No.

In The
Supreme Court of the United States

In Re: David Schied,
Petitioner

This Extraordinary Writ is in Accompaniment of two petitions for Writ of Certiorari Currently on Appeal from The United States Court of District Court for the Eastern District of Michigan
and the
United States Court of Appeals for the Sixth Circuit
Cited as
Application No. 10A1017
And
Application No. 10A1018

PETITION FOR WRIT OF MANDAMUS

David Schied
Pro Se
PO Box 1378
Novi, Michigan 48376
248-946-4016

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QUESTIONS PRESENTED

1. In 1979, Petitioner received a Texas court Order of "*early termination of probation*" on a first-time-only-time teenage offense. That Order "*withdrew the plea, dismissed the indictment, and set aside the judgment*" for a 1977 offense. The State of Texas failed to update their records to reflect this clemency however; so when Petitioner later applied for a Texas governor's "*full pardon and reinstatement of full civil rights*" in 1983, the Governor granted that petition. Yet the State of Texas failed again to correct their criminal history database to reflect this second form of "*clemency*". Subsequently, Petitioner unwarily moved on with his life in the film and television industry, in graduating from USC with dual degrees and honors, in starting a family, and in beginning his third successful year as a professional teacher by 2003 when a Michigan school district administrator responded to an erroneous FBI report by terminating his contracted employment, denying Petitioner his right to "*challenge and correct*" that report, when disseminating letters calling Petitioner a "*liar*" and a "*convict*", when placing the FBI report erroneous into the schools district's public personnel files, and when disseminating that FBI report to the public under FOIA in 2003, in 2006, and again in 2009. In 2006, the Michigan Court of Appeals judges Mark J. Cavanagh, Deborah A. Servitto, and Karen M. Fort Hood generated an "*unpublished*" ruling stating that neither a 1979 Texas court order of "*set aside*" nor a 1983 Texas governor's "*full pardon*" were sufficient enough to erase a disposition of "*conviction*" against Petitioner, sufficiently enough for Petitioner to check a box of "*not been conviction and not pled guilty or nolo contendere*" on a job application for special education schoolteacher a quarter century later after receiving two types of clemency. The Court of Appeals did not litigate the fact that Texas attorney generals had opined otherwise. The Court of Appeals also did not litigate that Petitioner was denied his federal right by the school district administrator to "*challenge and correct*" the FBI identification record, and they did not litigate that Petitioner had put the Court of Appeals on notice that the government defendants and their attorney were committing "*fraud upon the Court*" to cover for the district administrator's violation of numerous laws by disseminating the contents of that FBI publicly through FOIA. *"Was such a ruling by the Michigan Court of Appeals therefore "unconstitutional, and should Petitioner David Schied be entitled to a rehearing on the facts that appear to have been intentionally overlooked by the Michigan Court of Appeals in 2006?"*

2. The Appendix of exhibits for this Petition presents an egregious level of civil rights and constitutional violations by the executive and judicial branches of government operating in and around Michigan – as characterized by the abuse of "*discretion*" and the misuse of "*color of law*" to impose collateral sanctions and double jeopardy, and the deprivation of due process, full faith and credit, privileges and immunities. This Appendix of exhibits also suggest a felonious cover-up by State and Federal law enforcement officials and judges, of Evidence and sworn and notarized testimony, that school district administrators from TWO Michigan school districts have for the past 7 ½ years been violating the terms of the Crime Prevention and Privacy Rights Compact between the federal government and the States, as well as laws government Michigan's highly regulated Criminal Justice Information System, by disseminating – in 2003, 2005, 2006, and again in 2009 – to other employers and to the public under the Freedom of Information Act, an erroneous 2003 FBI identification record, and a Texas court "*Agreed Order of Expunction*" that Petitioner acquired in 2004 while otherwise relying upon his federal right to privacy under 5 U.S.C. § 552a(i), and his right under 28 C.F.R. 50.12 to "*challenge and correct*" the inaccuracy of the FBI reports received by these two school districts. "*Does the Appendix of Exhibits therefore present enough evidence to show that Michigan government officials have been committing a chain of unconstitutional offenses against Petitioner and against the federal government and Congress sufficient enough to be considered CRIMES, and enough to warrant an investigation by a federal grand jury with exclusions to government claims to 'immunity'?*"

3. Based upon an appropriate consideration of the Evidence in context of the first two questions presented by this Petition, it is clear that the Michigan attorney generals Mike Cox and Bill Schuette, the U.S. attorneys Stephen Murphy, Terrence Berg, and Barbara McQuade, and the United States attorney generals Michael Mukasey and Eric Holder have all already deprived Petitioner, both as a reported "*crime victim*" and a taxpayer, of his constitutional and statutory rights to "*honest government services*", and to have Petitioner's demands met for his reports of numerous "*predicate*" and "*secondary*" level crimes of "*racketeering and corruption*" to be properly brought before a "*special grand jury*" as required under 18 U.S.C. §3332. The evidence proves that Petitioner has exhausted all available State and Federal administrative and judicial remedies and this U.S. Supreme Court is the "*last resort*" of constitutional remedy. Therefore, "*is not there the need for an "Order for Writ of Mandamus" to be delivered upon Attorney General Bill Schuette, U.S. Attorney Barbara McQuade and*

U.S. Attorney General Eric Holder, Jr. mandating that they "cease and desist" from feloniously "obstructing" the duty of the federal special grand jury "to inquire" about crimes, including government crimes in gross violation of the National Crime Prevention and Privacy Compact, being reported by citizens within that regional jurisdiction of the Eastern District of Michigan and the Sixth Circuit, and ordering them instead to cooperate together in presenting Petitioner David Schied, as well as his State and Federal evidence, to the special grand jury?"

LIST OF PARTIES

Petitioner is pro se and forma pauperis. Contact information for him is located on the cover page of this Petition.

