characteristic of "*domestic terrorism*" as defined by the U.S. CONGRESS in 18 U.S.C. §2331(5). [2]

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[1] Lawrence Piersol cites Beneficiary/Relator's "*262-page, 460-paragraph Complaint*" while implying that specifically naming over one-hundred CO-TRUSTEES as being involved in several multi-tiered hierarchies of STATE and UNITED STATES "*Departments, Bureaus, Divisions, Sections, Units, Agencies, and Offices*" engaging in "*chain*" and "*wheel*" conspiracies of "*Racketeering*" and "*Corruption*" ("RICO"), *Sedition*, *Treason*, *Insurrection*, and *Domestic Terrorism*, was somehow NOT written "*concisely*"!

[2] As presented in Doc 1, page 163, numbered ¶222, posted publicly at: **http://www.ricobusters.com/wp-content/uploads/2021/08/7_OriginalQuiTamFCAComplaint.pdf**

NOTE: Since Beneficiary/Relator was never given ANY "*access*" to the electronic record and numbered pages of documents by the "*lower court*", his only determination of proper page designation is by reference to his own "*ORIGINAL COMPLAINT*" page numbers, which he has uploaded to the above link for this instant footnote.

NOTE ALSO: This is just one of numerous pages entered into this instant "*ARTICLE III COURT OF RECORD*" (along with *Id*. footnote for numbered ¶383, and ¶¶328, 335-336) **which details the laws defining "*domestic terrorism*" and the "*case law*" on "*dangerous to human life*" as they threaten the Rights to *Life, Liberty, Property, and to the Pursuit of Happiness* of ALL OTHER PATRIOTIC AMERICANS**.) *See* p.209, *New York Supplement (Vol. 143)* (*New York State Reporter, Vol 177*) *containing the decisions of the Supreme and Lower Courts of Record of New York State*, in discussion of the judge's address to the jury in *Herman v. City of Buffalo, et al* while referencing *Cochran v. Sess*, 372, 61 N.E. 639, when defining "*defects*" of a "*defendant's work, which as a reasonably prudent man knew,*

Even further, **Lawrence Piersol**, having not only **replaced the "*trial of the facts*" and the "*trier of the facts*"** – being the (written) DEMANDED "*jury*" and "*grand jury*" of the sovereign *People* – **with his own LIMITED and BIASED "*opinion*"**, and conspired along with his "*Clerk of the Court*" Matthew Thelen, to go so far as to "*dismiss*" Beneficiary/Relator's ancillary "*MOTIONS*", **so to even bar the "*CERTIFICATION OF SERVICE OF SUBPOENAS AND COMPLAINTS***

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*or should have known, was of such character as to render the structure [of that "work"] a **menace or danger to human life** ... **one so threatening as to constitute an impending danger to persons in the enjoyment of their legitimate rights***", being embodied in the DECLARATION OF INDEPENDENCE, as written by Thomas Jefferson, as the **Rights to *Life, Liberty, Property, and to the Pursuit of Happiness***. This New York Supplement is located at: **http://www.ricobusters.com/wp-content/uploads/2021/08/New-York-Supplement-ActsDangeroustoHumanLife-p209244.pdf**

See also the entirety Beneficiary/Relator's final lower court filing of "*COMMON LAW 'WRIT OF ERROR CORAM NOBIS' IN OPPOSITION TO PRIMA FACIE EVIDENCE OF 'CRIMINAL FRAUD AND CONSPIRACY TO DEPRIVE OF RIGHTS' INVOLVING 'JUDICIAL USURPERS' AND 'CLERKS OF THE COURTS' AS 'AGENTS' OF THE NAMED 'CO-TRUSTEES' OF THE CASE CAPTIONED ABOVE*" that was filed along with Beneficiary/Relator's *"'NOTICE OF 'CLAIM OF APPEAL' FOR THE REASONS CITED ABOVE AND BASED UPON 'OVERRIDING AND PALPABLE ERRORS' AND GROSS OMISSIONS OF FACTS; AND INTENTIONAL [TORTUOUS] VIOLATIONS OF THE 'RULES ENABLING ACT'"* **(i.e., *especially see the prima facie FRAUD by Lawrence Piersol and Matthew Thelen* shown on p.13, entire page)**, as located publicly at the following link since the lower court "*clerk*" (Matthew Thelen) has failed to provide any date-stamped copies of these documents after acknowledging his receipt of this and other specific documents filed to the USDC's own SEALED record. **http://www.ricobusters.com/wp-content/uploads/2021/08/080621_CORBUMNOBISDefaultNoticeofAppeal-2.pdf**

BY U.S. MARSHALS" [3] **upon the named "*CO-TRUSTEES*" as the targets of the "*civil*" and "*criminal*" allegations.** Piersol/Thelen similarly conspired to bar Beneficiary/Relator from having "*equal access*" to the electronic filing of records in the CM/ECF database as do Piersol's *peer group* of fellow attorneys and judges, **who otherwise have an illicitly controlling MONOPOLY upon the Peoples' rightful "*access to the Court*" [4], which was purposefully set up by *We, The People* under ARTICLE III *for the People*, not for the "*aristocracy*" of BAR members bearing "*Titles of Nobility*" such as "*esquire*".**

These SEDITIOUS and TREASONOUS acts by Piersol and his accomplice Thelen not only (criminally) **deprived** Beneficiary/Relator of his rightful (i.e., constitutionally guaranteed) access to the courts (**under "*color of law*"**) as a declared "*whistleblower*" and "*totally and permanently [recently] disabled quad-amputee*" **swearing upon EVIDENCE to support his SWORN allegations of**

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[3] The date-stamped "*cover page*" for this document (Doc 9) is publicly located in Beneficiary/Relator's "*ARTICLE III COURT OF RECORD*" (page 9) at: **http://www.ricobusters.com/wp-content/uploads/2021/08/LowerCourtDate-stampedCvrPgs-1.pdf**

[4] *Id*. See page 7 of the same document marked above (as Doc 7), posted publicly and captioned, *"COMBINED MOTIONS WARRANTING 'GOOD CAUSE' FOR GRANTING BENEFICIARY AN 'E-FILING' STATUS, AND ALLOWING 'SERVICE OF PRINCIPALS' TO BE EQUATED WITH 'SERVICE OF AGENTS' AT BOTH STATE AND NATIONAL LEVELS OF LEGAL SERVICE TO ALL OF THE CO-TRUSTEES"*; as also referenced on Beneficiary/Relator's "*original*" filing of "*PROOF OF SERVICE*", which was also date-stamped (as Doc 5) and found as page 5 in the same download of "*cover pages*" referenced by the link in the preceding footnote above.

being the subject of an ATTEMPTED MURDER by the CO-TRUSTEES. S**o too this "*lower court judge*" has deprived "*The Accused*" of their constitutionally protected individual *due process* rights to a "*speedy trial*" on these (criminal) allegations.**

These above described acts of INSURRECTION by these so-called "*officers of the court*" (Piersol and Thelen) are all reviewable by (a GRAND JURY of "*We, the People*" as well as) this COURT OF APPEALS FOR THE EIGHTH CIRCUIT having "*Personal Jurisdiction*" over the judges and clerks of the lower federal courts. This is particularly as these acts relate to **"*Judicial Misconduct*" complaints** as provided by articulation herein, which is **descriptive of numerous "*errors and omissions*" that should be financially covered by some form of SURETY of "*performance bonds*", "*blanket bonds*", or other forms of "*insurance*" against the "*bad behaviors*" of government *officials* and *employees* like this who are NOT entitled to "*immunity*" for these types of SEDITIOUS and TREASONOUS acts.**

These above described acts of INSURRECTION by these so-called "*officers of the court*" (Piersol and Thelen) are all reviewable by this COURT OF APPEALS FOR THE EIGHTH CIRCUIT (and/or any other future "*COURT OF RECORD*" organized by "*We, The People*" for such purpose) in context of all three of the basic categories of lower court decisions "*on appeal*" – ACCORDING TO THE

COMMON LAW – **precisely because the "*right to trial by jury*" has been both perpetually "*preserved*" (even until now) and previously DEMANDED in writing as a matter of this instant "*ARTICLE III COURT OF RECORD*".**

Notably, the "*Three Basic Categories of Decisions Reviewable on Appeal*", each with its own standard of review are: 1) decisions on "*questions of law*" being "*reviewable de novo*"; 2) decisions on "*questions of fact*" being "*reviewable for clear error*"; and, 3) decisions on "*matters of discretion*" being "*reviewable for 'abuse of discretion'*".

As such, **all three of the above** – in light of the above concisely stated *latest FACTS* about these newest "*agent provocateurs*" [5] to be added to the extensive list

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[5] **Being a French term for "*inciting agent*", this term is entirely appropriate here in describing CO-TRUSTEES** – particularly those holding "*discretionary*" powers such as STATE and UNITED STATES "*judges*" and those otherwise operating in the many hierarchical branches of the "*ADMINISTRATIVE STATE*" where the Sovereign American People are being COERCED to "*exhaust*" themselves on chasing after a never-ending "*chain*" of "*due process*" options and "*administrative remedies*" – **because,** as is demonstrated in this case, and by its reference to a near eighteen (18) year "*backward-looking-access-to-court*" history of DENIAL by "*procedure undermining substance*", **it is clear that the *judicial usurpers* of Lawrence Piersol, his federal "*chief judge*" CO-CONSPIRATOR Roberto Lange, along with "*clerk*" Matthew Thelen, have all three committed these CRIMINAL ACTS of TORT against Beneficiary/Relator as a means for setting up David Schied for "*entrapment*" … by monitoring his response to such acts that would "*shock the conscience*" of any other "*normal*" Sovereign American *People*, such as those who may be sitting on a constitutionally recognized "*petit*" or "*grand*" JURY.**

In other words, by repeatedly DENYING Beneficiary/Relator David Schied his "*right to access*" the STATE and UNITED STATES courts, **the underlying implication is that these named "*insurrectionists*" and "*domestic terrorists*" are**

of "*CO-TRUSTEES*" of the *UNITED STATES, et alia* (being named to now include Lawrence Piersol and Matthew Thelen) – **are to be reviewed consistently with the COMMON LAW jurisdiction and "*according to the rules of common law*" as constitutionally commanded; being in accordance with the mandates upon the Federal government by the Sovereign "*We, The People*" under the SEVENTH AMENDMENT to the U.S. CONSTITUTION as the "*Supreme Law of the Land*" and the premiere "*Public Trust*" document.**

In such light of their being "*parallel*" jurisdictions running concurrently throughout this matter in which the COMMON LAW "*MAXIM*" applies, that "*Fraud vitiates everything*"[6], this COA for the EIGHTH CIRCUIT is hereby put on

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"*just waiting*" for this sovereign, law-abiding American man to eventually "*lose his self-control"* **amidst the never-ending "*redress of grievances*" channels being COERCED** upon him; occurring under the alternative threat of Beneficiary/Relator persistently "*losing*" each successive "*battle*" and "*The People's War*" overall against this overwhelming "*government*" CORRUPTION.

These named "*insurrectionists*" and "*domestic terrorists*" thus, are *just waiting* for Beneficiary/Relator to take "*due process shortcuts*" and/or to execute "*illegal force*" (or offer the hint to even the THREAT of force) of his own, which are otherwise his only true options for asserting a more realistic and tangible "*remedy*" more within his available level of "*rational*" and "*peaceful*" control. **Some refer to this form of "*legal abuse*" and its consequences in "*Post-Traumatic Stress Disorder*" as "*Legal Abuse Syndrome*". Others simply say, "*Those who make peaceful revolution impossible will make violent revolution inevitable*."** (Quote from U.S. President John F. Kennedy)

6 *See also*, *UNITED STATES v. THROCKMORTON*, 98 U.S. 61 25 L.Ed. 93. "*There is no question of the general doctrine that **fraud vitiates** the most solemn contracts, documents, and **even judgments***." **In Beneficiary/Relator's case, the judgment was so *prima facie* fraudulent, it was levied by Piersol and Thelen against *DEPOSITERS INSURANCE COMPANY, et al*, who was never even named or**

"*CONSTRUCTIVE NOTICE*" by the following linked twenty (20) pages captioned,

"*CRIMINAL COMPLAINT OF TREASON*", located at:

https://constitutionalgov.us/SupremeCourtOfLaw/Treason-USA/1-TreasonComplaint-ConstrctiveNotice-AllOfficers%26Agents-V1.5.pdf

Constructive & Public Notice: To:

All Government Office-Holders
at All Levels of Government

with-in the Geographical Boundaries of
our People's Constitutionally-Lawful & De-Jure

"United States of America",

& including all Cities, Counties, & States; & All Agents & Franchisees there-of;

Take Constructive-Notice of this Complaint

that a singular & Powerfully Organized 'Criminal Racketeering Syndicate' is routinely Terrorizing & Coercing many good Executive, Legislative, & Judicial-Officers of Our Nation; all in such manners as empowers them to Pillage & Plunder Our Common American People; & that those Evils more specifically result not only in routine "Obstruction of Justice", but also in Literal Aggressive/Violent & Socially-Parasitical "Class Warfare"; & that these Evils inherently result in what effectively amount to:

"Treason"!

Note please also, that,
this document is here-by being presented to each & all of you
by an Organized American National Assembly of Constituent Electors;
each of whom are here-by partaking in the collective Sovereignty of our traditional American National Organic Body-Politic, as "Electors", & "Constituents";
because: "All Power is Inherent in the People".

We Intend to Organize & Deputize Multitudes of Patriotic American Qualified-Electors, to conduct constitutionally-legitimate "Judicial Investigations";
as to whether or not You are Personally Responding as a 'Responsible Public-Servant' to the Accusations contained here-in about
the Massive Criminal-Conspiracy which is Destroying our American Nation.

When you are so confronted; do Not Pretend to be Ignorant of the Accusations contained here-in.
If you might find any accusations or assertions contained here-in to be "In Error";
then, in a timely manner, Notify Us of Your "Objection".
Contact information for our leaders is contained at the end of this & related documents.