The Respondents' attorneys are as follows:

Bill Shuette – Michigan Attorney General
525 W. Ottawa St.
P.O. Box 30212
Lansing, MI 48909
(517) 373-1110

U.S. Attorney Barbara McQuade
Attn: Criminal Division
211 West Fort Street, Suite 2001
Detroit, MI 48226
313-226-9700

U.S. Attorney General Eric H. Holder, Jr.
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530-0001

JURISDICTION

Federal courts:

The dates on which the United States Court of Appeals decided my two cases were January 14, 2011 and January 19, 2011. Those Orders are provided in the Appendix as exhibits labeled "A1" and "A3" respectively.

There was an extension of time to file two different petitions for Writ of Certiorari. Application No. 10A1017 was granted to and including June 13, 2011 on April 18, 2011 in. Application No. 10A1018 was granted to and including June 18, 2011 also on April 18, 2011.

The jurisdiction of this Court is invoked under 28 U.S.C. §§1251, 1254 and §1257(a).

Petitioner appeals the final order of dismissal entered January 14, 2011 and January 19, 2011 by the United States Court of Appeals for the Sixth Circuit. Appellant timely filed his "*Notice of Appeal*" in both cases, along with his *Motion(s) for Permission to Appeal in Forma Pauperis* and his *Affidavit(s) Accompanying Motion for Permission to Appeal in Forma Pauperis.*

The Court also has jurisdiction under the 5 U.S.C. § 702 (*Right of Review*).

The jurisdictional basis for petitioner's two original 42 U.S.C. § 1983 Complaints are similar. Respondents, while operating in their individual and official capacities, did intentionally ignore and disregard petitioner's civil rights and constitutionally protected rights; and did intentionally ignore and disregard the civil rights of underage disabled children ("*child*" in one case, "*children*" in the other) for whom the Respondents otherwise had the duty to protect. Authority is thus provided by 20 U.S.C. Chapter 33 §1400(d)(1), §1401(9) and (14), §1403, §1407(b), §1408(b), §1412, §1413, §1415, §1416, under Education of Individuals with Disabilities. Authority is also provided under the Code of Federal Regulations, Title 34 (Education), Sections 300.34, 300.101, 300.116, 300.220, 300.222, 300.501, 300.556 and 300.600. Additionally, federal jurisdiction is held under the Whistleblower Protection Act of 1989 (5 U.S.C. § 2302).

This court has subject matter jurisdiction to consider this Petitioner's claim of violation of Federally guaranteed unalienable Rights under 28 U.S.C. § 1331, which places the U.S. Supreme Court in the position of Jurisdiction over claims of Federal Questions and claims of violation of common law, constitutionally guaranteed and protected Fundamental Rights, which are also enforced against violation by State actors pursuant to statutory law as well, including but it is not limited to Title 42 U.S.C. § 1983; and; Title 18 U.S.C. § 1964(c) (*Racketeer Influenced and Corrupted Organizations Act*), (hereafter "RICO").

The jurisdictional basis for petitioner's appeal relies upon 28 U.S.C. §1343(a)(3) as it provides jurisdiction of the United States with issues involving equal rights of U.S. citizens, involving any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress, and any redress of a deprivation of those rights under color of any State law, statute, ordinance, regulation, custom or usage. 28 U.S.C. §1343(a)(4) additionally provides for the

recovery of damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights.

The Jurisdiction of the Supreme Court in cases against individuals who are Officers and Officials of the State acting under color of law in regards to State Statue and Constitutional Provisions, and where claims of violations of federally guaranteed Rights challenge the constitutionality of as state law is well established in the history of the District and Federal Courts in the cases of *Ex parte Young*, 209 U.S. 123 (1908), *Scheuer v. Rhodes*, 416 U. S. 232 (1974), and even more exhaustively in the case of *Sterling v. Constantin*, 287 U.S. 378 (1932)(*infra*).

Petitioner's original Complaint was submitted along with a "*Sworn Affidavit and Complaint*" established as part of the official record. That "*crime report*" put the U.S. District Court, the Sixth Circuit Court, and now this U.S. Supreme Court on notice that the Respondents have been and are now being reported to have committed crimes of Title 18, U.S.C., §242, *DEPRIVATION OF RIGHTS UNDER COLOR OF LAW*, Title 18, U.S.C. §241, CONSPIRACY AGAINST RIGHTS, Title 18, U.S.C., §246, *DEPRIVATION OF RELIEF BENEFITS*. The Jurisdiction of this Court to issue Orders for remedy by temporary and permanent injunction is well established by the cases of *Ex parte Young* and *Sterling v. Constantin* (*supra*). Jurisdiction for Declaratory relief is upheld by the Declaratory Judgment Act, and this case seeks remedies under 28 U.S.C. §§ 2201 and 2202.

Petitioner has repeatedly notified the United States courts that he relies upon Title 18, U.S.C. § 3771, *RIGHT OF CRIME VICTIMS TO REASONABLE PROTECTION FROM THE ACCUSED*. **Petitioner has also repeatedly reminded these Courts that under Title 18, U.S.C. § 3332 ("*Powers and Duties of the Special Grand Jury*")**

> **"*It shall be the duty of each such grand jury impaneled within any judicial district to inquire into offenses against the criminal laws of the United States alleged to have been committed within that district.* Such alleged offenses may be brought to the attention of the grand jury by the court or by any attorney appearing on behalf of the United States for the presentation of evidence. Any such attorney receiving information concerning such an alleged offense from any other person shall, if requested by such other person, inform the grand jury of such alleged offense, the identity of such other person, and such attorney's action or recommendation."**

Petitioner relies upon federal statute 42 U.S.C. § 1988 (*Proceedings in Vindication of Civil Rights*) which maintains the following:

> *"(a) Applicability of statutory and common law: The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of titles 13, 24, and 70 of the Revised Statutes for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the*

*object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, **the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, SHALL be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty.***

In addition to the above jurisdiction of this court given by the RICO and Civil Rights Statues that vest this Court with jurisdiction over the broad and expansive common law crimes against the Petitioner's Rights, the matter of "*unalienable*" Rights under common law are well within the jurisdictional duty of this Court to decide as they:

"...are of great magnitude, and the thousands of persons interested therein are entitled to protection from the laws and from the courts equally with the owners of all other kinds of property, and the courts having jurisdiction, whether Federal or State, should at all times be open to them, and, where there is no adequate remedy at law, the proper course to protect their rights is by suit in equity in which all interested parties are made defendants."

Ex parte Young, *supra*, at p. 126

The Jurisdiction of the federal courts to make findings of money damages against the Respondents is well established in *Scheuer v. Rhodes*, 416 U.S. 232 (1974).

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JUDGMENTS, ORDERS, AND OPINIONS SOUGHT FOR REVIEW

Petitioner respectfully requests a review of the State and Federal judgments, orders, and opinions below as copies of all are found in the Appendix of Exhibits.

Appendix A – These are the Opinions and Orders precipitating the need for the two other Petitions for Certiorari referenced as Application No. 10A1017 and Application No. 10A1018 provided as follows:

A1 – *Schied v. Ronald Ward, et. al* (1/14/2011)
A2 – *Schied v. Ronald Ward, et. al* (12/22/2009)
A3 – *Schied v. Scott Snyder, et. al* (1/19/2011)
A4 – *Schied v. Scott Snyder, et. al* (1/22/2010)

Other Judgment Orders to review on the merits, many which follow lineages of cases to the highest State court, appear in Appendix B to the Petition and are listed as follows:

STATE COURTS AND PROCLAMATION OF THE TEXAS GOVERNOR:

B1 – *State of Texas vs. No. 266491 Schied: David, Eugene* (12/20/1979)
B2 – By Proclamation of the Governor of the State of Texas (6/1/1983)
B3 – *Ex Parte David Eugene Schied* (10/1/2004)
B4 – "*Rudy Valentino Cuellar v. State of Texas*"; ***70 SW3d 815 (Tex Crim App 2002)***
B5 – "*Opinion DM-349*", Office of the Attorney General Dan Morales for the State of Texas. Issued 5/31/1995.
B6 – "*Order Granting Defendants' Motion to Compel Discovery*", Circuit Court for the County of Washtenaw, Michigan. "*David Schied v. Sandra Harris and the Lincoln Consolidated School District Board of Education*". Case No. 4-000577-CL. Issued 12/10/04.
B7 – "*Order Granting Defendants' Motion for Summary Disposition*", Circuit Court for the County of Washtenaw, Michigan. "*David Schied v. Sandra Harris and the Lincoln Consolidated School District Board of Education*". Case No. 4-000577-CL.
B8 – Final judgment ruling (unpublished) "*David Schied v. Sandra Harris and the Lincoln Consolidated School District Board of Education*", 2006 WL 1789035 (Mich Ct App No. 267023). Issued June 29, 2006.
B9 – "*Order of Denial of Leave to Appeal to the Michigan Supreme Court*", Michigan Supreme Court, SC: 131803; COA: 267023; Washtenaw CC: 4-000577-CL. *David Schied v. Sandra Harris and the Lincoln Consolidated School District Board of Education*" Issued 11/29/06.

B10 – "*Order Granting Defendant's Motion for Summary Disposition*", Circuit Court for the County of Wayne, Michigan. Case No. 06-633604-NO. "*Schied v. Northville Public School District*". Issued 4/19/07.

B11 – "*Order of Dismissal*", Circuit Court for the County of Ingham, Michigan. "*Schied v. State of Michigan, et al.*" Case No. 07-1256-AW. Issued 12/07/07.

B12 – Judgment ruling (published) "*Eric C. Frohriep and All Others Similarly Situated v. Michael P. Flanagan, Jeremy M. Hughes, and Frank P. Ciloski*", Michigan Court of Appeals, Case No. 273426, Ingham Circuit Court No. 06-000430-NZ. Issued 5/10/07.

B13 – "*Order of Denials*", Michigan Court of Appeals, COA Case No. 282804; Ingham County Circuit Court No. 07-001256-AW. "*Schied v. State of Michigan, et al.*" Issued 5/11/09.

B14 – Michigan Court of Appeals' *unpublished* "*Memorandum*"; Michigan Court of Appeals, COA Case No. 282804; Ingham County Circuit Court No. 07-001256-AW. "*Schied v. State of Michigan, et al.*" Issued 5/19/09.

B15 – "*Order of Denial of Leave to Appeal to the Michigan Supreme Court*", Michigan Supreme Court, SC: 139162; COA: 282804; Ingham County Circuit Court: 4-000577-CL. Issued 11/29/06.

B16 – By "*Order of a Higher Power*": The "Resignation Letter of Michigan Supreme Court Justice Elizabeth Weaver", dated 8/26/10.

FEDERAL COURTS – The Opinions of the United States District Court and Sixth Circuit Court of Appeals appear in Appendix B and are listed below.

B17 – "*Opinion and Order (1) Granting Defendants' Motions for Summary Judgment; and (2) Holding in Abeyance Defendants' Motion for Sanctions*", U.S. District Court for the Eastern District of Michigan, Southern Division. Case No. 08-CV-10005; Judge Paul D. Borman. "*Schied v. Thomas Davis, Jr. et al.*" Issued 5/30/08.

B18 – "*Order Denying Plaintiff's Motion to Expand/Enlarge The Record on Appeal*", U.S. District Court for the EDM, SD. Case No. 08-CV-10005; Judge Paul D. Borman. "*Schied v. Thomas Davis, Jr. et al.*" Issued 8/6/08.

B19 – "*Opinion and Order (1) Denying Defendant's Motion for Bond for Costs on Appeal; and (2) Denying Plaintiff's Motion for Sanctions Against Co-Defendants and Their Attorneys*", U.S. District Court for the EDM. Case No. 08-CV-10005; Judge Paul D. Borman. Issued 8/18/08.

B20 – "*In Re: Schied*" – "*Order of Dismissal*" on "*Petition for Writ of Mandamus*" and accompanying "*Motion for Criminal Grand Jury Investigation*", U.S. Court of Appeals for the Sixth Circuit. Case No. 08-1895; Judges Martha Daughtrey, David McKeague, and Gregory Van Tatenhove, Issued 8/5/08.