Notice to the Agent, is Notice to the Principal.
Notice to the Principal, is Notice to the Agent.
https://ConstitutionalGov.US/SupremeCourtOfLaw/Treason-USA/

~~~~~~~~ **V-1.5; 2020-March.** ~~~~~~~~

Constructive-Notice: Criminal-Complaint of Treason. Page 1 of 20.

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involved in this case in any way whatsoever; that is, until Piersol and Thelen "*discretionarily*" pulled this "*fictional*" entity from their own collective "*posteriors*" by ABUSES of that joint discretion.
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OPENING SUMMARY ABOUT THE LOWER COURTS' *FRAUDULENT* DISMISSALS OF NOT JUST ONE, BUT TWO (2) CASES NEAR SIMULTANEOUSLY

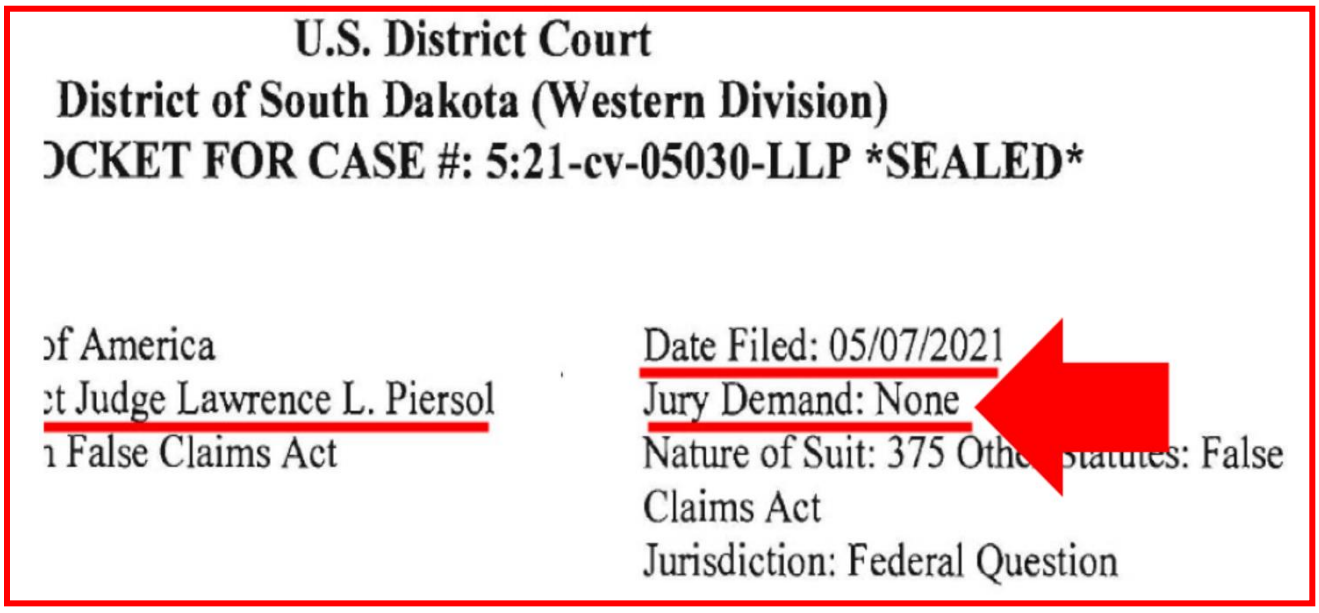
Significant to the proper review of this case "*dismissal*" is the FACT that from the onset of being provided with the DOCKETING SHEET for this case Beneficiary/Relator had filed his "*OBJECTION TO SEALING OF CASE and MOTION TO SHOW CAUSE*" listing numerous aspects of the UNITED STATES' (i.e., the "*Clerk of the Court's*") own "*Court of Record*" as *fraudulently* constructed.[7]

Having every opportunity to address these *factual challenges* to these "*administrative*" (i.e., not "*judicial*") manners in which "*Clerk*" Thelen nevertheless maintained his mischaracterization of Beneficiary/Relator's actual "*status*" as was originally "***presented***" (as opposed to being "**RE**presented") to this court with a JURY DEMAND – **whereas the clerk's "*Docket Sheet*" also fraudulently reflected "*Jury Demand: NONE*"**.

While listing Beneficiary/Relator as a civil "*Plaintiff*" instead of a common law "*Grievant/Claimant/Crime Victim/Beneficiary*", Thelen had also listed Beneficiary/Relator as acting "*pro se*" when the ORIGINAL COMPLAINT and

[7] This document is posted public in Beneficiary/Relator's own ARTICLE III COURT OF RECORD as located at: **http://www.ricobusters.com/wp-content/uploads/2021/08/060421_ObjectionShowCauseDemand4SpecGJInvestig-ALL-1.pdf**

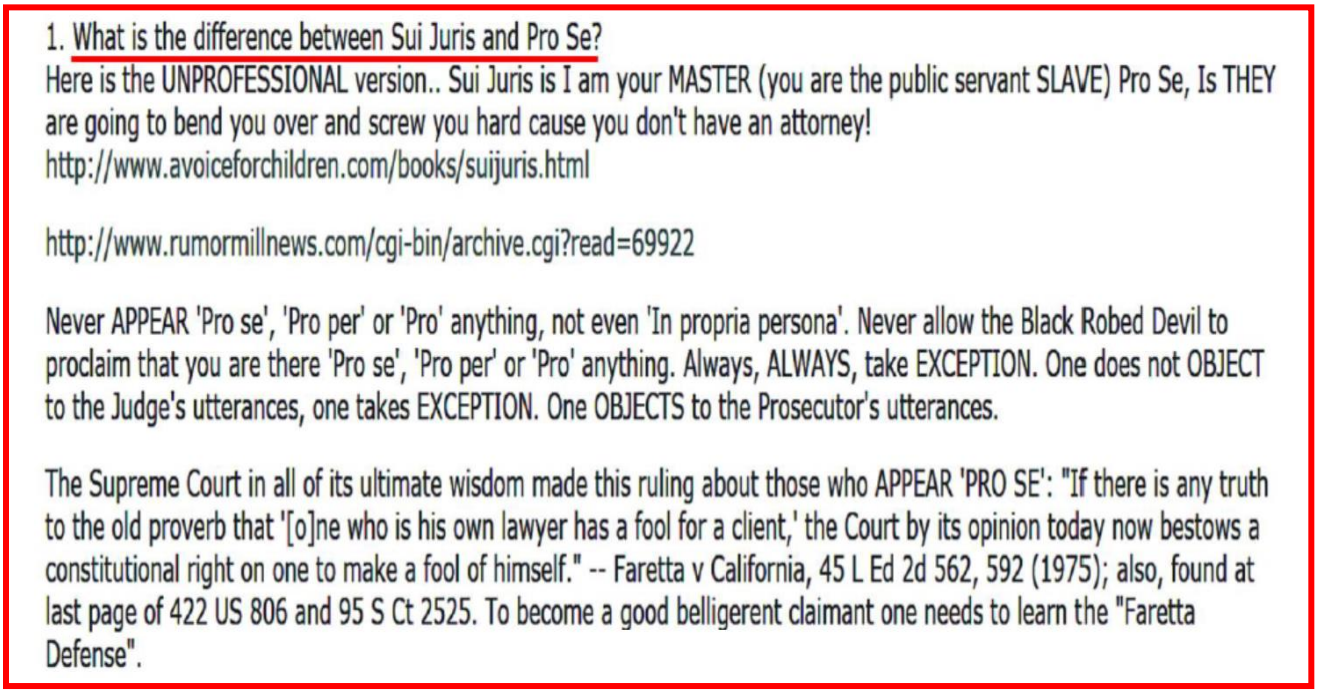
other "*original*" filings had specifically delineated David Schied as acting with a status of a "*sui juris*" litigant. *See* 28 U.S.C. § 1654.



U.S. District Court
District of South Dakota (Western Division)
)CKET FOR CASE #: 5:21-cv-05030-LLP *SEALED*

)f America
:t Judge Lawrence L. Piersol
ı False Claims Act

Date Filed: 05/07/2021
Jury Demand: None
Nature of Suit: 375 Oth[illegible]tatutes: False Claims Act
Jurisdiction: Federal Question



1. What is the difference between Sui Juris and Pro Se?
Here is the UNPROFESSIONAL version.. Sui Juris is I am your MASTER (you are the public servant SLAVE) Pro Se, Is THEY are going to bend you over and screw you hard cause you don't have an attorney!
http://www.avoiceforchildren.com/books/suijuris.html

http://www.rumormillnews.com/cgi-bin/archive.cgi?read=69922

Never APPEAR 'Pro se', 'Pro per' or 'Pro' anything, not even 'In propria persona'. Never allow the Black Robed Devil to proclaim that you are there 'Pro se', 'Pro per' or 'Pro' anything. Always, ALWAYS, take EXCEPTION. One does not OBJECT to the Judge's utterances, one takes EXCEPTION. One OBJECTS to the Prosecutor's utterances.

The Supreme Court in all of its ultimate wisdom made this ruling about those who APPEAR 'PRO SE': "If there is any truth to the old proverb that '[o]ne who is his own lawyer has a fool for a client,' the Court by its opinion today now bestows a constitutional right on one to make a fool of himself." -- Faretta v California, 45 L Ed 2d 562, 592 (1975); also, found at last page of 422 US 806 and 95 S Ct 2525. To become a good belligerent claimant one needs to learn the "Faretta Defense".

Additionally, Thelen misrepresented "*The Accused*" as civil "*Defendants*" instead of "*CO-TRUSTEES*" as otherwise named by Beneficiary/Relator in both their individual and "*official*" capacities, **so to ensure that "*immunity*" is applied**

ONLY to the instances where <u>the JURY decides</u> that the acts committed by "*The Accused*" were indeed executed within the "*enunciated*" confines of *constitutional* authority "*delegated*" by the Sovereign People as any "*office duty*".

Beneficiary/Relator had constructed his "*ORIGINAL COMPLAINT*" [8] with just such a "*<u>DEMAND FOR JURY TRIAL</u>*" to ensure and that all acts alleged to have been committed would be determined by the JURY "*according to the rules of common law*"; being also known to be similar in certain standards as the "*rules*" for adjudicating the "*merits*" of cases using "*Trust Law*". [9]

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[8] The full title of this document was originally captioned as: "***<u>ORIGINAL 'QUI TAM' WHISTLEBLOWER COMPLAINT FOR REMEDY UNDER THE FALSE CLAIMS ACT on Case Involving 'Backward Looking' CONSTITUTIONAL and COMMON LAW TORTS Inextricably Intertwined in Compound 'Wheel' and 'Chain' Conspiracies Against Totally and Permanently Disabled Quad-Amputee and Other Sovereign American People, as 'BENEFICIARIES' of the PUBLIC TRUST(s), Who Have Been Similarly Situated in Being the Victims of Insurrection and Domestic Terrorism by 'Government Imposters' and 'Usurpers of the Sovereign Peoples' Power'</u>***" with accompanying "***<u>DEMAND FOR JURY TRIAL</u>***"; (262 pages)

[9] *See* pages 70-92 of Beneficiary/Relator's "***<u>MEMORANDUM ON RIGHTS OF (WE), 'THE PEOPLE':</u>*** *<u>TO ASSEMBLE; TO LOCAL GOVERNANCE; AND TO 'WITHDRAW CONSENT' THROUGH STATE AND FEDERAL JURY NULLIFICATION, THROUGH GRAND JURY PRESENTMENTS, THROUGH PRIVATE PROSECUTIONS, AND THROUGH OTHER EXECUTIONS OF CUSTOMARY LAW AND THE LAWS OF COMMERCE [In Evidence and Support of Acts of Self-Defense, and Responses to the Unconstitutional Denial of First Amendment Right to Redress of Grievances Regarding Previous 'Backward-Looking-Access' Claims]</u>*" **as referenced by <u>FOOTNOTE #38 of the ORIGINAL COMPLAINT</u> (p.224)** pertaining to *"'public officers' being subordinated to the federal and state constitutions as the 'servants' of the American people".*

This is particularly appropriate for this "*WHISTLEBLOWER*" case given that the U.S. government was founded under a "*PUBLIC TRUST*" and the U.S.

Note that this research-based "*MEMORANDUM ON RIGHTS OF (WE), 'THE PEOPLE'*" states, "*The constitutions of the States and the United States of America were originally designed as a 'Public Trust' document, establishing fiduciary obligations of 'Trustees' toward the 'Trust Beneficiaries,' with certain penalties for breaches of duties for public "servants" constituting crimes of Treason against both the people and the States*". **This "*original*" reference EXHIBIT is posted now at the following Internet location as a matter of Beneficiary/Relator's COMMON LAW COURT OF RECORD:**
http://www.ricobusters.com/wp-content/uploads/2021/08/MemorandumofPeoplesRights_KhalilCase.pdf

This above-referenced "*Memorandum*" has been numerously referenced and previously submitted to the UNITED STATES DISTRICT COURT(s), as proven by the time-stamped document embedded below from the USDCEDM in 2016, in the case referenced by Piersol [Doc 14, pp.13, 25, as "*Schied v. Khalil, 2016 WL 4727477* and (R&R) 2016 WL 11472341 and, in misspelling on p. 28, as "*Schied v; **Khalid***, 2016 WL 4727477, n. 3"]. It was filed on 8/25/16:

DISTRICT COURT OF THE UNITED STATES[1]
(FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION)

David Schied and Cornell Squires,
Sui Juris Grievants/Private Attorney Generals
v.
Karen Khalil, et al
Defendants

Case No. 2:15-cv-11840
Judge: Avern Cohn

FILED
AUG 25 2016
U.S. DISTRICT COURT
FLINT, MICHIGAN

Under the Common Law Guarantee (7th Amendment)
Of an Article III Court of Record

"*MEMORANDUM ON RIGHTS OF (WE), 'THE PEOPLE'*:

TO ASSEMBLE; TO LOCAL GOVERNANCE; AND TO WITHDRAW '*CONSENT*' THROUGH STATE AND FEDERAL JURY NULLIFICATION, THROUGH GRAND JURY PRESENTMENTS, THROUGH PRIVATE PROSECUTIONS, AND THROUGH OTHER EXECUTIONS OF *CUSTOMARY LAW* AND THE *LAWS OF COMMERCE*'

In Evidence and Support of Acts of Self-Defense, and Responses to the Unconstitutional Denial of First Amendment Right to Redress of Grievances Regarding Previous "*Backward-Looking-Access-to-Court*" Claims

CONSTITUTION was founded as a "*TRUST*" contract (or "*Compact*") between the "*Masters*" (i.e., the Sovereign People as both "*Trustors*" and "*Beneficiaries*") and the "*Servants*" – i.e., the government officials as "*Trustees*" subject to penalties and criminal prosecution for their dereliction, gross negligence, and malfeasance in mishandling the Peoples' "*trusted*" enunciated and delegated powers and authorities.

Nevertheless, **these *agent provocateurs* of the UNITED STATES instead did the same as all others of "*The Accused*", by first acquiescing and remaining ("*affirmatively*") completely silent and in TACIT AGREEMENT about these FACTUAL CLAIMS, before then turning around *Seditiously* and *Treasonously* to create a FRAUDULENT "*court record*" GROSSLY OMITTING and/or MISCHARACTERIZING these significant "*objection*" details that were summarily denied any "*reasonable*" address as a matter of this – Beneficiary/Relator's own more accurate and truthfully revealing – "*ARTICLE III COURT OF RECORD*".**

These above-described DECEPTIVE "*facts*" were established based upon Beneficiary/Relator's simultaneous challenge against the unexplained "*SEALING*" of that very same "*court record*" – which remains "*sealed*" through today – that resultingly has been undermining both the *letter* and the *spirit* of the laws governing the purpose for filing Federal "*WHISTLEBLOWER*" cases in the first place, being to

report GOVERNMENT FRAUD, **being ultimately against the "*Sovereign*", the American "*taxpayers*".**

Thus, theoretically, **Whistleblower Cases are supposed to be "*unsealed*" once the CO-TRUSTEES of the USDOJ have decided either to manage the case (which herein is against THEMSELVES as the named "*CO-TRUSTEES*") or to allow the private individual to do their work instead** [10], to the best of his or her "*faithful*" duty to the "*Sovereign*".

Either way, this "*whistleblower*" case is *supposed* to be "*litigated on the merits*" IN THE PUBLIC VIEW, something that the American population is currently being barred from by this lower court "*judge*" Piersol. [11]

Altogether, what is described above is really a microcosm for the alleged "*pattern of practice*" of the other CO-TRUSTEES named in this case as "*The Accused*" who have acted similarly in the past to "*affirmatively*" acquiesce in "*tacit agreement*" with Beneficiary/Relator's many previous "*original complaints*". [12]

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[10] *See* p.7 of the document published by the FEDERAL JUDICIAL CENTER titled, ***Sealing Court Records and Proceedings: A Pocket Guide***, posted at: (*link next page*) **http://www.ricobusters.com/wp-content/uploads/2021/08/Sealing-Court-Records-and-Proceedings_-A-Pocket-Guide.pdf**

[11] Piersol is herein being named now in this case – along with his supervisory "*Chief Judge*" Roberto Lange – as *agent(s)* for "*The Accused*" CO-TRUSTEES, being *principals* acting on the behalf of the "UNITED STATES" to further obfuscate and obstruct justice. Again, **"*Justice delayed is Justice denied*".**

[12] These "*original complaints*" have been in the form of both "*civil court*" complaints submitted to "*judges*" and "*criminal complaints*" submitted to "*law enforcement*" and "*prosecutors*" – with all governing *decisionmakers* being connective and "*co-*

These are *public officers* who only then later – when Beneficiary/Relator escalated his complaints using his FIRST AMENDMENT "*Right to Redress Grievances*" – **continued to rely upon their "*government*" co-conspirators to do their "*tag-team*" takeover of the situation by addressing these escalated matter(s) through "*FRAUD BY OMISSIONS*" and "*MISSTATEMENTS OF FACTS*", usually always submitted by BAR members.**

This is a SYSTEMIC *pattern and practice* – instituted BY DESIGN – that has been demonstrated repeatedly at the STATE and UNITED STATES levels in both "*chain*" and "*wheel*" conspiracy patterns; **being again demonstrated in this instant case by both Piersol and Thelen** (along with the "*affirmative*" complacency of "*chief judge oversight*" by Roberto Lange), **while acting OUTSIDE of their official DUTIES and OATHS, on the *UNITED STATES*' behalf as the named *principals* steering this case on behalf of the CO-TRUSTEES.**

The above point has been more recently exemplified by the EIGHTH CIRCUIT Clerk, Michael Gans, in his correspondence dated 8/12/21 whereby he detailed the "*Addresses For [the] **Case Participants***" by listing ONLY "Mr. David

conspiring" members of multi-faceted and multi-tiered STATE and "*AMERICAN*" BAR organizations carrying on in RICO fashion to hold a MONOPOLY over the UNITED STATES "*judicial*" system; and, in fact, over ALL THREE BRANCHES of American *civil* and *criminal* governance.

Schied" and "Mr. Matthew W. Thelen" (**without Thelen's "*official*" status applied** as shown by exact photocopy below).

Addresses For Case Participants: 21-2809

Mr. David Schied
P.O. Box 321
Spearfish, SD 57783

Mr. Matthew W. Thelen
U.S. DISTRICT COURT
District of South Dakota
302 U.S. Courthouse
Rapid City, SD 57701

21-2809 David Schied v. United States, et al
Eighth Circuit Court of Appeals
PRO SE Notice of Docket Activity

The following was filed on 08/12/2021

Case Name: David Schied v. United States, et al
Case Number: 21-2809

Docket Text:
Civil case docketed. [5065164] [21-2809]

The following document(s) are associated with this transaction:
Document Description: Notice of Appeal Docket Letter
Notice will be mailed to:

Mr. David Schied
P.O. Box 321
Spearfish, SD 57783

Notice will be electronically mailed to:
Mr. Matthew W. Thelen: coadocs@sdd.uscourts.gov

In fact, it appears that the two "*clerks of the* [two] *courts*" of the CO-TRUSTEES "*District Court*" and the "*Court of Appeals*" have indeed placed Beneficiary/Relator's case on the "*EXPRESS*" train for yet another potential tier of RICO "*railroading*" via the next higher layer of "*whitewashing*" over what the lower court "*judge*" Piersol has already done. That very day of 8/12/21, "*Clerk Gans*" wrote a cover letter revealing that the EIGHTH CIRCUIT had already received the "*lower court record*" electronically, and that – in spite of the FEDERAL RULES OF APPELLATE PROCEDURE ("FRAP"), Rule #31(a)(1) stating that "*The appellant **must** serve and **file a brief** within 40 days after the record is filed*" – Michael Gans has shown the propensity to convince Beneficiary/Relator that such a

transference of the lower court file otherwise precludes Beneficiary/Relator's appellate *Right*. as well as Beneficiary/Relator's "*Claim of Right*", to file the above referenced "*Brief*" at all!

As shown by the link directly below to Beneficiary/Relator's open, transparent, and public COMMON LAW COURT OF RECORD, Michael Gans sent through the "*snail mail*" the following statement to Beneficiary/Relator:

> "***Your appeal is being referred to the court. No briefing schedule will be established, and no additional pleadings are required from you. Our office will advise you of any action taken in your case***."

http://www.ricobusters.com/wp-content/uploads/2021/08/081221_8thCircuitClerkadvisesNOTtofile-counteringFRAPrules.pdf

Again, this is a clear demonstration of how each multi-tiered level of "*Redress*" for the Sovereign American People gets short-circuited and undermined by the "*pattern and practice*" of BAR-member *principals* and their *agents* abusing their "*trusted*" discretion to use "*PROCEDURE OVER SUBSTANCE*".

In other words, these "*judges*" of the higher courts and their associated "*clerks*" find such ways to circumvent the rules using "*misleading*" statements and outright *fraud* in the **procedural railroading of cases**. They do this **to steal away the substantive sovereign Rights of *We, The People*; or at least to fool unsuspecting "*litigants*" into believing that these court "*fiduciaries*" are actually**

carrying out their DUTIES constitutionally in accordance with their OATHS and DUTIES of "*offices*", when they actually are NOT.

In this case, "*Clerk Gans*" is obviously hoping that Beneficiary/Relator David Schied will follow the "*advisement*" [13] of what Gans wrote in the mail, and "*voluntarily*" give up his "*procedural*" Right = both to file this instant "*BRIEF ON CLAIM IN APPEAL*" and to ignore the "*FRAP RULE #31(a)(1)*" himself – which would put the nefarious agents of the UNITED STATES as the named CO-TRUSTEES at a *prejudicial advantage* in being able to claim that Beneficiary/Relator "*failed to file an appeal brief*" in accordance with the "*appellate rules*"; and that, conversely, the "*Clerk Michael Gans*" never actually told Beneficiary/Relator NOT to file additional "*pleadings*", but instead only "*advised*" that "*additional pleadings are* [NOT] *required*". [14]

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[13] Note here, the *pattern and practice* of the "*Office of the Clerk*" at both the STATE and UNITED STATES courts – when procedural questions come from "*pro se*" or other litigants without attorney representation – is to inform these sovereign American People that the clerk's office "*cannot and does not provide legal advice*". However, as shown herein, **when the people operating these "*clerks*" offices find it *convenient* to them for confusing sovereign Americans (i.e., those who cannot afford or do not want attorney "*representation*"), they seemingly have no problem in providing such "*advisement*" as is demonstrated herein.**

[14] In fact, as shown in the above referenced link to the document containing Michael Gan's letter, **Gan had also sent conflicting documentation of a "*Notice to Pro Se Litigants Regarding Service of Their Documents*" and a "*Certificate of Service for Pro Se Documents*" – without explanation –** to emphasize the FACT that this clerk's written message is NOT to be misinterpreted to mean that the underlying "*FRAP Rules*" still do not apply. This, again, is nothing but a simple tool that has been deceptively used – among many others on a gray scale to extreme fraudulence

The undermining difference herein, is in the "[black] *art of the language*" used by the clerk to create such a misunderstanding that allows the clerk and the "*court*" to absolve all responsibility and accountability for potential misunderstandings about "*procedure*". [15]

In carrying on this way, **the CO-TRUSTEES of this instant case, inclusive of Piersol, Lange, and Thelen –** who, throughout this case, have been acting *outside* of their "*FIDUCIARY*" capacities and in *violation* of their OATHS and *trusted* DUTIES of offices as "*judiciaries*" and "*functionary*", to *deny access* of Beneficiary/Relator to *their* U.S. DISTRICT COURT – **have once again exhibited the very types of acts described as matters of FACTS throughout the "*ORIGINAL COMPLAINT*" about all of the other STATE and FEDERAL "*actors*" named as CO-TRUSTEES in this still "*sealed*" case.**

Moreover, in carrying on this way, "*CO-TRUSTEES*", UNITED STATES' acting "*principal*" Piersol and acting "*agent*" Thelen (and now perhaps Gans), are also exemplifying the manner in which their acts constitute additions to the "*chain*"

– by the STATES and UNITED STATES "*courts*" to ensure that the MONOPOLY on "*People's*" courts of America stays with these BAR attorneys, judicial usurpers, and their respective *agents*. In this case, what Michael Gans has communicated is intentionally as "*clear as mud*".

[15] BAR attorneys are especially well versed in the illicit use of *word plasticity* to "*stretch*" words and word meanings to gain the superior advantage over a legal opponent using the five domains of English Language, being phonology, morphology, syntax, semantics, pragmatics. This is particularly true when using *pragmatics* with *logic* as tools of *persuasion* when presenting legal discourse.

and "*wheel*" conspiracies discussed openly in the ORIGINAL COMPLAINT, though conspicuously avoided, if not entirely OMITTED by Piersol ... that is, except for the single word "*conspiracy*" [16], which was placed by Piersol out of proper factual context, **so as to colorfully paint his otherwise *invalid* fraudulent FINAL RECORD over the *TRUTH IN FACTS* about this very *important* and *valid* NATIONAL SECURITY matter.**

Such *ABUSES OF DISCRETION* are wrongly meant to portray Beneficiary/Relator as being either technically "*inadequate*" when standing up for his own Rights as a "*Sovereign*" without a "*representative*" BAR-card-carrying attorney to do his bidding for him; or to portray him otherwise as some type of "*conspiracy theorist*" without personal and professional integrity. This double-edged sword then is applied against Beneficiary/Relator simply because he is asserting rightful challenges against these above-described ***patterns and practices* of BAR**

[16] Importantly, on the "*cover sheet*" face of his ORIGINAL COMPLAINT and virtually all other significant filings in the lower court, Beneficiary/Relator had published his documents with the following: "*On Case Involving 'Backward Looking' CONSTITUTIONAL and COMMON LAW TORTS Inextricably Intertwined in Compound 'Wheel' and 'Chain' Conspiracies Against Totally and Permanently Disabled Quad-Amputee and Other Sovereign American People, as "BENEFICIARIES" of the PUBLIC TRUST(s), Who Have Been Similarly Situated in Being the Victims of Insurrection and Domestic Terrorism by 'Government Imposters' and 'Usurpers of the Sovereign Peoples' Power'"*. (*See* the links provided herein to Beneficiary/Relator's own "*unsealed*", and *fully transparent* to the public, ARTICLE III COURT OF RECORD.)

member attorney and judges [17], by way of using his equally rightful constitutional guarantees as a Sovereign American. [18]

Acts such as these by Piersol and Thelen, create significant DAMAGES by a falsified public portrayal of Beneficiary/Relator, rather than TRUTHFULLY shedding light on David Schied as being the fact-based researcher and meticulously organized "*scribe*" that he otherwise has proven himself to be as one of many Sovereign American People with personal and professional integrity. [19]

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[17] *See* a full listing (8 pages) of the "[CORRUPT] ***PATTERN AND PRACTICE OF STATE AND NATIONAL JUDICIARIES***" at: **http://www.ricobusters.com/wp-content/uploads/2021/08/PatternPractofStateNatlJudiciaries.pdf**

[18] The institutionalization of this type of behavior by attorneys and judges is what society is now recognizing as "*Cancel Culture*"; with the implementation being used regularly against any and all perceived "*ordinary*" people who either cannot afford expensive attorney "*retainers*" or who otherwise can see through their law firm "*crime syndicates*" and their so-called "*courts*" as "*continuing financial crimes enterprises*" and "*cut their losses*" without feeding more "*profits*" to these seditious and treasonous CORPORATE "*monsters*" as "*officers of the court*".

[19] In spite of the *fraudulent* and *defamatory* EVIDENCE still published by some of "*The Accused*" CO-TRUSTEES (as "*judicial usurpers*") of the STATE OF MICHIGAN and the UNITED STATES in a long line of previous Seditious and Treasonous "*abuses of discretion*" in the region of America overseen by the SIXTH CIRCUIT, **CO-TRUSTEES continue to disregard the FACT that Beneficiary/Relator is a skilled, Ph.D. level researcher scholar that has graduated (*cum laude*) with dual-BA degrees [Cinema-Television production; East Asian (Japanese) Language and Culture] from the prestigious UNIVERSITY OF SOUTHERN CALIFORNIA (USC); and with a MASTER'S degree from another top-tier research university of UNIVERSITY OF MICHIGAN (U-M).**

Such spite of CO-TRUSTEES has shown itself perpetually ignoring numerous written reminders over the past nearly two decades that **Beneficiary/Relator is also a published author of two books on home security and personal protection; a**

Thus, within three days of Piersol's *dismissal* of this instant case against the "*UNITED STATES, et al*", "*chief judge*" Roberto Lange issued an ORDER for the unexplained transfer of another case that was filed by David Schied in his private capacity as "*Beneficiary*", which involved a "*new incidence or occurrence*".

The underlying basis of that "*other* [previously unrelated] *case*" was that the TORT and DAMAGES occurred while BENEFICIARY/RELATOR was living within the metes and bounds of South Dakota. That other case, captioned as "*David Schied v. U-HAUL INTERNATIONAL, et al*", was "*reassigned*" by Roberto Lange from its "*original judge*" to Lawrence Piersol, so that Piersol would apply the same type of *abusive* mishandling and *dismissal* to the "*David Schied v. U-HAUL INTERNATIONAL, et al*" case that Piersol had just finished applying in this instant case of "*David Schied v. UNITED STATES, et al*".

Now, BOTH cases are on "*appeal*" with similar lower court histories, whereby each case was "*dismissed*" **on the behalf of the Beneficiary David Schied's lawful court opponent – while leaving those opponents without their**

***bona fide* crime victims' rights activist [having served as a Founding Board member next to Doris Tate in the 1980s with the COALITION ON VICTIMS' EQUAL RIGHTS (C.O.V.E.R.), and a documentary filmmaker who has been – for this past decade and a half – exposing government corruption by videotaping the personal, firsthand testimonials and presenting the unrebutted EVIDENCE of other CRIME VICTIMS against government *imposters*, judicial *usurpers*, *insurrectionists*, and *domestic terrorists* who are committing TREASON against *We, The People*, as sovereign Americans.**

even being placed on notice about being "*sued*" in the first place by *forma pauperis* and totally and permanently disabled quad-amputee. This all occurred simply because Piersol's and Thelen had criminally "*obstructed*" that other case too, by acting unilaterally on U-HAUL INTERNATIONAL's behalf – and leaving Beneficiary/Relator in both cases without meaningful access to this UNITED STATES DISTRICT COURT. [20]

Notably, each of these two case actions are *similarly* both *constitutional* violations and both federal *felonies* done "*under color of law*".

SUBJECT MATTER JURISDICTION FOR THE "*EIGHTH CIRCUIT*" AS WELL AS FOR "*WE, THE PEOPLE*"

As such, "*subject matter jurisdiction*" for this EIGHTH CIRCUIT is found in all of this "*superior*" court's authority for review of "*final*" decisions and "*judgments*" of the lower federal court subordinates. This would include a thorough "*de novo*" review of the above SUMMARY OF FACTS about Piersol's collaboration with Thelen and Lange on both the "*sealing*" and the "*dismissal*" of this case; as well as the "U-HAUL INTERNATIONAL" case that was also *dismissed*

[20] These two cases – which are connected together by the "*act of Bad Behavior*" (i.e., which was yet "*legal act done in an illegal manner*" done under "*color of*" law and/or other authority) of Roberto Lange, and by Piersol and Thelen in railroading both cases – makes these two cases, now and foreever after, "*inextricably intertwined*".

by the SAME comedic *actors* (Piersol and Thelen) under virtually IDENTICAL *fraudulent* pretenses…so to SIMILARLY deprive Beneficiary/Relator, as a *totally and permanently disabled quad-amputee*, of his rights as a *whistleblower* against STATE and UNITED STATES imposters (as well as FASCIST-type CORPORATIONS). In such way, these two, *principal* and *agent*, have conspired with Roberto Lange as altogether being *insurrectionists* and *domestic terrorists* that have infiltrated the CONSTITUTIONAL REPUBLIC otherwise set up by the **Sovereign** (People) of the United States of America *for* the same as "*Beneficiaries*", being the national communit(ies) of "*We, The* [Sovereign American] *People*".

Such "*subject matter jurisdiction*" would also include, but not be limited in scope, to a possible "*En Banc*" review of the reported (as supported by EVIDENCE) "*bad behavior*" of these U.S. DISTRICT COURT ("USDC") "*judges*" operating in the WESTERN DIVISION OF SOUTH DAKOTA; as well as of other reported judges named as CO-TRUSTEES in this case residing elsewhere in the UNITED STATES, who are – as detailed in Beneficiary/Relator's "*ORIGINAL COMPLAINT*" and accompanying documents **submitted to the lower court and incorporated into the ORIGINAL COMPLAINT by reference** – *judicial usurpers* acting also as "*senior judges*" and "*chief judges*" operating in the USDC for the EASTERN DISTRICT OF MICHIGAN.

It is noteworthy to mention therefore, that though numerous "*judicial misconduct complaints*" have been filed over the course of many years, NONE of which have been treated seriously or adequately resolved. This is in spite of the importance of these "*misconduct*" complaints upon the landscape of American Freedom and constitutional constraints and restraints upon judicial "*actors*" like these exhibiting "*bad behaviors*" in (*criminal*) violation of their constitutional OATHS and to "*faithful performance*" to constitutional DUTIES. *See*, for example, the many SWORN and NOTARIZED posted publicly at the following link as matters of irrefutable FACT as previously submitted to – but "*affirmatively*" IGNORED BY – SCOTUS in the case referenced by Piersol (Doc 14, pp. 13, 17 and 20) – as "*Schied ex rel. Student A v. Snyder, 2010 (E.D. Ml 2010)*"; being the SAME "*Scott Snyder*" as another case referenced by Piersol, being "*Schied* v. *Snyder, (2011)*". [21]

[21] *See* the "***FACT****UAL*" **EXHIBITS #1-8** submitted to SCOTUS in 2011 – and the "*Extraordinary Circumstances as Grounds for Relief*" submitted to SCOTUS on page 15 of the downloadable PDF – as also individually listed in the "*Appendix of Referenced Exhibits*" (page 33 of that PDF); and provided therein afterwards through the end of this downloadable document containing numerous "*Judicial Misconduct*" and "*Attorney Grievance*" complaints **submitted by *verifiable, signed* sworn and notarized statements that have NEVER been rebutted**, as collectively posted at: **http://www.ricobusters.com/wp-content/uploads/2021/08/STATENationalJudicialMisconductComplaint-alldenied.pdf**

COURT OF APPEALS JURISDICTION