B21 – "*Order*" (unpublished) in the case of "*David Schied v. Jennifer Granholm, Leonard Rezmierski, Fred Williams, Sandra Harris, and Thomas Davis*", U.S.

Court of Appeals for the Sixth Circuit. Case No. 08-1879. Judges "*chief*" Alice Batchelder, Eugene Siler Jr., and Julia Gibbons. Issued 10/26/09.

B22 – "*Order and Opinion Dismissing Complaint Under Fed. R. Civ. P.8*" in the case of "*David Schied v. Martha Craig Daughtrey, et al.*" (dated 12/29/08) U.S. District Court for the EDM. Case No. 08-14944

B23 – "*Order and Opinion*" in the case of "*David Schied v. Martha Craig Daughtrey, et al.*" (dated 2/10/09) U.S. District Court for the EDM. Case No. 08-14944

B24 – "*Judgment*" and "*Opinion and Order*" dated 3/25/09, in the case of "*David Schied v. Martha Craig Daughtrey, et al.*", (U.S. District Court for the EDM). Case No. 08-14944.

BRIEF JURISDICTIONAL STATEMENT

For the listed federal cases:

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For the listed stated cases:

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1) Article IV §1 of the U.S. Constitution *(full faith and credit)*
2) Article IV §2 of the U.S. Constitution *(privileges and immunities)*
3) First Amendment to the U.S. Constitution *(redress of grievances)*
4) Fifth Amendment to the U.S. Constitution (*witness against self; due process; double jeopardy*)
5) Sixth Amendment to the U.S. Constitution *(trial by jury)*
6) Seventh Amendment to the U.S. Constitution *(no fact tried by jury reexamined)*
7) Ninth Amendment to the U.S. Constitution *(limits of enumerated rights)*
8) Tenth Amendment to the U.S. Constitution *(rights not delegated are reserved)*
9) Thirteenth Amendment to the U.S. Constitution *(bars against peonage; servitude only for the convicted)*
10) Fourteenth Amendment to the U.S. Constitution *(equal protection of laws)*
11) Michigan Constitution, Art. I, §24, William Van Regenmortor Crime Victims' Rights Act (MCL 780.751 through 780.775) and Constitutional Amendment *(right to reasonable protection from "the Accused")*
12) MCL 18.351 – *[Crime Victim's Compensation Board (definitions) in defining a "crime"]*
13) MCL 761.1 – ("*indictment*" is a "*complaint*" defined as "*formal written accusation*")
14) MCL 764.1(a) – *(magistrate's duty to issue a warrant upon complaint)*
15) MCL 767.3 – *(complaint constitutes "probable cause" for judge's inquiry)*
16) National Crime Prevention and Privacy Compact:
    a) Title 42 U.S.C. §14616 (United States)

b) Act 493 of 2008 (MCL 3.1051through 3.1053)

17) MCL 28.211 et. seq. (*Michigan's CJIS Policy Council Act*)
18) 28 Code of Federal Regulations (CFR) §50.12 *(right to retain employment while challenging and correcting FBI identification records)*
19) 15 U.S.C. §1681-1681u (*Fair Credit Reporting Act of 1970 as amended*)
20) 42 U.S.C. § 2000d, *Title VI of the Civil Rights Act of 1964 (discrimination based on race)* *(*See* Appendix entry)
21) 42 U.S.C. §2000e-2, *Title VII of the Civil Rights Act of 1964 (disparate impact)*
22) 42 U.S.C. § 1981(a) *(full and equal benefit of all laws)*
23) 42 U.S.C. § 1983 *(deprivation of rights under color of law)*
24) 5 U.S.C. § 552a(i) (of the *Privacy Act of 1974*)
25) 18 U.S.C. §641 (***theft of public** money, property or **records***)
26) 18 U.S.C. § 3 (*Accessory after the fact*)
27) 18 U.S.C. § 4 (*Misprision of felony*)
28) 18 U.S.C. §§241 and 242 "*[(Conspiracy to...) Deprive of Rights using 'Color of Law"]*
29) 18 U.S.C., Chapter 96 (*Racketeering Influenced and Corrupt Organizations*)
30) 18 U.S.C. §1962(d) – *(Conspiracy to violate the RICO Act)*
31) Title 18, U.S.C. § 3771 *(Crime Victims' Rights)*
32) 18 U.S.C. §3332 (***special grand jury to inquire and duty of prosecutor to report by citizen request***)
33) MCL 750.462a (Michigan Penal Code – *"Extortion"*)
34) MCL 338.42 --- MCL 338.46, Act 381 of 1974 *(Occupational License for a Former Offender)*
35) MCL §15.243(1) of Michigan's ***Freedom of Information Act*** (Act 442 of 1976)
36) MCL 380.1230, MCL 380.1230(a) and MCL 380.1230(g) of Michigan Revised School Codes (*disclosure constitutes a criminal misdemeanor*)
37) MCL 380.1230(b) of Michigan Revised School Codes (*disclosure constitutes a criminal misdemeanor*)
38) MCL 722.622(q) of Michigan Child Protection Law (*"Expunge" means remove / destroy*)
39) MCL 780.623 of Michigan Set Aside Law (*disclosure constitutes a criminal misdemeanor*)
40) Article 55.03, Tex. Code of Crim. Procedures. *(Texas Expunction Law)*
41) Article 60.06(b), Texas Code of Criminal Proc. (*Information not subject to public disclosure*)

STATEMENT OF THE CASE FOR AN "*EXTRAORDINARY WRIT*"

This case questions what degree this U.S. Supreme Court will either condone the pattern of criminal corruption dividing people into those with government status and power and those without it, or to begin setting the course of this nation back toward its constitutional roots. This case defines "*state actors*" in regard to

protections of Petitioner's rights under the First, Fifth, Sixth, Seventh, Ninth, Tenth, Thirteenth, and Fourteenth Amendments. This case questions what remedies are left when Petitioner, acting not only on his own behalf, but also on behalf of his dependent family, has been tortuously stripped of his Constitutional and statutory rights by government and has exhausted every available administrative and judicial remedy. This case also searches for some semblance of government responsibility and accountability for the facts below, and argues for the right of Petitioner to bring his criminal allegations, complaints, and Evidence of government racketeering and corruption before the Special Grand Jury under 18 U.S.C. §3332.