From the moment of the *actual* FIRST "*filing*" of this case on 4/22/21 – by mail because the USDCSDWD was refusing to accept in-person filings from the Sovereign American People (citing "*COVID*" reasons) and awarding preferential treatment to fellow BAR members of the unauthorized and unconstitutional MONOPOLY on the U.S. "*court*" system – a RECORD was established by Relator/Beneficiary David Schied regarding the "*bad behavior*" of the Clerk of the Court, Matthew Thelen, and his *agents*.

This is a record that has been incorporated into the CO-TRUSTEES' own "*court*" and/or federal "*docketing*" records; albeit that record reflects false data and conspicuously omits what was fervently "*objected to*" by Beneficiary/Relator yet gross negligently avoided by Lawrence Piersol from any address, as would be required of any *legitimate* ARTICLE III COURT OF RECORD. These records are located in Beneficiary/Relator's COMMON LAW (ARTICLE III) COURT (OF RECORD) at the internet link provided at the bottom of the next page.

These records – conspicuously marked by Thelen as Dkt Items #2 and #3 and #4 in the lower "*USDC record*" – were labeled according to the USDC's "*Docket Sheet*" by someone with the private initials of "SKK". **These records were entered *gross negligently* up to THREE WEEKS after being "*received*" by the CO-**

TRUSTEES' "*Office of the Clerk*" and with the name of Beneficiary/Relator spelled falsely as a matter of the "*lower court record*": [22]

Date Filed	#	Docket Text
05/07/2021	1	COMPLAINT filed by David Schied. (SKK) (Entered: 05/11/2021)
05/07/2021	2	LETTER dated 5-5-21 Received from David Shied to Clerk. (SKK) (Entered: 05/12/2021)
05/07/2021	3	LETTER dated 4-30-21 Received from David Shied to Clerk. (SKK) (Entered: 05/12/2021)
05/07/2021	4	LETTER dated 4-21-21 Received from David Shied to Clerk. (SKK) (Entered: 05/12/2021)

Clearly, as referenced by Piersol's fraudulent "*Memorandum/Opinion /Order*", **Beneficiary/Relator has had a long history of dealing with the corrupted U.S. DISTRICT COURT(s) in the EDM and SIXTH CIRCUIT, and NEVER has the "*cover letter(s) to the clerk in request for proper filing*" been added to the Docketing Record. Therefore, Beneficiary/Relator challenges the CO-TRUSTEES "*in charge*" of this record to prove that they have done the**

[22] Dkt Item #4 – **http://www.ricobusters.com/wp-content/uploads/2021/08/1-042121_CoverLetr2ClerkoftheCourt.pdf**
Dkt Item #3 – **http://www.ricobusters.com/wp-content/uploads/2021/08/043021_LetrofAllegationsAgainstClerkThelenLudeman.pdf**
Dkt Item #2 – **http://www.ricobusters.com/wp-content/uploads/2021/08/050521_CvrLetr2ThelenonResendPkgBillingFeeSchedule.pdf**

same with other litigants who have filed: **a) *forma pauperis*; b) as a disabled person treated in the "*spirit*" of the AMERICANS WITH DISABILITIES ACT; c) as an attorney "*representing*" any other party whatsoever.**

It is thus, a FACTUAL contention that the filing of these above three "*cover letters*" by the *Clerk of the Court* is indicative of a "*conspiracy to obstruct justice*" by the latest in a long line of CO-TRUSTEES as agents and principals of the "*UNITED STATES*"; executed criminally via obfuscating the "*official*" record of Beneficiary/Relator's *ORIGINAL COMPLAINT*, by this "*clerk*" also using an electronic "*wink and nod*" of communication to this politically LEFTIST "*insurrectionist senior judge*".

These three "*cover letters*" exist in the very same "*Court Record*" to which this EIGHTH CIRCUIT refers, but with which Piersol's fraudulent "*Memorandum/Opinion/Order*" conspicuously OMITS and ignores. This Piersol did while also "*dismissing*" as "*moot*" the inclusive even more relevant EVIDENCE – which was embedded by Beneficiary/Relator into these other "*Motions*" (Dkt Items ## 7, 8, and 9) filings, and – which were incorporated in writing by reference in the ORIGINAL COMPLAINT. [23]

[23] ***See*** **Doc. 1 pages #259-252, ¶¶ 449(a** – being 19 pp); **449(b** – being 38pp + added EXHIBITS #1-5); **449 (c** – being 12 pages + added EXHIBITS #1-3 as also described more fully on pp. 40-41 of Beneficiary/Relator's 44-page "*EMERGENCY MOTION TO EXPEDITE and MOTION FOR IMMEDIATE TEMPORARY DECLARATORY AND INJUNCTIVE RELIEF"* **submitted to the USDCEDM on**

Thus, Piersol's "*gross omissions*" of these very relevant documents with FACTS "*incorporated*" by Beneficiary/Reletor into the ***ORIGINAL COMPLAINT*, constitute the "*constructive*" basis – with "*obstruction of justice*" as the underlying reason – for Piersol refusing to consider and/or to address all of those very relevant FACTS, as delivered in verifiable STATEMENTS with hordes of accompanying embedded EVIDENCE.

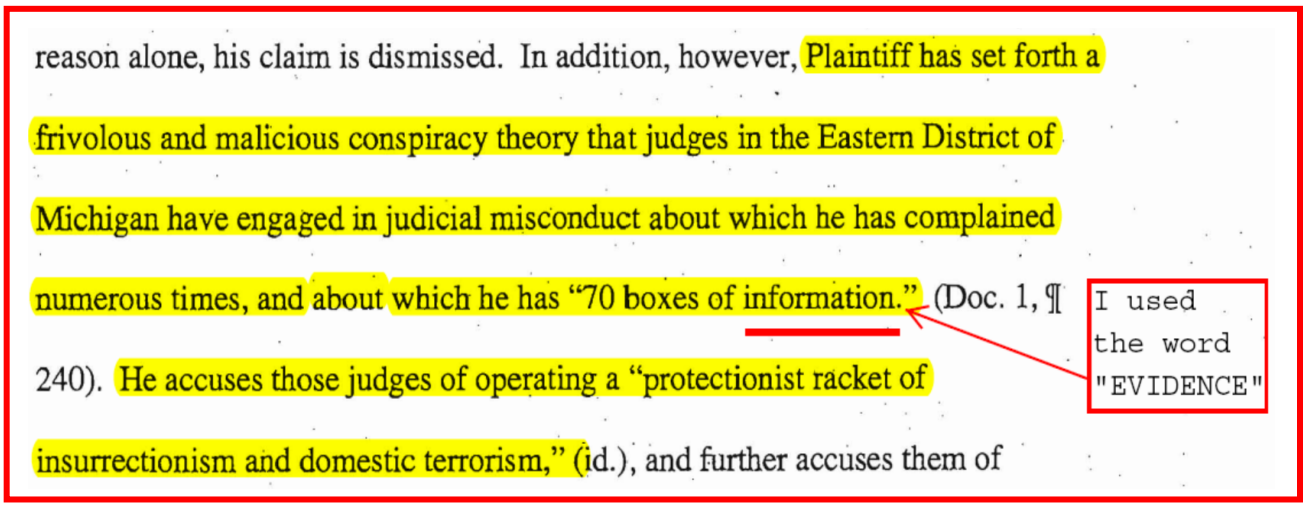
Piersol not only engaged in such "*gross omissions*" throughout his FRAUDULENT "*Judgment*" and "*Opinion*" in dismissal of Beneficiary/

1/5/21 with reference to the following (below this paragraph) as "*EXHIBITS A, B. and C*". **Note** that the referenced "*Emergency Motion to Expedite*…" that was assigned to CO-TRUSTEE "*judicial usurper*" Victoria Roberts at the USDC for the EASTERN DISTRICT OF MICHIGAN has been posted at the following ARTICLE III COURT OF RECORD link: **http://www.ricobusters.com/wp-content/uploads/2021/08/3cEXH-3_010521_Mot4TempDECLINJRelief.pdf**
EXHIBIT A: "***DECLARATION of David Schied (dated 10/15/20)** Invoking the 'Common Law' Jurisdiction and/or the 'Federal' Jurisdiction in Halting Eviction via QUO WARRANTO, Notice of 'INTENT TO LIEN', Claims of DISABILITY' and 'MEDICAL FRAILTY', and 'To Prevent Further Spread of COVID-19'*" (40 pages); **http://www.ricobusters.com/wp-content/uploads/2021/08/101120_SchiedDeclarationUnderMoratorium-SIGNED.pdf**
EXHIBIT B: "***AMICUS IN TREATISE:** Interpreting the Unconstitutional History of Federal and National Governance of the Patriotic 'People' and Other 'Free Persons' Inhabiting the United States*" (313 pages); See how to download this copyrighted and "*encrypted*" document at the following link: **http://www.ricobusters.com/?page_id=527**
EXHIBIT C: "***MEMORANDUM OF RIGHTS OF (WE), 'THE PEOPLE'***" (183 pages) as also referenced earlier in Footnote #9. **http://www.ricobusters.com/wp-content/uploads/2021/08/MemorandumofPeoplesRights_KhalilCase.pdf**

Relator's entire case, he also issued *fraudulent* citations, portraying exact quotes of Beneficiary/Relator in different words so as to MISLEAD THE EIGHTH CIRCUIT judges on their "*de novo*" review of what this "*judge*" wishes to minimize in significance for these "*higher court*" judges.

For example, "*Fraudster*" Lawrence Piersol cited the following on the bottom of page 12 of his FRAUDULENT "*MEMORANDUM AND OPINION*":

> *"Plaintiff has set forth a frivolous and malicious conspiracy theory that judges in the Eastern District of Michigan have engaged in judicial misconduct about which he has complained numerous times, and about which he has "70 boxes of **information**."*



As the above screen shot of Piersol's document shows, while Piersol correctly references Beneficiary/Relator's filing IN QUOTES as pertaining to "*paragraph 240*", **the screen shot (shown on the next page below) of Beneficiary/Relator's paragraph 240 (as cited on his pages 169-170) is significantly different, and much more impactful** in preemptively countering Beneficiary/Relator's anticipation that judicial usurpers like Piersol will continue resort to such tactics of

"*FRAUD UPON THE COURT*". **What Beneficiary/Relator had actually written in his "*Brief*" (¶240) was "*70 boxes of HARD EVIDENCE*", not "*information*" as fraudulently cited by Piersol.**

240. As BENEFICIARY David Schied has referenced, there ate over seventy (70) boxes of hard EVIDENCE against both STATE and UNITED STATES "*judicial usurpers*" that have – in so many differing and "*colorable*" ways similar to the recent tortuous affirmative acts of self-appointed now "*senior judge*" Victoria Roberts, CO-TRUSTEE named herein as well as her cohorts in crime at the USDC-EDM of Denise Page Hood, Avern Cohn, Stephen Murphy, Terrence Berg, and numerous other alleged "*judicial usurpers*" of the "*federal*" ARTICLE III "*COURTS OF RECORD*". BENEFICIARY has the RECORDS of an exhaustive list of such

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"*judges*" who are operating in the EDM and in the SIXTH CIRCUIT – against whom he has many times over filed "*judicial misconduct*" complaints that have gone ignored by the existing status quo of a "*protectionist racket*" of insurrectionism and domestic terrorism being allowed to operate in that section of the CO-TRUSTEES "UNITED STATES" jurisdiction. These are cases whereby "*The Accused*" have issued subjective and discretionary "*summary judgment(s)*" against BENEFICIARY in a plethora of "*backward-looking-access-to-court*" cases that are tantamount to "*abuse of process*" amounting to "*credibility determinations*" on FACTUAL issues that were never litigated or allowed before a Petit Jury or Grand Jury, and/or for which there was never a genuine dispute.

At the very least, Piersol's "*dismissals*" of all CLAIMS once again barred Beneficiary/Relator's "*access to the court*" by way of preventing necessary "*Discovery*" for flushing out these FACTS in the face of the named CO-TRUSTEES, who were also barred from "*answering*" to these claims by an obvious civil (42 U.S.C. §1983) and criminal "*conspiracy to deprive of rights under color of law*" (18 U.S.C. §§241-242) committed Lawrence Piersol and Matthew Thelen.

Let it be known by this EIGHTH CIRCUIT "*COURT OF APPEALS*" that as a former public schoolteacher who is STILL credentialed to teach in any school district of the STATE OF MICHIGAN (License #PF0000000802089; Expiration 06/302022), even Beneficiary/Relator has subscribed to the standard government

OATH to "*support the Constitution of the USA" and to "faithfully discharge the duties of the office [of educator]*".

STATE OF MICHIGAN

State Board of Education — Department of Education

PROFESSIONAL EDUCATION CERTIFICATE RENEWAL

awarded to

DAVID SCHIED

In accordance with the provisions of Act 287 of the Public Acts of 1964, the holder of this certificate is authorized to teach in any Michigan school all subjects and grades indicated.

Secondary

COGNITIVE IMPAIRMENT (SA) K-12
EDUCATIONAL TECHNOLOGY (NP) 5-12
EMOTIONAL IMPAIRMENT (SE) K-12
LEARNING DISABILITIES (SM) K-12
PHYSICAL or OTHER HEALTH IMPAIRMENT (SC) K-12

Brian J. Whiston
Superintendent of Public Instruction

Issue Date : 06/06/2017
Expiration Date : 06/30/2022
License Number : PE0000000802089

Certification requirements are subject to change. The certificate holder is responsible for being knowledgeable about current and revised regulations. It is the responsibility of the certificate holder to maintain a valid appropriate certification by meeting the requirements for certificate renewal as prescribed by statute and/or the State Board of Education.

MICHIGAN PROFESSIONAL EDUCATOR'S CODE OF ETHICS

The following ethical standards address the professional educator's commitment to the student and the profession:

Service toward common good - The professional educator's primary goal is to support the growth and development of all learners for the purpose of creating and sustaining an informed citizenry in a democratic society.

Mutual respect - Professional educators respect the inherent dignity and worth of each individual.

Equity - Professional educators advocate the practice of equity. The professional educator advocates for equal access to educational opportunities for each individual.

Diversity - Professional educators promote cross-cultural awareness by honoring and valuing individual differences and supporting the strengths of all individuals to ensure that instruction reflects the realities and diversity of the world.

Truth and honesty - Professional educators uphold personal and professional integrity and behave in a trustworthy manner. They adhere to acceptable social practices, current state law, state and national student assessment guidelines, and exercise sound professional judgment.

ADVISORY TO EDUCATOR

In accordance with Public Act 96 of the Public Acts of 1995, it is a criminal misdemeanor to : use a suspended, surrendered, revoked, nullified, fraudulently obtained, altered or forged educator certificate, or a certificate of another person.

TO BE EMPLOYED AS AN EDUCATOR IN MICHIGAN THE EDUCATOR OATH MUST BE SIGNED, NOTARIZED, AND SUBMITTED TO YOUR EMPLOYER. THIS IS AN OFFICIAL CERTIFICATE ONCE SIGNED AND NOTARIZED.

EDUCATOR OATH - STATE OF MICHIGAN

I do solemnly swear (or affirm) that I will support the Constitution of the United States of America and the Constitution of the State of Michigan, and that I will faithfully discharge the duties of the office of educator according to the best of my ability.

Educator Signature

This certificate was subscribed and sworn to before me, along with picture identification, on 6/6/2017

Notary Print Name: Sarah Bjornholm

Notary Signature

Commission Expires: 8/29/2021

SARAH BJORNHOLM
NOTARY PUBLIC - MICHIGAN
WAYNE COUNTY
MY COMMISSION EXPIRES 08/29/2021
ACTING IN OAKLAND COUNTY

Notary Seal

EMPLOYERS MUST VERIFY EDUCATOR CERTIFICATIONS AT: https://mdoe.state.mi.us/MOECS/PublicCredentialSearch.aspx
For information on the renewal or advancement requirements of this educator certificate please go to www.michigan.gov/teachercert

Having subscribed to such an Oath, as a schoolteacher Beneficiary/Relator was **trained to be a part of a national group expected to hold oneself and other "*peer professionals*" to high standards of government performance. The same can only be more expected of STATE and UNITED STATES judges.**

Yet, in spite of Beneficiary/Relator submitting incalculable numbers of documents into the "*Court Record*" proving his own compliance with such standards of Oath and Performance of DUTIES as a schoolteacher and as a government FUNCTIONARY – proving also the "*sedition*", the "*insurrection*", and the "*treason*" of numerous STATE and UNITED STATES as "*CO-TRUSTEES*" functioning as "*judges*" who are NOT living "*honorably*" to either Oaths (even if they have subscribed to them) [24] **or Duties – and Piersol and**

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[24] ***See*** **"Exhibit R" – as a cover letter to former MICHIGAN ATTORNEY GENERAL Bill Schuette, which is accompanied by "*Affidavit in Petition and Notice*" signed by eight (8) concerned citizens in complaint about (in office as "*chief judge*" at the time) Virgil Smith being a *usurper* of the judicial bench of the WAYNE COUNTY CIRCUIT COURT in the CITY OF DETROIT of the EDM.**

This single **"*AFFIDAVIT*"** is marked within "*EXHIBIT #105*" that had accompanied many more listed documents of EVIDENCE that were submitted to the SIXTH CIRCUIT COURT OF APPEALS in 2015 to challenge certain "*decisions*" being made by the "*federal magistrate*" (Hluchaniuk) and "*judge*" (Cohn) who were "*striking*" documents and "*dismissing*" the case brought against another "*judicial usurper*" – **Karen Khalil – whose acts "*shocked the conscience*" of onlookers and witnesses when ordering the "*kidnapping*" and "*false imprisonment*" of one sitting quietly in the public gallery of the People's courtroom as "*court-watcher*" (a.k.a. court "*observer*") in June 2012.** Thus, Beneficiary/Relator was then in 2015 acting in the capacity of a "*Private Attorney*

General" on behalf of himself and others "*similarly situated*" in filing a "*QUO WARRANTO*" complaint in the Sixth Circuit.

That case was a matter in which the CLAIM against the "*domestic terrorism*" insurance policy and "*risk management*" policy of the two "*co-defendants*" of the CHARTER COUNTY OF WAYNE and the CHARTER TOWNSHIP OF REDFORD were valued at more than $100 BILLION, with the UNITED STATES guaranteeing up to eighty percent (80%) on AIG's "*errors and omissions*" insurance "*rider*". When that case – which was simultaneously filed in Beneficiary/Relator's own ARTICLE III COURT OF RECORD – was "*summarily dismissed*" just like this instant one (by Piersol) without address of the overwhelming EVIDENCE, Beneficiary/Relator formalized his disagreement in the form of a COMMON LAW "*Writ of Coram Nobis*"; and thereafter claimed TREBLE DAMAGES against the UNITED STATES in the amount of $300 BILLION. http://www.ricobusters.com/wp-content/uploads/2021/08/021321_WritofErrorandCorbumNobis-1.pdf

This **numbered "*EXHIBIT #105*"** contained its own complete set of **lettered** "*exhibits*", with **"*EXHIBIT R*" (i.e., see pp. 109-116)** therein being a cover letter to the MICHIGAN AG Schuette (dated 8/21/12) accompanied by a five (5) page AFFIDAVIT signed by eight (8) "*concerned citizens of Wayne County*" – submitted along with "*certifying EVIDENCE*" from the MICHIGAN DEPARTMENT OF STATE'S ***OFFICE OF THE GREAT SEAL* showing that WC Circuit Court "*chief judge*" had "*no Oath of Office on record*" between 2005-2012 as he otherwise sat USURPING that "*judicial*" office.**

This 144-page "*EXHIBIT #105*", which was holds EVIDENCE that it was also submitted in a separate STATE case to the ultra-corrupt "*MICHIGAN COURT OF APPEALS*" has been posted publicly on the Internet for the past five (5) full years at:
https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/010816_QuoWarranto_6thCircuitJudges/Exhibits/Ex_105_TwoMotforVacateSetAside%26Order4GJInvestigation.pdf

This "*QUO WARRANTO*" document has been posted publicly for well over for over five (5) full years without further challenge, as still available today at:
https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/010816_QuoWarranto_6thCircuitJudges/FinalDocs/010816_QuoWarrantoon6thCirJudges_ALL.pdf
and also at:
http://constitutionalgov.us/SupremeCourtOfLaw/Cases/SchiedVsRoberts/PrimaryEvidenceDocuments/010816_QuoWarrantoon6thCirJudges_ALL.pdf

Lange have both acted in "*bad behavior*" to also "*affirmatively*" ignore and dismiss these documents of FACTS.

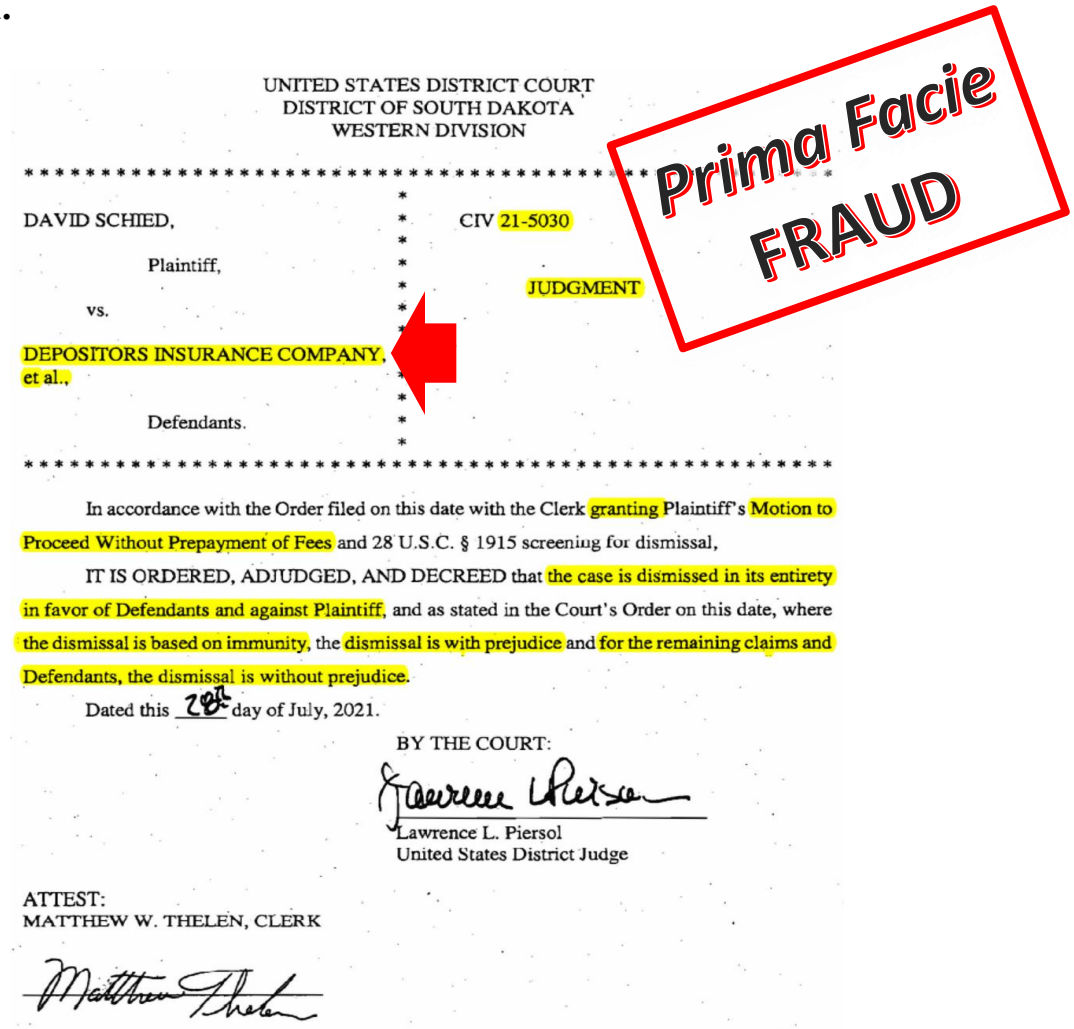
The above sets of verifiable FACTS referenced by Beneficiary/Relator on his "*original*" filings – to include reference to the previous documents filed also in the "EDM" case that was fraudulently thrown out by CO-TRUSTEES "*senior judge*" and STATE BAR OF MICHIGAN crime syndicate member, Victoria Roberts, and subsequently gross negligently OMITTED of having any address by the "WDSD" and Lawrence Piersol – can also be found in this instant ARTICLE III COURT OF RECORD as recently posted at: **http://www.ricobusters.com/?page_id=511**

Importantly, the SIXTH CIRCUIT "*judges*" answered this "*Quo Warranto*" COMPLAINT and EVIDENCE with silence – *affirmatively* in TACIT AGREEMENT – creating an additional ("*secondary*") layer of "*RICO*" coverup of these "*predicate*" level crimes of their "*peer group*" of other STATE and UNITED STATES "*judges*" (as all "*CO-TRUSTEE*" members of the STATE BAR OF MICHIGAN) disregarding the FACT that the Affidavit cited numerous Michigan laws mandating the DUTY of the Michigan attorney general to file his own "*QUO WARRANTO*" complaint in the Michigan Court of Appeals against anyone described as Smith who clearly is in violation of "MCL 168.422 ("*the office of circuit judge shall become vacant upon happening of...his neglect or refusal to take and subscribe to the constitutional oath of office...*")

The set of "*EXHIBITS*" for an "*En Banc*" review of the matter – also *affirmatively* ignored by the SIXTH CIRCUIT – have been posted this past five (5) years at the following public link:
https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/111416_Orderto6thCircuit4EnBancReviewofQuoWarranto/EXHIBITS/

TIMELINESS OF THIS APPEAL

The Docket Items recorded by the "*Clerk of the Court*" document the FACTS on the "*timeline*" of filings for this instant case now "*on CLAIM and APPEAL*". Subsequent to these actions now **ON "*OFFICIAL*" RECORD, Lawrence Piersol added his fraudulent "*judgment*" as an extra layer of grossly negligent "*whitewash*" over my honest and respectable lawsuit against the "*UNITED STATES, et al*" by relabeling what turned out to become his own dishonest "*sham*" case of "*David Schied vs. DEPOSITORS INSURANCE COMPANY, et al*" instead.**



UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

DAVID SCHIED, CIV 21-5030

Plaintiff,

vs.

JUDGMENT

DEPOSITORS INSURANCE COMPANY, et al.,

Defendants.

In accordance with the Order filed on this date with the Clerk granting Plaintiff's Motion to Proceed Without Prepayment of Fees and 28 U.S.C. § 1915 screening for dismissal,

IT IS ORDERED, ADJUDGED, AND DECREED that the case is dismissed in its entirety in favor of Defendants and against Plaintiff, and as stated in the Court's Order on this date, where the dismissal is based on immunity, the dismissal is with prejudice and for the remaining claims and Defendants, the dismissal is without prejudice.

Dated this 28th day of July, 2021.

BY THE COURT:

Lawrence L. Piersol
United States District Judge

ATTEST:
MATTHEW W. THELEN, CLERK

Subsequently, on 7/6/21, Beneficiary/Relator "*filed*" his three-pronged response to these Seditious and Treasonous acts, which was captioned as:

1) "***COMMON LAW 'WRIT OF ERROR CORAM NOBIS'*** *IN OPPOSITION TO PRIMA FACIE EVIDENCE OF 'CRIMINAL FRAUD AND CONSPIRACY TO DEPRIVE OF RIGHTS' INVOLVING 'JUDICIAL USURPERS' AND 'CLERKS OF THE COURTS' AS 'AGENTS' OF THE NAMED 'CO-TRUSTEES' OF THE CASE CAPTIONED ABOVE*";
2) "***FINDING OF CONTEMPT***" *AND "CERTIFICATION OF FAULT/DEFAULT WITH '****DEFAULT JUDGMENT****' AND COMMON LAW '****LEDGER OF [TREBLE] DAMAGES****'*";
3) "'***NOTICE OF 'CLAIM OF APPEAL'*** *FOR THE REASONS CITED ABOVE AND* ***BASED UPON 'OVERRIDING AND PALPABLE ERRORS' AND GROSS OMISSIONS OF FACTS; AND INTENTIONAL [TORTUOUS] VIOLATIONS OF THE 'RULES ENABLING ACT'***"

The EIGHTH CIRCUIT "*Clerk*" Michael Gans asserted on 8/12/21 that the COA had the **purported** "*docket entries*"; along with the following "*statement*" written in meaningful CONFLICT with the actual FEDERAL RULES OF APPELLATE PROCEDURES:

> "*Your appeal is being referred to the court.* ***No briefing schedule will be established****, and* ***no additional pleadings are required from you****. Our office will advise you of any action in your case*".

The above "*message*" sent by Clerk Gans to dissuade Beneficiary/Relator from filing an "APPEAL BRIEF" or anything else is a stark deviation from **FRAP 28.1(f)(1)** which otherwise states –

> "***Time to Serve and File a Brief: the appellant's principal brief, within 40 days after the record is filed;***"

Therefore, this instant filing of "*BRIEF*" ON "*CLAIM*" AND "*APPEAL*" is timely filed.

STATEMENT OF THE FACTS RELEVANT TO THE ISSUES PRESENTED HEREIN FOR REVIEW

Beneficiary/Relator incorporates all listed FACTS – to include all STATEMENTS made thus far in the RECORD – whether determined as "*dismissed*", "*stricken*", "*sealed*", or rendered "*moot*" by the criminals referenced herein as "*judge*" Piersol and "*clerk*" Thelen – as submitted to this ARTICLE III COURT OF RECORD by Beneficiary/Relator David Schied.

In particular, Beneficiary/Relator incorporates listed FACTS – to include all STATEMENTS and ARGUMENTS made thus far in the Record – of the documents "*filed*" but never fully acknowledged by the USDC "*clerk*" as shown below:

1) **"COMMON LAW '*WRIT OF ERROR CORAM NOBIS*' IN OPPOSITION TO *PRIMA FACIE* EVIDENCE OF '*CRIMINAL FRAUD AND CONSPIRACY TO DEPRIVE OF RIGHTS*' INVOLVING '*JUDICIAL USURPERS*' AND '*CLERKS OF THE COURTS*' AS '*AGENTS*' OF THE NAMED '*CO-TRUSTEES*' OF THE CASE CAPTIONED ABOVE";**

2) **"*FINDING OF CONTEMPT*" AND "CERTIFICATION OF FAULT/DEFAULT WITH '*DEFAULT JUDGMENT*' AND COMMON LAW '*LEDGER OF [TREBLE] DAMAGES*"";**

3) **"'*NOTICE OF 'CLAIM OF APPEAL'* FOR THE REASONS CITED ABOVE AND BASED UPON '*OVERRIDING AND PALPABLE ERRORS*' AND GROSS OMISSIONS OF FACTS; AND INTENTIONAL [TORTUOUS] VIOLATIONS OF THE '*RULES ENABLING ACT*'"**

These instant "*DEFAULT*", "*COMMON LAW WRIT*", and "*NOTICE OF CLAIM(S)*" actions come in opposition to the dated and signed (and undated and unsigned) actions deliberately taken by the actors and jesters who have long been collectively operating a "*CONTINUING FINANCIAL CRIMES ENTERPRISE*" as the so-called "*UNITED STATES DISTRICT COURT*"; one ***usurping*** the Federal jurisdiction of the "EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION" (hereafter "USDCEDM") in the CITY OF DETROIT, and in the CHARTER COUNTY OF WAYNE, and the other ***usurping*** the Federal jurisdiction of the "DISTRICT OF SOUTH DAKOTA, WESTERN DIVISION" (hereafter "USDCSDWD") in CITY RAPID CITY (and/or SIOUX FALLS) of the STATE OF SOUTH DAKOTA.

Because the lower court Clerk has NOT provided Beneficiary/Relator with any date-stamped confirmation of documents "*filed*" (by USPS mailing to the USDCSDWD) by Beneficiary/Relator **since the "*original*" filings of early May 2021** – to include the above listed "*Writ of Coram Nobis…Finding of Contempt … Fault/ Default…Default Judgment…Ledger of Damages*" (dated 8/6/21) as well as Beneficiary/Relator's "***OBJECTION TO SEALING OF CASE and MOTION TO SHOW CAUSE*"** dated and "*filed*" on 6/4/21, both supported by accompanying "*PROOF OF SERVICE*" filings (as shown below and on the next page) – **and because the USDC "*clerk*" has also NOT provided Beneficiary/Relator with any REQUESTED copy of the updated DOCKET SHEET for that lower court record** verifying that the above "*filings*" have actually been entered into the SEALED lower court record and actually transferred to the EIGHTH CIRCUIT as provided in written assurance – **Beneficiary/Relator incorporates herein the entirety of his own *public*, COMMON LAW "*ARTICLE III COURT OF RECORD*" belonging to *We, The People*, which acknowledges and contains the receipt by the USDCSDWD of these documents as they were "*officially*" filed, leaving no room for any doubt. This includes all documents listed and all links to pages with referenced resources and documents that were otherwise DENIED DISCOVERY in this case by the criminal usurper of judicial office, Lawrence Piersol, located at: http://www.ricobusters.com/?page_id=342**

Sent via "Certified" Mail - 7018 1130 0000 3058 7590 on8/6/21

DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH DAKOTA,
WESTERN DIVISION

David Schied, one of the *Sovereign* People;
Recognized by the U.S. CONSTITUTION
"BENEFICIARY" / RELATOR

v.

UNITED STATES OF AMERICA, et al
"CO-TRUSTEES"

Civ. No. _21-5030_____

JUDGE _Lawrence Piersol_

PROOF OF SERVICE

This is to certify that today, 8/6/21, BENEFIVIARY/RELATOR David Schied, having established his ARTICLE III COURT OF RECORD by serving the DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF SOUTH DAKOTA – placed into the U.S. ("*Priority*") MAIL – the signed "*ORIGINALS*" of the following documents for purposes of receiving time/date stamped copies back from the Court as assured would occur by the Clerk of the Court during a phone conversation dated Monday, 4/19/21:

1) BENEFICIARY's / RELATOR's **"COMMON LAW '*WRIT OF ERROR CORAM NOBIS*' IN OPPOSITION TO *PRIMA FACIE* EVIDENCE OF '*CRIMINAL FRAUD AND CONSPIRACY TO DEPRIVE OF RIGHTS*' INVOLVING '*JUDICIAL USURPERS*' AND '*CLERKS OF THE COURTS*' AS '*AGENTS*' OF THE NAMED '*CO-TRUSTEES*' OF THE CASE CAPTIONED ABOVE"**; (19 pages) and
2) **"*FINDING OF CONTEMPT*" AND "CERTIFICATION OF FAULT/DEFAULT WITH '*DEFAULT JUDGMENT*' AND COMMON LAW '*LEDGER OF [TREBLE] DAMAGES*""**; (included in the 19 pages)
3) **"'*NOTICE OF 'CLAIM OF APPEAL'* FOR THE REASONS CITED ABOVE AND BASED UPON '*OVERRIDING AND PALPABLE ERRORS*' AND GROSS OMISSIONS OF FACTS; AND INTENTIONAL [TORTUOUS] VIOLATIONS OF THE '*RULES ENABLING ACT*'"**; (included in the 19 pages)
4) This instant PROOF OF SERVICE (1 page)

Truthfully submitted,

____/s/_David Schied_____ Date: 8/6/21

DISABLED / BENEFICIARY
David Schied - RELATOR
P.O. Box 321
SPEARFISH, S. DAKOTA 57783
605-580-5121 (all calls recorded)

DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH DAKOTA,
WESTERN DIVISION

David Schied, one of the *Sovereign* People;
Recognized by the U.S. CONSTITUTION
"BENEFICIARY" / RELATOR

v.

UNITED STATES OF AMERICA, et al
"CO-TRUSTEES"

Civ. No. 21-5030

JUDGE Lawrence Piersol

PROOF OF SERVICE

This is to certify that today, 6/4/21, BENEFIVIARY David Schied, having established his ARTICLE III COURT OF RECORD by serving the DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF SOUTH DAKOTA – placed into the U.S. ("*Priority*") MAIL – the "*ORIGINALS*" of the following documents for purposes of receiving time/date stamped copies back from the Court as assured would occur by the Clerk of the Court during a phone conversation dated Monday, 4/19/21:

1) BENEFICIARY's / RELATOR's *OBJECTION TO SEALING OF CASE*. (20 pages not including *Cover Page* and *Table of Contents*)

2) BENEFICIARY's / RELATOR's *MOTION TO SHOW CAUSE*; (filed concurrent in the above)

3) BENEFICIARY's / RELATOR's *DEMAND (OR ORDER) FOR FEDERAL SPECIAL GRAND JURY INVESTIGATION* (filed concurrent in the above)

4) BENEFICIARY / RELATOR David Schied's *STATEMENT OF TRUTH* (included as the final page of the above)

5) This instant PROOF OF SERVICE (1 pages)

Truthfully submitted,

/s/ David Schied Date: 6/4/21

DISABLED / BENEFICIARY
David Schied - RELATOR
P.O. Box 321
SPEARFISH, S. DAKOTA 57783
605-580-5121 (all calls recorded)

This COMMON LAW ARTICLE III COURT OF RECORD includes all items and activities of the EIGHTH CIRCUIT occurring subsequent to the criminal activity at the lower "USDCSDWD" as shown, with relevant links to other documents, at: **http://www.ricobusters.com/?page_id=531**

This same RECORD includes all items of most relevant reference – as was included in the lower court filings but covered up by the "*dismissing*" and declaring as "*moot*" the entirety of the lower USDC court(s) records by Victoria Roberts in the USDCEDM and of Lawrence Piersol in the USDCSDWD – located at: **http://www.ricobusters.com/?page_id=511**

It is a FACT that Piersol's FRAUDULENT "*Judgment*" and "*Memorandum / Opinion / Order of Dismissal*" claiming "*No Facts upon which relief [will] be granted*" was delivered to the public at large and to the EIGHTH CIRCUIT while *Seditiously* and *Treasonously* OMITTING proper consideration for all of the important UNREBUTTED SWORN AND NOTARIZED AFFIDAVITS included or referenced by the "*official*" Record as matters of verifiable and irrefutable "*FACTS*". This included the very important "*AFFIDAVIT OF BENEFICIARY/RELATOR David Schied IN STATEMENT OF TRUTH*" as shown below (on the next page) which appeared on the last page of the "*Original Complaint*" referenced by Piersol's **fraudulent** "*official*" documents. Instead, **the *only* affidavit Piersol mentioned was the one used for his granting "*forma***