This "*Petition for Writ of Mandamus*" ties together two cases now before the U.S. Supreme Court listed as **Application No. 10A1017** filed in regards to Petitioner himself, and **Application No. 10A1018** filed on behalf of "*Student A*", Petitioner's fourteen (14) year old child, now residing with Petitioner after a parent divorce occurring in late May 2011.

INTRODUCTION AND OVERVIEW: (Backdrop and Case History)

Petitioner has been suffering a long string of civil rights abuses and crimes by government since 2003. These abuses and crimes have been fashioned at both "*predicate*" and "*secondary*" levels as both misdemeanor and felony offenses against Petitioner by school district administrators, state and federal law enforcement, and state and federal judges depriving Petitioner, as a public special education schoolteacher, of numerous Constitutional and statutory provisions pertaining to privacy, due process, privileges, immunities, employment, and the peaceful pursuit

of happiness. The characteristic of these government crimes, as well as the cover-up by the governments' "*peer groups*", are properly defined under the RICO Act.

The instant cases on appeal, both from the Sixth Circuit, involve a "*dual stream*" of civil rights offenses by the administration, employees, and attorneys representing principally three (3) Michigan school districts. Petitioner's two Complaints from the U.S. District Court for the Eastern District of Michigan, on appeal now to the U.S. Supreme Court after concurrence by judges of the Sixth Circuit, were both filed under 42 U.S.C. §1983, for "*deprivation of rights under color of law*".

Petitioner has also had other cases in both State and United States courts, filed a both criminal "*racketeering and corruption*" cases and as civil rights cases, which have added numerous names of individuals employed as Michigan and United States law enforcement officials. As show below in statements and, more importantly, by the extensive **Appendix** accompanying this Petition, all of these previous court cases were unconstitutionally dismissed, with instances of gross negligence, malfeasance, and "*fraud*" being documented by these "*official*" records.

The essential reason for the Brighton Area Schools' (BAS) administration (i.e., the third Michigan school district) having instituted a hostile workplace environment in the first place is found itself in two "*streams*" of unrelated constitutional and civil rights actions. First was because Petitioner had been exercising his constitutional right to "*redress his grievances*" against the administrators of two other Michigan school districts that had demonstrated a long history of constitutional violations. Second was because Petitioner was making

known that the administration of the BAS was violating the rights of disabled students to a Free and Appropriate Public Education under *No Child Left Behind* and the Individuals with Disabilities in Education Act (IDEA).

THE FIRST "*STREAM*" OF CRIMINAL AND CIVIL RIGHTS OFFENSES

OVERVIEW

The BAS administration retaliated against Petitioner for his having pursued civil rights and criminal claims in state and federal courts in 2007 and 2008 against the Michigan governor and attorney general, the superintendents of the two *other* Michigan school districts, the State of Michigan, and the Texas Department of Public Safety; and while Petitioner had been citing 42 U.S.C. §1983 as the basis for his complaints of "*deprivation of rights under color of law*".

The criminal and civil rights offenses named by these complaints were the latest in a long *stream* of actions that had been occurring since 2003 and 2004 when Michigan government repeatedly denied Petitioner's right to privacy during and after Petitioner exercising his federal right to properly "*challenge and correct*" erroneous FBI identification records being furnished to two Michigan school district employers. Petitioner had been executing such challenge by right under 28 C.F.R. §50.12, and by entitlement of the letter, if not the spirit of 5 U.S.C. §552a, the National Crime Prevention and Privacy Compact (of 1998), and numerous other consumer protection, privacy rights, and freedom of information laws.

The violators of Petitioner's right to privacy were the school district administrators of the LINCOLN CONSOLIDATED SCHOOLS (LCS) and the NORTHVILLE PUBLIC SCHOOLS (NPS). The administration of the Northville Public Schools and their attorneys from the KELLER THOMA, P.C. law firm are

also instrumentally involved with the other case (Application No. 10A1018) now on appeal in this United States Supreme Court.

FIRST "*STREAM*" (Part I) ---------- LINCOLN CONSOLIDATED SCHOOLS

Essentially, the administration and Board of Education of the FIRST school district, the Lincoln Consolidated School District (LCS), has been engaged in unconstitutional acts since November 2003 by their committing the following misdeeds:

a) The LCS administration terminated Petitioner's teaching contract, purportedly based upon the erroneous 2003 FBI report they received, which the District claimed to be "*true*" despite Petitioner providing legal evidence to the contrary.

b) **School district administration committed numerous criminal misdemeanors against Petitioner before even bringing the FBI report to Petitioner's attention:**

   1. Former "*interim*" superintendent SANDRA HARRIS maliciously faxed the FBI report outside the receiving human resources office to open locations both on and off the campus owned by the school district.
   2. Sandra Harris disseminated the erroneous contents of the 2003 FBI report, by issuing a defamatory letter to a *laundry list* of Petitioner's co-workers and supervisors accusing Petitioner of being a "*liar*" and a "*convict*". **(See "Appendix D1" as two such letters written and distributed by Harris.)**

c) The day prior to terminating his employment, Sandra Harris disseminated a second defamatory letter about Petitioner while referencing the erroneous information contained in the FBI identification record. She did this despite that Petitioner had provided Harris with copies of two **quarter-century old** clemency

documents of a 1979 Texas *"set aside"* ("Appendix B1") and a 1983 Texas governor's "*full pardon*" ("Appendix B2") for the single first-time-only-time teenage offense named by the 2003 FBI report, which otherwise reflected a far outdated disposition of "*conviction*" and a status of "*probation*".

d) Harris' administration, after terminating Petitioner's employment, placed the erroneous FBI report along with her two defamatory letters into the district's public personnel files; and through their business office manager CATHY SECOR began immediately disseminating all of that "*nonpublic*" information to the public under the Freedom of Information Act (see "*exhibit D*" of "Appendix C1") while continuing to deprive Petitioner of his codified right to keep his job while challenging and correcting that information. [Note that the law firm representing Cathy Secor in the 2004 civil case that resulted from these tortuous actions is the same law firm representing the instant Respondents from the Brighton Area Schools (BAS), from FOSTER, SWIFT, COLLINS & SMITH, P.C. in Lansing, Michigan. (*See* "Appendix B6" for reference to an "*Order Granting Defendants' Motion to Compel Discovery*" showing that Secor was then being represented by Foster, Swift, Collins, & Smith, P.C.)]

Petitioner has proof in evidence and in sworn and notarized Affidavits that since 2003 the LCS business office has continued to maintain the "*nonpublic*" FBI identification record in district's *public* personnel files, and has freely disseminated that same erroneous FBI report to the public in response to FOIA requests in 2003, in 2006, and again in 2009. (*See* "Appendix C1" for the sworn and notarized

statement of a third-party *witness*, EARL HOCQUARD, to this most recent crime against Petitioner and against the People of the United States.)

Petitioner has even more evidence showing that, for more than half of this past decade, the law enforcement, the administrative branch, and the judiciary of Michigan government are involved in a "*conspiracy to deprive*" Petitioner of his rights to a continual redress of his grievances on the above offenses. The Evidence suggests that the reason for this *cover-up* of these "*predicate*" misdemeanor crimes, is because the further exposure and *litigation* of these crimes will open up a new "*can of worms*" in evidence of the fact that the government "*actors*", on behalf of the State of Michigan, have been failing their duties otherwise under contract with the United States government, to properly "*self-police*" and "*self-report*" their own violations of the National Crime Prevention and Privacy Compact and the rights of disabled children under the Individuals with Disabilities in Education Act (IDEA).

The "*chain*" of separate incidents and collective conspiracy of actions recorded by Petitioner this past eight (8) years points to numerous "*secondary*" level felony offenses in widespread evidence of *top-to-bottom* corruption throughout numerous Departments of the Michigan government and extending into the corresponding U.S. Department of Justice, the U.S. Department of Education, and the United States district and circuit courts themselves.

The school district administrator Sandra Harris, initially responsible for the early chain of events, had deliberately used the FBI identification record in 2003 as a smokescreen and ploy for covering up the fact that, by the time the FBI report

arrived to the school district's HR department Petitioner had already initiated a union grievance against Harris for violating the union contract when refusing to provide proper employment credit to Petitioner's previous two years of full-time paid teaching experience when placing him at the bottom of the salary scale at the time of hire in September 2003.

Additionally, because Harris had already "*unofficially*" terminated Petitioner's employment and irresponsibly disseminated the contents of the FBI identification record prior to even confronting Petitioner with this *nonpublic* information, Harris unconstitutionally used the erroneous 2003 FBI report and "*color of law*", purportedly in the "*interest of the children*" and on behalf of the school board, to justify her terminating Petitioner and "*converting*" his contracted teacher salary from a "*debit*" to a "*credit*" just after being promoted from "*assistant superintendent of human resources*" to "*interim-superintendent*" for the school district. Harris, in her newfound position, was wrongfully using Petitioner's reputation and career to boost her own career ambitions. She used the FBI report as her means, and Mr. Schied's reputation as her "*footstool*" for getting district-wide attention to herself.

Since 2003, the LCS District and their PLUNKETT-COONEY law firm attorney MICHAEL WEAVER have been using "***wrongs to cover up wrongs***", and "***crimes to cover up crimes***" by defrauding numerous State and Federal courts, both by wire and through the U.S. Mail.

Note that **"Appendix D2"** contains a compilation of three "*exhibits*" as Petitioner's 2008 and 2011 "*attorney misconduct*" complaints and Petitioner's 2010

"*sworn and notarized criminal complaint*" with the Oakland County Prosecutor JESSICA COOPER. The Attorney Grievance Commission dismissed both the first (2008) and the second (April 2011) complaint without a supporting basis. Meanwhile, **Prosecutor Jessica Cooper prejudicially denied any action on Petitioner's crime report and deprived Petitioner of his enumerated "*right*" as a crime victim, under the Michigan Constitution, to be reasonably protected against further victimization by "*the Accused*". Prosecutor Cooper based her determination on the unconstitutional grounds – which that agency provided over the phone but refused to place into writing – that "*crime victims*", as individual citizens, "*are not entitled to initiate criminal proceedings against other individuals*".**

The above facts are significant because the basis of Prosecutor Cooper's denial is a recurring theme as placed directly into the Order of case dismissal now on Appeal from the United States District Court for the Eastern District of Michigan, as upheld by the U.S. Court of Appeals for the Sixth Circuit.

Petitioner has sworn and notarized Affidavits from those who have confirmed that they had received the erroneous 2003 FBI report through the U.S. Mail under FOIA from the Lincoln Consolidated Schools business office, in 2003, in 2006, and again in 2009. (*See* "**Appendix C1**" as the Affidavit covering 2009) Each occurrence constitutes separate criminal misdemeanors; and collectively they constitute felony offenses against Petitioner – as well as against the federal government, the People of the United States and Congress. **Petitioner refers to numerous State and United States statutes inclusive of those listed above on pages 1-2 of this Petition.**

These acts, in proper context of other actions surrounding this case, constitute a chain pattern of felony offenses to include extortion under color of official right (18 U.S.C. §§241 and 242), through the theft and misuse of official court and U.S. Dept. of Justice records obtained by the school districts under strict conditions of privacy (18 U.S.C. §641); and through violations of the National Crime Prevention and Privacy Compact, the Privacy Act of 1974, Michigan and Texas set aside, pardon, and expungement statutes, Michigan's Revised School Codes, and numerous state and federal codes and statutes that stipulate citizens have the rights to individual privacy and to the correction of erroneous identification records being maintained and disseminated by the federal government.

For nearly eight (8) years now the Lincoln Consolidated Schools (LCS) has thus been depriving Petitioner of his rights to privacy, his good name, reputation and his true identity, which had developed through hard work since 1977. Besides *robbing* Petitioner of a full year of contracted salary in 2003, school district officials and the Michigan Department of Education have also been *extorting* from Petitioner the value of his paid university education and career as a professional schoolteacher; ultimately stripping Petitioner of his right to the pursuit of happiness as the sole supporter of his dependent learning disabled (now "*ex*") wife and young child.