***pauperis*" status to Beneficiary/Relator, as if he was being a "*real nice guy*" rather than the <u>seditious and treasonous insurrectionist defrauding the American People and this EIGHTH CIRCUIT COA</u> while defaming the research and the reputation of Beneficiary/Relator David Schied himself.**

<u>AFFIDAVIT OF BENEFICIARY / RELATOR David Schied</u>
<u>in STATEMENT OF TRUTH Submitted Herein Under "*Penalty of Perjury*"</u>

I David Schied, do hereby declare, under penalty of perjury, that the paragraphs one (1) through four-hundred-sixty (460) above herein containing statements of facts and references to evidence and laws are all honorably true, accurate, and certifiably authentic to the best of my knowledge and belief.

I am one of the Sovereign American People, who has also become a *bona fide* crime victim, a totally and permanently disabled recent quad-amputee, a grievant, a common law claimant, and an official keeper of records for at least one Article III Court of Record. I am also professing to be of sound mind; and acting in the capacity of Relator – "*ex rel*" – on behalf of others similarly situated as a Private Public Proxy and/or in such fashion as a Private Attorney General.

As a sovereign American man and constitutionally recognized "*Free Person*", I am retaining all Rights guaranteed by the constitutions of the STATE and the UNITED under the fiduciary contracts of Public Trust documents. I hereby certify that I am additionally acting privately on my own behalf as a federally protected government whistle-blower in possession of official evidence of crimes committed by certain named and yet unnamed perpetrators as "*The Accused*", against whom I have established sound Claims in Commerce, and whom I am now rightfully pursuing in redress while prosecuting then to the furthest extent of the Law.

Truthfully submitted,

____/s/_David Schied_____ Date: 4/20/21

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DISABLED / BENEFICIARY
David Schied - RELATOR
P.O. Box 321
SPEARFISH, S. DAKOTA
57783
605-580-5121

Piersol acted with malfeasance when ignoring <u>4 CFR § 22.6</u>, which addresses how judges and others in positions of DELEGATED "*government authority*" should handle "*<u>Motions, Briefs, and Other Statements</u>* [Rule 6]" **<u>with accountability</u>** to include "(c) ***<u>Declarations, affidavits, or other statements</u>***" and when delivering "(d)

Motions for ***Summary Judgment***". In this case there was never such a "*motion*" but Piersol delivered a "*Summary Judgment*" anyway on his own, *sua sponte* (Latin meaning "*voluntarily*").

> **(c)** ***Declarations, affidavits, or other statements.*** Any declaration, affidavit, or other statement that is submitted to explain the record must, to the maximum extent possible, include citations to the record in support of the statement, argument, or analysis made. Citations to the record must be specific (*i.e.*, to Bates number or similar designation). Declarations, affidavits, or other statements containing inadequate citations may be returned to the party with an order that the party resubmit the statement with appropriate revisions.
>
> **(d)** ***Motions for summary judgment*** -
>
> **(1)** ***Generally.*** Motions for summary judgment or partial summary judgment shall be filed only when a party believes, based on uncontested material facts, that it is entitled to relief, in whole or in part, as a matter of law. Such motions shall be filed as soon as practicable to allow the Board to rule on the motion in advance of a scheduled hearing. In considering a motion, or partial motion, for summary judgment, the Board will consider the pleadings, depositions, answers to interrogatories, admissions of record, and affidavits provided, and will grant such motion if there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. In deciding motions for summary judgment, the Board will look to Rule 56 of the Federal Rules of Civil Procedure for guidance.

Essentially, Piersol has turned the "*spirit*" – as well as the "*letter*" – of the law on its head; ignoring the uncontested "*material facts*" presented by Beneficiary/Relator David Schied and voluntarily acting as if it was the UNITED STATES that had been the one to submit a "*motion*" with uncontested facts and requested relief.

Thus, it is a FACT that on page 251-252 of his "ORIGINAL COMPLAINT", Beneficiary/Relator had also incorporated by reference into his "*pleadings*" his "*AFFIDAVIT OF TRUTH OF David Schied*" as shown below. [25]

> 449. Moreover, given that certain other "Motions" to this instant case and court are being filed simultaneously and in accompaniment with this instant "***ORIGINAL COMPLAINT***" as presented in his ***PROOF OF SERVICE*** to this instant ARTICLE III COURT OF RECORD offering specific background FACTS and furthering EVIDENCE substantiating the many CLAIMS against the CO-TRUSTEES, BENEFICIARY incorporates by reference the paragraphs from the following sets of documents as if reiterated herein verbatim:
>
> • • •
>
> 3) "***AFFIDAVIT OF TRUTH of David Schied***" – This Affidavit, sworn recently before a STATE notary in Michigan on 2/19/21, attests to the authenticity and truthfulness of the documents listed above, as well as other documents. It explains, in part, how – as a direct result of the affirmative CRIMINAL acts of the CO-TRUSTEES acting tortuously in both their private and public capacities, CO-TRUSTEES discriminated against, retaliated against, and caused great personal "*life-threatening*" injury against BENEFICIARY by having forcibly threatened him to the point of then causing him to
>
> 251
>
> be EVICTED from his home, without ADA "*accommodations*", without "*access*" to either STATE or UNITED STATES courts, in the dead of Winter and just after a blizzard with deep snow, during a national COVID-19 pandemic, and in criminal violation of both STATE and UNITED STATES eviction moratoriums.

[25] This 2/19/21 AFFIDAVIT is located publicly at: **http://www.ricobusters.com/wp-content/uploads/2021/08/AffidavitofDavidSchied021921.pdf**

PIERSOL "*AFFIRMATIVELY OMITTED*" ALL REFERENCED AFFIDAVITS WHEN DISMISSING THIS CASE AS BEING "*WITHOUT FACTS*"

By denying proper "*due process*" of "DISCOVERY", Piersol denied Beneficiary/Relator "*access*" to the USDC by refusing to accept as FACT that Beneficiary/Relator had actually complied with court rules when constructing "*concise*" statements of the allegations, enough to inform "*The Accused*" of the CLAIMS to which they were to be held to answering.

In FACT, Piersol instead answered these allegations himself *summarily* with nothing but "*threadbare conclusions*" – for and on behalf of "*The Accused*" – while at the same time intentionally misleading those reading and depending upon the integrity of his actions (and FRAUDULENT "*judgment*") into believing that it was Beneficiary/Relator who wrote with unsupported conclusions and "*threadbare*" allegations. This is antithetical to both the *spirit* and the *letter* of the laws governing Constitutionally guarantees of protected DUE PROCESS.

FRCP Rule 56(c)(4) and 56(d),(e), and (f) altogether address the value of Affidavits in establishing matters of **uncontested** STATEMENTS OF FACTS sufficient for any legitimate "*judge*" to justify a party's legal standing as valid, enough to issue "*Summary Judgment*" in favor of a "*nonmovant*" **if unrebutted**. In this case, Beneficiary/Relator was the "*nonmovant*" until declaring his own "*CERTIFICATION OF FAULT/DEFAULT*" and "*DEFAULT JUDGMENT*" against the UNITED STATES based upon the fraudulent acts of both Thelen and Piersol as

the agents "*representing*" the CO-TRUSTEES, as "*The Accused*". Such certifications were also accompanied by the "[COMMON LAW] *WRIT OF CORAM NOBIS*…" referenced earlier as dated 8/6/21, also in CLAIM OF TREBLE DAMAGES against Piersol's fraudulent acts.

(4) *Affidavits or Declarations.* An affidavit or declaration used to support or oppose a motion must be made on personal knowledge, set out facts that would be admissible in evidence, and show that the affiant or declarant is competent to testify on the matters stated.

(d) WHEN FACTS ARE UNAVAILABLE TO THE NONMOVANT. If a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may:

(1) defer considering the motion or deny it;

(2) allow time to obtain affidavits or declarations or to take discovery; or

(3) issue any other appropriate order.

(e) FAILING TO PROPERLY SUPPORT OR ADDRESS A FACT. If a party fails to properly support an assertion of fact or fails to properly address another party's assertion of fact as required by Rule 56(c), the court may:

(1) give an opportunity to properly support or address the fact;

(2) consider the fact undisputed for purposes of the motion;

(3) grant summary judgment if the motion and supporting materials — including the facts considered undisputed — show that the movant is entitled to it; or

(4) issue any other appropriate order.

(f) JUDGMENT INDEPENDENT OF THE MOTION. After giving notice and a reasonable time to respond, the court may:

(1) grant summary judgment for a nonmovant;

(2) grant the motion on grounds not raised by a party;or

As a so-called "*senior judge*", Piersol otherwise knows very well that **unrebutted Affidavits constitute verifiable FACTS** in the eyes of the law. Both "*case law*" (based upon statutory codes) [26] and COMMON LAW "*MAXIMS*" (based

[26] *See* **Case Law:** *White v. FCI, USA, Inc*., 319, F. 3d 672 (*5th Cir. 2003*); *United Tech Corp. v. Mazer*, 556 F. 3d 1260 (*11th Cir*. 2009). Also note: *"Court of Appeals may not assume the truth of allegations in a pleading which are contradicted by affidavit…the district judge has no basis for a determination of credibility." Data Disc, Inc. v. Systems Tech. Assocs., Inc. 557 F.2d 1280 (9th Cir. 1977)*

upon *Scriptural Beliefs* and *Customary Practices* in Commerce) [27] support the premise that "*Unrebutted Affidavits*" hold the highest standing next to direct testimony in establishing matters of verifiable FACTS.

Therefore, **Beneficiary/Relator incorporates herein by references all of the other AFFIDAVITS as submitted in the USDCEDM and the USDCSDWD** – i.e., the two most recent "*federal*" cases referenced by Pierson's fraudulent "*Memorandum/Opinion/ Order*" – **that were included in the following numbered**

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[27] *See* **Common Law MAXIMS:** 1) "***In Commerce, Truth is Sovereign***" (*Example*: John 8:32 "*And ye shall know the truth and the truth shall set you free*"); 2) "***Truth is Expressed in the Form of an Affidavit***" (*Example*: Lev. 19:11-13 "*Ye shall not steal, neither deal falsely, neither lie one to another. And ye shall not swear by my name falsely,…*"); 3) "***An Unrebutted Affidavit Stands as Truth in Commerce***"; 4) "***He who does not deny, admits***"; 5) "***He who does not repel a wrong when he can, occasions it***"; 6) "***He Who Leaves the Battlefield First Loses by Default***"; 7) "***He who bears the burden ought also to derive the benefit***". (*Example*: Mat. 10:22 "*And ye shall be hated of all men for my name's sake: but he that endureth to the end shall be saved*.")

See also, the UNIVERSAL COMMERCIAL CODE, which acknowledges neither the sovereignty of the people nor the Bill of Rights. It only deals with what is on paper. U.C.C. §1-103, for example, aligns the U.C.C. with the Common Law and the Bill of Rights. It affirms that **the Code (U.C.C.) must harmonize with the Common Law:** "*The UCC relies on state common law to supplement its provisions in two important respects. The UCC does not define key terms such as 'offer,' 'acceptance,' and 'possession, thus requiring courts to utilize state common-law definitions of these terms when applying the Code. Similarly, section 1-103 provides that state common-law rules on a wide variety of questions, including estoppel and waiver, should be used to supplement UCC provisions unless a particular UCC provision displaces the common law*." In other words, ***"…by analogizing UCC provisions to islands floating in the sea of the common law. If there is no land, the sea of the common law takes over."*** McLaughlin, Gerald T. *The Evolving Uniform Commercial Code: From Infancy to Maturity to Old Age*. 26 Loy. L.A. L. Rev. 691 (1993)

paragraphs of the documents submitted along with the "*Original Complaint*", that are still included in this ARTICLE III COURT OF RECORD now in review by the EIGHTH CIRCUIT.

- ***Original Complaint*** - para 18, 40, 43, 46, 90, 92, 95 (footnote para 149h), 104, 446 (p.251, para 459), p.261; and *Exhibit 4* - pp.43, 45, 57-58, 62, 65;
- ***Motion for Forma Pauperis*** - para 17, 23;
- ***Motion for Service by the US Marshal*** - para 4;

Had proper DUE PROCESS of "*Discovery*" been completed in support of the "*concise*" listing of "*numbered statements*" containing Beneficiary/Relator's "*allegations*", the following scores of other **IRREFUTABLE and UNREBUTTED Sworn and Notarized AFFIDAVITS** would have additionally become once again recognized by this ARTICLE III COURT OF RECORD, as posted publicly for at least the past five (5) years:

1) "***SWORN FOLLOW-UP AFFIDAVITAND CRIME REPORT OF DAVID SCHIED*** *In Report on 8/22/16 of Additional Crimes Committed by Magistrate Stephanie Davis, who is working as a 'domestic terrorist' along with other U.S. District Court Judges, Clerks and Magistrates Under Employ in the Eastern District of Michigan and in the U.S. Court of Appeals for the Sixth Circuit to Coerce the People and the Government of this District*". [28]

[28] This is the case of *Schied v. Khalil*, 2016 WL 4727477 *(E.D. Ml)* referenced fraudulently by ***gross omissions*** by Piersol in Doc 14, pp. 13 and 25. **This document alone references the web locations of at least forty-two (42) signed and notarized unrebutted AFFIDAVITS that were DATE-STAMPED as "*received*" by the the USDCEDM on 8/25/16 but subsequently ignored in the same fashion as Lawrence Piersol has also done in this instant case.** NOTE: Due to past server issues at the web-hosting site, new URLs were created for the many documents of EVIDENCE that are being referenced by this and other documents. **To find the**

https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/2016_16thCirCOA-QuoWarranto%26EnBanc/QuoWarranto%2BEnBanc%2BUSAG-USPostalInspect/111416_Orderto6thCircuit4EnBancReviewofQuoWarranto/EXHIBITS/EXH_11_SwornFollowUpAffidavit%26CrimeReport42AffidavitLinks-2.pdf

2) *"'PAG' [PRIVATE ATTORNEY GENERAL] DAVID SCHIED'S STATE EX-REL & EX-PARTE '**APPENDIX OF EXHIBITS**' IN SUPPORT OF 'QUO WARRANTO' FOR PROVING "JURISDICTION," ARTICLE III 'GOOD BEHAVIOR' AND AUTHENTICATION OF OATHS & BONDS IN LIGHT OF PRIMA FACIE EVIDENCE PROVING THAT **6TH CIRCUIT COURT JUDGES ARE FOSTERING 'DOMESTIC TERRORISM;'** OR ALTERNATIVELY FOR THE 6TH CIRCUIT JUDGES TO COMPLY WITH THIS INSTANT **'MANDAMUS FOR BOND AND/OR RISK MANAGEMENT INSURANCE SURRENDER, FOR VICTIMS' RELIEF UNDER 18 U.S.C. § 3771 and 18 U.S.C. § 4; AND FOR OTHER DECLARATORY RELIEF' BY WAY OF 'ERRORS & OMISSIONS,' MALFEASANCE, AND OTHER COVERAGE INFORMATION**"* [29]

https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/010816_QuoWarranto_6thCircuitJudges/FinalDocs/010815_AppendixofExhibits.pdf