Only recently, on 5/24/11, as a compounded result of all this oppression, Petitioner divorced. The filing began last July 2010, just after Petitioner was terminated from his employment for the second time from the Brighton Area Schools (BAS) due to continued retaliation from the BAS school district

administration and their Board of Education because of years of Petitioner asserting his First Amendment right to redress in State and Federal courts.

These continual criminal offenses being carried out against Petitioner by LCS (and other Michigan school districts) are retaliatory in nature, serving also to maintain Harris' initial "*smokescreen*" by keeping the focus on a single, three-and-a-half decade old "*first-time-only-time*" teenage offense, for which a 1977 sentence of "*probation*" (which was recommended by a jury after hearing witness testimony of the original facts) was followed by the Texas sentencing court's 1979 "*Early Termination Order of the Court Dismissing the Cause*" (*see* again "**Appendix B1**") that included a "*withdrawal of plea*", and "*dismissal of indictment*" and a "*set aside of judgment*".

Essentially, Michigan government officials and their high–flying taxpayer–funded law firms have been strategically using that 3 ½-decade old event "*under color of law*" to "*cover up*" the "*chain*" of other crimes being carried out today by those who have been and continue to be "*acting*" in direct violation of both State and Federal statutes governing the proper and improper handlings of FBI identification records, and the entitlement of individuals to "*challenge and correct*" those records. Moreover, though the Michigan Attorney General, as the instrument of government, is ultimately responsible for ensuring that the State Police and Michigan employer abide by the terms of the National Crime Prevention and Privacy Compact, the Evidence being presented herein and unto this U.S. Supreme Court shows that the Office of the Michigan Attorney General has demonstrated a long history of dereliction and malfeasance by refusing to correct these known ongoing offenses.

FIRST "*STREAM*" (Part II) ---------- NORTHVILLE PUBLIC SCHOOLS

There is a SECOND school district, the Northville Public School District (NPS) administration and board of education, that is not so coincidentally involved in another U.S. Supreme Court case now on appeal (Application No. 10A1018). These NPS government officials have been doing the same thing the LCS district officials have been doing to violate Petitioner's privacy and commit crimes, except they are using a nonpublic Texas court's "*Order of Expunction*" ("Appendix B3") rather than an erroneous 2003 FBI identification record.

The NPS government administrators are freely disseminating official documents that Petitioner received from the State of Texas that were generated from the process by which Petitioner had successfully corrected the erroneous FBI reports that the LCS school district received in late 2003 and the NPS school district received in early 2004.

Essentially, since 2005 the NPS administration – while conspiring with attorneys from the KELLER THOMA, PC law firm in Detroit in their collectively using "*color of law*" – has been disseminating, to employers (*see* "Appendix D5" for what the NPS sent to Petitioner's new employers at the Brighton Area Schools in 2005) and to the public under FOIA (*see* "Appendix C2" as the Affidavit of a witness to this fact), a Texas "*expungement*" document that Petitioner had provided to the NPS school district administration as physical proof that Petitioner had successfully exercised his codified legal right, under 28 C.F.R. §50.12, to "*challenge and correct*" the erroneous FBI record which ultimately stemmed from the gross negligence of the Texas Department of Public Safety. Petitioner's procurement of this

"*expungement*" document then was supposed to have, for the most part, rectified the fact that the State of Texas, under the senior leadership of DPS director THOMAS A. DAVIS, Jr., had been in gross disregard of legislative and administrative safeguards for decades as the DPS had incompetently maintained erroneous criminal justice information system (CJIS) records in their criminal justice information system (CJIS) database. (Bold emphasis added)

Petitioner had initially provided that expungement document to the NPS administration in 2005, in a tradeoff for copies of the 1979 "*set aside*" and 1983 "*pardon*" documents that Petitioner had submitted to the NPS district's Human Resources director KATY DOERR-PARKER in good faith, as part of Parker initial hiring agreement in early 2004. Her employment offer was based upon her personal promise – which was reiterated in writing both in 2004 and in 2005 – that the NPS district administration would keep the clemency documents "*sealed*" and outside the HR office, and that the NPS would either "*return or destroy*" that "*incriminating*" documentation after the Texas court Order could take proper effect and "*clear*" the erroneous information from the Texas records and the FBI identification records being disseminated. (*See* "Appendix D3" as the HR Director's written email promises which are also found near the end of "Appendix C2".)

Between the winter 2004 (i.e., when Petitioner began working as a substitute teacher for the Northville Public Schools) and Fall 2005 (i.e., when Petitioner started work as a full-time special education teacher for the Brighton Area Schools), Petitioner earned two letters of recommendation from two NPS school principles. (See "Appendix D4" as copies of the two letters.)

The actions of the NPS administration then were clearly initiated against Petitioner by the NPS administration in retaliation for Petitioner having exercised his First Amendment "*right to redress*" his complaints against Lincoln school district administrator Sandra Harris, the Lincoln Schools' business office employees, and the LCS Board of Education. Since 2005, Petitioner has taken these multiple redresses to various branches of Michigan's government, including the civil court system, to the State Police and local prosecutors through numerous criminal complaints, and by filing civil rights complaints with the Michigan Dept. of Civil Rights, Dept. of Education, and the Dept. of Energy, Labor and Economic Growth.

EVENTS OF THE FIRST "STREAM" OCCURRING FROM 2004 THROUGH 2011

The "*first stream*" of Petitioner's civil rights advocacy and "*Demand for Criminal Grand Jury Investigation*" as a reported "*crime victim*" culminated in a federal civil rights Complaint in 2008 after a series of patterned events occurred from 2004 and 2008 reflecting repeated violations of Plaintiff's Constitutional rights by state and federal government officials, and more significantly by state and federal judges. (*See* the exhibits of Appendixes B, C, D, E, F, and G for the details on what occurred between the beginning of 2004 through Fall 2011.)