3) The URL containing the "*EXHIBITS*" referenced by the above-referenced "*APPENDIX*" – **to include at least seventeen (17) UNREBUTTED AFFIDAVITS as matters of referenced FACTS submitted to the COURT OF APPEALS FOR THE SIXTH CIRCUIT** – located at:

https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/010816_QuoWarranto_6thCircuitJudges/Exhibits/

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location of these referenced document locations, simply replace the "*prefix*" of the referenced URL of each link beginning with http://cases.michigan.constitutionalgov.us/david-schied, **with the following prefix:** "https://constitutionalgov.us/sub/Michigan/Cases/David-Schied"

[29] *Id.*

The entirety of that above-referenced COMMON LAW "*ARTICLE III COURT OF RECORD*" – which includes all of the documents entered into the USDC "*record*" that were subsequently unconstitutionally "*stricken*" by the ARTICLE I "*magistrate*" named "*Michael Hluchaniuk*", and the criminal activity occurring at the SIXTH CIRCUIT with an "*INTERLOCUTORY APPEAL*" and a subsequent "*EN BANC QUO WARRANTO*" [30] is all collectively posted at:

https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/

Other sworn and notarized AFFIDAVITS that have NEVER been rebutted though repeatedly furnished to the "*domestic terrorists*" calling themselves "*government*" in America – as also related to the "*triggering event*" that both

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[30] **The full title of this document is:** "*Private Attorneys General ('PAGs') David Schied's and Cornell Squires' Common Law 'Order for En Banc review and Answer in Report on Quo Warranto previously filed into the Sixth Circuit on 1/12/16 (as COA Docket Item #22) along with* ***174 'Itemized Exhibits' Which contained thousands of pages of 'Evidence of Domestic Terrorism'****; yet has Altogether Remained Unanswered For One Year by the Sixth Circuit Court, by Means of Relegating Such Filing to 'Tendered' Status and Pending 'Review' by the Same 'Clerk' Against Whom a 'WRIT OF ERROR' and Accompanying 'MANDAMUS FOR BOND SURRENDER' (COA Dkt. #20) Had Been Issued on 12/28/15 by PAG David Schied, in a Case for Which Criminal Complaints Remain Pending Against Fifteen (15) 'Agents' of the UNITED STATES and its 'DISTRICT COURT, et al'; and Against Which a 'Default Judgment' and a* ***$230 MILLION CLAIM 'in Commerce' has been Well-Established*** *and is Now 'In Collections'*" **as posted this past five (5) years without rebuttal with supporting EXHIBITS at: https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/111416_Orderto6thCircuit4EnBancReviewofQuoWarranto/**

BENEFICIARY/RELATOR and Piersol refers to as a "*kidnapping*" and "*false incarceration*" [31] **as confirmed by the five (5) irrefutable and unrebutted AFFIDAVITS located online since at least 2015 at:**

https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/2017_StateofMichiganClaimofDamages/040317_PresentmentbyNotaryWitness/4-FiveAffidavitsofCourtWatchers.pdf

The above (and below) sets of RECORDS are matters of FACTS, not mere "*allegations*" or "*speculations*" as Piersol has attempted to have this EIGHTH CIRCUIT and the sovereign People at large believing.

Other *THIRD-PARTY* FACTUAL ACCOUNTS about the *domestic terrorism* taking place in the CHARTER COUNTY OF WAYNE and elsewhere in the STATE

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[31] **These acts were perpetrated by Michigan "*judicial usurper*" Karen Khalil that so "*shocked the conscious*" of onlookers that they can only be deemed "*domestic terrorist*" events.**
See also, the court transcript, police report and other FACTUAL documents located at: **https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/2017_StateofMichiganClaimofDamages/040317_PresentmentbyNotaryWitness/** and at:
https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/ExD_SwornNotarAffidDavidSchied.pdf
See **https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/2017_StateofMichiganClaimofDamages/040317_PresentmentbyNotaryWitness/8-HandwritCrimeRprt%26AffidbyDS.pdf**
See **https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/Exh_1_MyAffidavitofTruth.pdf**
See **https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/ExC_DaveLonier2ndAffidavitonDenialofRecords.pdf**

OF MICHIGAN are available in twenty-three video testimonials placed into documentaries and posted for most of the past decade *without rebuttal* at:

https://www.youtube.com/channel/UCd3xqk6Kc778ASLAsRpV5ag/videos

The above video link details "*predicate*" crimes in 2017 by the conspiracy of CO-TRUSTEES of the "*CITY OF NOVI*" (police) and "*52-1 DISTRICT COURT*" (magistrates and judges), as well as by DTE ENERGY – which are being covered up at the "*secondary*" RICO levels by the CO-TRUSTEES of the STATE OF MICHIGAN – as provided at:

https://www.youtube.com/watch?v=kkojn6BP3L0 and,

https://www.youtube.com/watch?v=uOncdSeg1Xk

The specific video detailing the crimes of judicial usurper Karen Khalil that are also being covered up by all THREE BRANCHES of that STATE is at:

https://www.youtube.com/watch?v=u84rCiOYZhM

The sworn *DECLARATION* of David Schied submitted to the "*co-trustees*" of the STATE and the UNITED STATES that conspired together CRIMINALLY to effect an EVICTION this past Winter upon a "*totally and permanently disabled quad-amputee*" is provided on the next page; and located in its entirety at:

http://www.ricobusters.com/wp-content/uploads/2021/08/101120_SchiedDeclarationUnderMoratorium-SIGNED.pdf

DECLARATION of David Schied (dated 10/15/20)
Invoking the "*Common Law*" Jurisdiction
and/or the "*Federal" Jurisdiction in Halting Eviction*
via *QUO WARRANTO, Notice of "INTENT TO LIEN", Claims of "DISABILITY" and "MEDICAL FRAILTY"*, and "*To Prevent Further Spread of COVID-19*"

I, David Schied, an American man and a "*quad-amputee*" living within Michigan as one of the sovereign People of the United States of America, herein and hereby declare the following:

1. Since August 1, 2012, I have been an inhabitant of a home located at 46675 W. 12 Mile Road in the CITY OF NOVI, a municipality located in the COUNTY OF OAKLAND, in the STATE OF MICHIGAN.
2. Since November 2017, I have been living in the above-referenced home without any "*Landlord-Tenant*" contract whatsoever. Previously, no written contract for monthly rent had been established since that written in 2014 as a "*month-to-month*", which expired in August 2015.
3. Any perceived ongoing "*month-to-month*" contract being in existence according to said property "*owner*" or "*owners*", being **Donald Thorpe** and/or STATE BAR OF MICHIGAN crime syndicate and domestic terrorist network member **Ava Ortner**, are purely *fictitious*, given as FACT that **said *"owners"* nullified and VOIDED any and all contracts with me in November 2017 when supporting DTE ENERGY intervening in any such "*expired month-to-month contract*". This occurred right after Thorpe and Ortner were clearly notified that DTE ENERGY was committing TERRORIST ACTS upon the sovereign People inhabiting this property** – forcing me from the above-referenced home for a period of two weeks while unlawfully cutting power and rendering the home unusable without just consideration

I hereby certify and swear, in good faith, that the entirety of the sixty-one (61) numbered paragraphs above are true, accurate, and correct to the best of my understanding and belief.

Signature of Declarant

10/15/20
Date

On this 15th day of OCTOBER 2020, before me, David Schied, personally appeared David Schied, known to me (or satisfactorily proven) whose name is subscribed to the within *Declaration*, in OAKLAND COUNTY of the STATE OF MICHIGAN.

In witness whereof, I hereunto set my hand and official Seal.

PAMELA PERSHA
Notary Public - State of Michigan
County of Wayne
My Commission Expires Feb 18, 2026
Acting in the County of Oakland

NOTARY PUBLIC

TITLE

My commission expires: 2-18-2026

Another sworn Affidavit of CLAIMS pertaining strictly to the liability of DTE ENERGY is at:

https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/2018_DTE%2BMICHIGAN/121517_NotaryPresentment/121517_DSAffidavit4NOL.pdf

Other EVIDENCE supporting those claims against *DTE ENERGY, et al*. is located at: **https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/2018_DTE%2BMICHIGAN/**

Proper "*Discovery*" would have also produced another sampling of documents from 2017 **demonstrating the unsuccessful attempt to hold State and National governments accountable under the laws of the State and the United States**. They are categorized by **SIXTEEN "*examples*"** of solicitations for an appropriate responses to some set of facts by which criminal codes and statutes, the transparency laws, the Common Law, and/or the international Law of Commerce mandate that the so-called governments either act properly or be held to accountability for the consequences of their acts of gross negligence, malfeasance, and dishonor. [32]

These above-referenced "*Sixteen Examples*" are encapsulated in yet another publicly posted AFFIDAVIT called the "*DECLARATION OF TRUTH OF GRIEVANT/CLAIMANT DAVID SCHIED Concerning the Documentation*

[32] This document is located today at: **http://www.ricobusters.com/wp-content/uploads/2021/08/121117_DeclarofTruthon16ExampleCases.pdf**

***of the Compounding of Racketeering Crimes by State and National Continuing Financial Crimes Organizations*"** (11/27/17).These examples represent only one year of my attempts to reasonably communicate with the so-called "*powers that be*."

Reviewers of this material should bear in mind that Beneficiary/Relator's persistence in efforts to prove the acts of government "*usurpers*" as being unlawfully involved in protection rackets, as crime syndicates and "*continuing financial crimes organizations*," extends back in documentation to late 2003. Hence, this represents just the latest year of reporting these types of crimes and recording what the so-called "*governments*" of the STATE and the UNITED STATES do with the information that is provided to them under mandate of accountability and compelling them to an appropriate response.

Note that for the duration of 2017, many of the documents referenced by this "*Declaration of Truth*…" are posted publicly at the following website link – which links to even more AFFIDAVITS validating even more supporting documents – which all remain without challenge by any of the named "*criminals*" or any "*official*" of the STATE … that is, except and until they ATTEMPTED TO MURDER Beneficiary/ Relator in March 2018:

https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/2017_StateofMichiganClaimofDamages/2017_MI-DOS-DHS-DLARA&StateAdminBoard/

AFFIDAVIT OF TRUTH

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

I, David Schied, being the name "*Affiant*", declare that the above statements, as well as all referenced documents incorporated by reference and/or by attachment to this instant "*DECLARATION OF TRUTH OF GRIEVANT/CLAIMANT DAVID SCHIED Concerning the Documentation of the Compounding of Racketeering Crimes by State and National 'Continuing Financial Crimes Organizations'*", are hereby submitted under penalty of perjury as truthful, accurate, and complete to the best of my knowledge and belief.

If called to testify at legitimate *trial by jury* or *grand jury* proceedings, I will be able to reaffirm, verify, and clarify all of the above statements and accounting ledgers referenced herein in prosecution of the crimes about which I am reporting now and have been persistently reporting for this past full decade and a half since 2003 when I began to unravel the first of a long series of "*conspiracies of crimes*" being committed against me and against the People around me.

David Schied, sui juris Date: 12/11/17

Sworn to me this 11th day of December, 2017.

Pamela Persha

Notary Public, Oakland County, Michigan acting in Oakland County, Michigan.

My Commission expires: 2-18-2019

PAMELA PERSHA
Notary Public - Michigan
Wayne County
My Commission Expires Feb 18, 2019
Acting in the County of Oakland

The above does not include the plethora of formalized "*CRIME REPORTS*" and "*CRIMINAL COMPLAINTS*" – filed not only by sworn affirmation, but also **submitted under criminal penalty if proven as otherwise falsified** – as found along with many more AFFIDAVITS at the following public posting URL: [33]

https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/071415_MyResponse2MMRMA1stMot2Dismiss/071415_MyResponse2Mot2DismissinLieuofAnswr/

More sworn AFFIDAVITS and judicial complaints revealing the FACTS – as presented *repeatedly* to U.S. ATTORNEY GENERAL Loretta Lynch – are posted at:

https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/083116_2ndCrimeReport2USAttnyGeneralLynchonEvents%2BMagisCrime/Exhibits2AffidavitFollowUptoUSAGLynch/

Additionally, when establishing CLAIMS against the $100 BILLION "*[domestic] terrorism*" insurance rider of the CHARTER COUNTY OF WAYNE in 2016 as a PRIVATE ATTORNEY GENERAL, Beneficiary/Relator submitted at least fourteen (14) more sworn AFFIDAVITS representing "*others similarly*

[33] The document filed with the USDCEDM on 7/15/15 – submitted "***under penalty of perjury***" (i.e., see p. 136 of 138 total pages of the date-stamped PDF filing) – that fully explains the thirty-six (36) EXHIBITS at this referenced URL located at: **https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/071415_MyResponse2MMRMA1stMot2Dismiss/071415_MyResponse2Mot2DismissinLieuofAnswr/Response2Mot2Dismiss_EntireFinal.pdf**

situated" as date-stamped by the USDCEDM on 3/31/16 and posted in that ARTICLE III COURT OF RECORD this past five (5) years without challenging rebuttal at:

https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/033116_PAGsSchied%26Squires_Joinderof-14-ClaimantsCrimeVictims/

CoverFiling&MemorandumofLaw/	04-Mar-2019 08:10
FileonDemand&CertifofService/	04-Mar-2019 08:11
Affidavit-2-HiramRobinson,Jr.pdf	30-Jun-2016 13:06
Affidavit-CliffordStafford.pdf	30-Jun-2016 13:06
Affidavit-Cornell.pdf	30-Jun-2016 13:06
Affidavit-DebbieWilliams.pdf	30-Jun-2016 13:06
Affidavit-EdNassar.pdf	30-Jun-2016 13:06
Affidavit-GloriaJones.pdf	30-Jun-2016 13:06
Affidavit-JamesFrankBowles.pdf	30-Jun-2016 13:06
Affidavit-JamesWesleyHall.pdf	30-Jun-2016 13:06
Affidavit-LynnetteWilliams.pdf	30-Jun-2016 13:06
Affidavit-MailauniWilliams.pdf	30-Jun-2016 13:06
Affidavit-ShannonDeBacker.pdf	30-Jun-2016 13:06
Affidavit_DavidEaston.pdf	30-Jun-2016 13:06
Affidavit_GraceTurnboe.pdf	30-Jun-2016 13:06
AllAffidavitsCoverPagesTime-Stampedfiled033116.pdf	30-Jun-2016 13:06

Other significant FACTS summarily "*dismissed*" by Lawrence Piersol – without due process of "*discovery*" or "*litigation*" – detailing the long history of David Schied as a crime fighter and victims' rights activist are located publicly posted in Beneficiary/Relator's ever-growing "*ARTICLE III COURT OF RECORD*" at the following link: http://www.ricobusters.com/?page_id=527

The above link includes verifiable FACTS and a newly published autobiography of David Schied detailing not only his seventeen (17) year career in film and television, as well as his career as a writer and author of two (self) published

books, but also verified underlying "*backstory*"[34] of what started Beneficiary/ Relator's near twenty-years (20) of history documenting "*chain*" and "*wheel*" conspiracies [35] of crimes by government "*imposters*" and "*usurpers*" of the sovereign People's Rights.

ARGUMENT – SUMMARY WITH DETAILS, CONTENTIONS, AND STANDARDS FOR REVIEW

Note that all of the documents referenced within this "*Argument*" show beyond any reasonable doubt that the FACTS as presented above have been repeatedly submitted to previous "*courts*" and "*judges*" owned and/or operated and licensed by the "CO-TRUSTEES" calling themselves the "*STATE OF MICHIGAN*" and the "*UNITED STATES*". These are cases in which proven FRAUD – in its

[34] *See*, http://www.ricobusters.com/wp-content/uploads/2021/08/111620_Letter2ProvostCanadaAA_SANDRAHARRIS-ALL.pdf

[35] What is provided is more than a mere autobiography, because it includes insight, history, and **evidence of a lone American (as well as another "*targeted*" CRIME VICTIM, being a female American who is also a forensics specialist) who has been standing up for what is right against a long history of government corruption involving CORPORATE greed, seditious and treasonous FBI "*agents*" and high-ranking Washington, D.C. "*principals*" of the USDOJ, the "*Federal*" courts, and CONGRESSIONAL Legislators taking bribes from CORPORATE Lobbyists and corrupt, BILLION DOLLAR MEGA-CORPORATIONS and their crooked law firms. All of this history has involved the perpetuity of bureaucratic "*procedural*" coverup of "*substantive*" multi-levels of international terrorism funding and the engagement of high-stakes international art fraud.**

various "*affirmative*" forms of *gross misrepresentations* and/or *gross omissions* have dominated "*backward-looking-access-to-court*" cases causing not only a convoluting of the underlying ISSUES of each case, but also a compounding of the DAMAGES. For these and other "*reasonable causes*" stated throughout this "*BRIEF ON CLAIM AND APPEAL*" [36], **all of these previously submitted "*Arguments*" – as well as their plethora of "*Appendixe[s] of EVIDENCE*" and their "*Table[s] of Authorities*" [37] – to include all of the dated and unrebutted *Affidavits* and *Declarations* and *Video Documentaries containing supported Witness and Victim Testimonials* – of verifiable STATEMENT[s] of FACTS and HISTORY [38], the well-researched, scholarly *Memorandum(s)*, *Amicus/Treatise*, etc. and their respective references to various other *Arguments* and *Authorities* – are incorporated within this ARGUMENT as if reiterated again herein verbatim.**

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[36] Primarily these "*other reasonable causes*" are related to the MAXIM that "***Fraud vitiates everything…even judgments***". *See again*, **Footnote #6**.

[37] *See* the TABLE OF AUTHORITIES of the two documents referenced by Footnotes #28 and #38 herein at minimum for those already provided to the UNITED STATES via its multi-faceted "*U.S. DISTRICT COURTS*" and its "*SIXTH CIRCUIT*" COA. **(*See also* the instant "*Table of Authorities*" of this instant case.)**

[38] This includes the scores of "*backward-looking*" case histories, the researched "*History of the UNITED STATES*", as well as the referenced autobiographical histor[ies] of David Schied as referenced above, published publicly on the World Wide Web. It also includes numerous other video documentaries produced by more Sovereign American People through Common Law means depicting numerous CRIMES by the DEEP STATE "*powers that be*", not the least of significance which is titled "***From JFK to 9/11: Everything is a Rich Man's Trick***", as located on 9/5/21 at: **https://www.bitchute.com/video/vsT4rOS03wXi/**

With regard to Piersol's repeated assertion (Doc 14, p.27) that…

> *"We reiy on our public officials who have been entrusted with the responsibility to investigate such claims and to prosecute where appropriate."*

… **it is well known that "*Separation of Powers*" was designed with the "*responsibility of the Executive Branch to take Care that the Laws be faithfully executed*", by "*initiating and prosecuting criminal cases*".** [39]

The Constitution "sought to divide the delegated powers of the new Federal Government into three defined categories, Legislative, Executive, and Judicial." *Bowsher* v. *Synar*, 478 U.S. 714, 721 (1986) (quoting *INS* v. *Chadha*, 462 U.S. 919, 951 (1983)). A primary constitutional responsibility of the Executive Branch is to "take Care that the Laws be faithfully executed." U.S. Const. Art. II, § 3. That responsibility has long been understood to encompass the responsibility for initiating and prosecuting criminal cases. *Heckler* v. *Chaney*, 470 U.S. 821, 832 (1985); *Buckley* v. *Valeo*, 424 U.S. 1, 138 (1976) (per curiam); *United States* v. *Nixon*, 418 U.S. 683, 693 (1974).

Yet time and time again, not only has such CRIMINAL *gross negligence* and *malfeasance* by the Executive Branch been demonstrated, but so too has the *gross negligence* and *malfeasance* of the Judicial Branch(es) of the STATE and UNITED

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[39] See *John Robertson, Petitioner v. UNITED STATES, Ex Rel. Wykenna Watson*, 60 U. S. ____ (2010) No. 08-6261 as "*Brief for the UNITED STATES as AMICUS CURIAE supporting Respondent*"; as posted publicly at: **http://www.ricobusters.com/wp-content/uploads/2021/08/RobertsonVUSexrelWatsoncase.pdf**

STATES been FACTUALLY documented as covering up such "*prosecutorial abuses*"; thus, revealing compounded "*abuses of judicial discretion*" by the "*CO-TRUSTEES*" of the STATE OF MICHIGAN and the UNITED STATES ("*et alia*").

Such documentation has been referenced by Beneficiary/Relator as falling under the doctrine of "*Backward-Looking-Access-To*-Court" ("BLAC") cases.

Beneficiary/Relator has researched the authorities on BLAC cases and produced a 66-page **"*MEMORANDUM OF LAW*"** – which was date-stamped as "*received*" by the USDCEDM on 3/31/16 – that was **"*BASED ON THE FIRST AMENDMENT PETITION CLAUSE AND EVIDENCE OF DOMESTIC TERRORISM*"**. That document has been located publicly for the past five (5) years – without any challenge whatsoever – at:

https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/033116_PAGsSchied%26Squires_Joinderof-14-ClaimantsCrimeVictims/CoverFiling%26MemorandumofLaw/MemorandumofLaw/MemorandumofLawonBLACclaimsonJoinderClaimants_ALL.pdf

When such "*insurrection*" and "*domestic terrorism*" occur by those the Sovereign People have hired with "*fiduciary obligations*" under the PUBLIC TRUST to "*faithfully execute*" their DUTIES OF OFFICE in accordance with their OATHS OF OFFICES, **it is time for the "*Masters*" of these "*public servants*" to**

take back their sovereign Powers. [40] This is when the Sovereign People exercise their own unique "*Common Law Jurisdiction*" as detailed in the **"*MEMORANDUM OF LAW & JURISDICTION*"** [41] and the **"*MEMORANDUM ON RIGHTS OF (WE), 'THE PEOPLE'*"**. [42]

With regard to Piersol **summarily nullifying Beneficiary/Relator's previous argument** that …

> "*a Grand Jury should be empaneled, private prosecution should be allowed and initiated, and all Defendants should be arrested immediately and imprisoned pending a public hearing to answer Plaintiff's allegations*" …

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[40] *See* Beneficiary/Relator's formalized "***Memorandum of Law…Pertaining to 'Whether judicial 'legislation' is Constitutional'**; and 'whether judicial 'independence' authorizes 'bad' behavior'; and, 'whether 'substantive' Evidence can be 'procedurally' stricken** [or dismissed]'; and, '**whether Evidence of a 'Pattern and Practice' of government coercion constitutes 'Treason' and/or 'Domestic Terrorism'***" which was date-stamped as "*received*" by the USDCEDM on 11/18/15 and posted publicly this past five (5) years in the Beneficiary/Relator's previously established ARTICLE III COURT OF RECORD without challenge or rebuttal, located at: **https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/083116_2ndCrimeReport2USAttnyGeneralLynchonEvents%2BMagisCrime/Exhibits2AffidavitFollowUptoUSAGLynch/EX_60_EntireMemorandumofLawinSupporInterlocutAppeal111815.pdf**

[41] This full nine (9) page "*memorandum*" dated 6/25/15, as submitted to the ARTICLE III COURT OF RECORD in the case of "*Schied v. Khalil, et al*" is located online at: **https://constitutionalgov.us/sub/Michigan/Cases/David-Schied/Exh_4_Memorandum%20Law%20%26%20Juristiction.pdf**

[42] ***See* Footnote #9** above for previous reference to this document and its publicly posted location, also at: **http://www.ricobusters.com/?page_id=527**

… by an unsupported "*DENIAL*" of "BENEFICIARY'S / RELATOR's ***OBJECTION TO SEALING OF CASE*** and ***MOTION TO SHOW CAUSE*** and ***DEMAND (OR ORDER) FOR FEDERAL SPECIAL GRAND JURY INVESTIGATION***", it is to be noted that the Sovereign People have retained such rights under the NINTH and TENTH AMENDMENTS as Scalia set into reminder when writing the majority ruling in ***United States v. Williams***, 504 U.S. 36 (1992).

Further, the case of *United States v. Smyth*, *104 F.Supp. 283 (1952)* well-addresses the FACT that although "*private prosecutions*" appear to be abandoned, the institution of grand jurors, themselves, "[have] *retain enough of this tradition that they may initiate prosecutions based on information received from persons who have no connection officially with them*"; and nothing in law prevents the Sovereign People from reinstituting this Common Law practice anytime they see a need.

Moreover, SCOTUS is well-familiar the Common Law "*Right*" – and the common law history and constitutional issues involved – in private prosecutions; as well as the conditions under which "*absolute immunity*" is to be provided to "*private*" prosecutors as well as to "*government*" prosecutors. Essentially, **the critical element is** not one's governmental "*status*" but **one's "*role*" as an "*advocate*" for the "*Sovereign*"**, **being** the "*government – **of, by, and for – the People***".

In other words, **whenever and whoever the person acting in the *role* is NOT acting in the sovereign People's best interest, there is no "*immunity*" to be provided** [43], as Piersol and his "*judicial imposter*" predecessors and "*peer group*" of cohorts refuse to admit as *insurrectionists* and *domestic terrorists*.

> **"*When private individuals undertake an action, such as prosecution, that is 'traditionally associated with sovereignty,' they are deemed state actors exercising sovereign power and thus become subject to constitutional constraints*." *Jackson*, 419 U.S. at 352-353.** [44]
>
> **"*At common law, 'the better practice' was 'to institute an independent action in the name of the state' even when it was conducted by private counsel*." [45]

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[43] *supra*. See again, *John Robertson, Petitioner v. UNITED STATES, Ex Rel. Wykenna Watson* as it cites William Blackstone, *Commentaries* *2, "*The Constitution's use of terms such as 'crime,' 'offense,' and 'criminal prosecution' must be understood in light of their common law heritage …* [whereby] ***'the proper prosecutor for every public offence'* [was] "*the sovereign***". … "*Although the Constitution itself does not define these terms, their meaning is illuminated by common law traditions at the time the Constitution was drafted and ratified. See Crawford v. Washington, 541 U.S. 36, 42-50 (2004*)" … **"[*T]he Constitution's common-law background suggests that the Framers understood a 'crime' as … a breach and violation of the public rights and duties due to the whole community, considered as a community… an injury to the public [;] … and [understood] a 'criminal prosecution' as a response taken on the public's behalf*" (regardless of whether the person had the status as a "*public*" or a "*private*" prosecutor.**

This is the underlying basis, therefore, for Beneficiary/Relator referring to himself by the Common Law term, "*Private. Public Proxy*".

[44] *Jackson v. Metropolitan Edison Co*., 419 U.S. 345 (1974)

[45] High, James L. *A Treatise on the Law of Injunctions* § 1449, at 1460 (4th ed. 1905).

Thus, **Piersol's statement**, *"[t]he Court adhered to the principle that the accurate determination of guilt or innocence· requires the exercise of judgment by a prosecutor"* **creates a genuine issue of FACT triable by a JURY**… **one which has been repeatedly DENIED to Beneficiary/Relator by the listed CO-TRUSTEES of the STATE OF MICHIGAN and the UNITED STATES ("*et alia*"), as well as many yet unnamed "*DOES*".**

SHORT CONCLUSION WITH PRECISE RELIEF SOUGHT/DEMANDED

It should be amply clear that Beneficiary/Relator David Schied is technology-savvy, tenacious, dedicated, and committed enough to keep the TRUTH "*on the table*" in spite of the attempts of government "*actors*" to repeatedly "*strike*" and "*dismiss*" the TRUTH from ***their*** records while generating a plethora of additional fraudulence to their "*official*" record history.

As such, the "*repeated redress*" has resulted in "*repeated* [and compounded] *injuries*", which have been also repeatedly compounded in "*TREBLE DAMAGES*", now surmounting $918 BILLION as the now updated "*Demand for Relief*". [46]

[46] This amount – even as was originally demanded in the amount of $306 BILLION – is anything but "*frivolous*", given that the "*allegations*" amount to an indictment of the entire "*Administrative State*" of the EXECUTIVE and JUDICIAL "*branches*"; which need a complete revamping to reinstate "*honest government services*" via public hearings on violations of the U.S. CONSTITUTION and the RULES ENABLING ACT.

"*Relief*" is also demanded to include the ORDER for "*The Accused*" – to include the named alleged *judicial usurpers* – to surrender their "*corpus*" for imprisonment until such times as a "*speedy*" TRIAL BY JURY is executed; and/or, until "*performance bonds*" of these "*fiduciary agents*" – subject to OATHS and DUTIES of offices of the PUBLIC TRUST – are identified and surrendered to Beneficiary/Relator as the Sovereign Peoples' "*private prosecutor*" with his own ARTICLE III COURT OF RECORD.

Truthfully submitted,

____/s/_David Schied_____ Date: 9/10/21

DISABLED / BENEFICIARY
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CERTIFICATE OF COMPLIANCE [Rule 32(g)(1)]

This is to certify that this "*APPEAL BRIEF*" complies with FRAP Rule 32(a)(7)(B) since it contains a maximum of 12,997 words, as determined by the MS WORD/OFFICE 365 program of the MICROSOFT CORPORATION.

(7) Length.

(A) Page Limitation. A principal brief may not exceed 30 pages, or a reply brief 15 pages, unless it complies with Rule 32(a)(7)(B).

(B) Type-Volume Limitation.

(i) A principal brief is acceptable if it:

- contains no more than 13,000 words; or

The word count excludes any words provided in graphics that has been embedded in reference to undeniable EVIDENCE of an OBSTRUCTION OF JUSTICE by the lower court "*actors*"' secondary coverup of predicate RICO crimes by their "*peer group*" of other "*government*" criminals, who are referenced herein as "*insurrectionists*" and "*domestic terrorists*".

Truthfully submitted,

____/s/_David Schied_____ Date: 9/10/21

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