The Evidence in the "Appendix" shows that, by "*discretionary*" acts of "*complete disregard*", state and federal government officials have been, since 2003 and through to the present, unconscionably committing the following Constitutional violations against Petitioner while relying strictly upon the premise that they have "*governmental immunity*" for their misdeeds:

In short, government officials have continually disregarded the following:

1. That in 1979 Petitioner received a Texas court order of "*Set Aside*", which was four years prior to Petitioner then receiving a "*Full Pardon*" from the Texas governor in 1983. **Though the governor's pardon had made Petitioner "*eligible*" for receipt of a complete "*expungement*" of the remaining "*arrest*" record Petitioner did not exercise that option in 1983 because:** a) Petitioner had understood in 1979 that his record had been legally "*cleared*" of any "*conviction*" and with his being provided with a "*second chance*" at constructive citizenship and a "*clean slate*"; and b) because he had acted alone – and not through an attorney – in asking the Texas governor for formal "*forgiveness*" prior to moving to California to pursue a career as a safety and fitness instructor, a book author, and a professional movie stuntman.
2. **That while state statutes (Michigan's MCL 780.623 and Texas Art. 42.12 §20 of Tex. Code Crim Proc), case law [(*United States of America v. Armando Sauseda*, 2000 US Distr Lexis 21323 (WD Tex, unpublished 1/10/2000)], and at least one Texas Attorney General Opinion (John Cornyn – JC-0396) maintain that EITHER a "*set aside*" OR a "*full pardon*" are sufficient to make a conviction "*disappear*", Petitioner somehow received both types of clemency documents.**
3. **That the meaning of the "*discretionary-type*" of set aside, such as the type received by Petitioner in 1979 under Article 42.12 §20 Tex Crim. Proc, is clear: *the conviction is wiped away, the indictment dismissed, and the person is free to walk away from the courtroom "released from all penalties and disabilities"*** stemming from the offense. (*See* "Appendix B4" as the case of *Rudy Valentino Cuellar v. State of Texas* as the case law on this topic.)

4. That at least one Texas attorney general (Dan Morales) has opined (DM-349) that a person with a "*set aside*" such as the type received by Petitioner in 1979, is not supposed to be even eligible for a governor's pardon "*for lack of an object to pardon*". (*See* "Appendix B5")
5. That the 2003 FBI report being disseminated by the Lincoln Consolidated Schools was and still remains the property of the U.S. government, and that the free distribution of that information is not only a violation of Petitioner's rights but a crime against Congress and the People of the United States.
6. That Petitioner has been decrying for the past 7 ½ years that an FBI criminal history identification record being maintained by the State of Texas (from 1977 until 2005) and disseminated by the FBI in 2003 and 2004 was erroneous because it reflected a "*disposition*" of conviction and a "*status*" of probation and failing altogether to show either the set aside or the pardon.
7. That in 2003 Petitioner had been entitled to keep his job, his reputation, and his career as a schoolteacher while exercising his right, under 28 CFR §50.12, to challenge and correct that erroneous government record, but that Petitioner was instead robbed of all three (job, his reputation, and career) by a multi-tiered chain government officials acting "*in concert*", under "*color of law*" and in a "*chain*" pattern to deprive Petitioner of effectively exercising these civil and constitutional rights.
8. That the "*Texas expunction statute*" (Art 55.03, Tex. Code of Crim Proc) and the Texas court "*Order of Expunction*" that is being freely disseminated by the Northville Public Schools both clearly refer to the obliteration of records related

to "*arrest*" not "*conviction*", adding to the proof that "*no conviction exists*" after Petitioner received a 1979 "*set aside*" and a 1983 Texas governor's "*full pardon*".

9. That Petitioner had been pointing out to Michigan government officials that Michigan legislators' drafting of the Revised School Codes is itself a violation of Petitioner's rights [*i.e., see* MCL380.1230(b) **in context of p.9 of a Wayne County Circuit Court ruling stating that "*expungements are a myth*", which is marked as "Appendix B10"**]. This is because this compilation of Michigan laws authorize school district administrators to maintain "*evidence of unprofessional conduct*" in their public personnel files that includes (according to at least the above-referenced Michigan judicial ruling against Petitioner) nonpublic set aside, pardoned, and expunged criminal history information; and includes **the "*colorful*" misuse and misinterpretation of these Michigan statutes to constructive prohibit Petitioner from exercising his right to redress of these violations – under judicial threat of sanctions against Petitioner – is a First Amendment right violation.** Additionally, this is because the government criminals continue to rely upon the Revised School Codes while disregarding Petitioner's persistent reminders that the Texas court "*Order of Expungement*" document being maintained in the NPS *district's* public personnel files (i.e., not "*Mr. Schied's*" personnel file) and distributed by NPS school district administrators through the mail under FOIA, is the property of the State of Texas and not the property of Northville school administrators or the Petitioner.

10. That in 2004, a Washtenaw County Circuit Court judge MELINDA MORRIS completely disregarded Petitioner's constitutional right to "f*ull faith and credit*"

of his Texas clemency document, and instead issued an "*Order to Compel*", in violation of Petitioner's Fifth Amendment right "*not to testify against himself*" (*See* "Appendix B6")

11. That in 2005, this same Michigan judge Melinda Morris unconstitutionally subjected Petitioner to a chain of judicial actions resulting in Double Jeopardy, by ruling – without litigating Petitioner's "*public policy*" claims about being denied rights to challenge and correct the FBI report – to allow the Lincoln Consolidated School District to continue disseminating to the public the incriminating information of the erroneous FBI report. That ruling also wrongly upheld – again without directly litigating the criminal violations by Harris – that Sandra Harris' actions, even if they were found wrong, were still sanctioned by "*governmental immunity*". (*See* "Appendix B7" as the "*Order Granting Defendants' Motion for Summary Disposition*" and a copy of the oral transcript from 10/26/05 hearing referenced by that Order, which was the hearing that this judge stated the *Order* was based.)

12. In 2006, the Michigan Court of Appeals unconstitutionally ruled, in an "*unpublished*" 2006 decision, that neither a Texas set aside nor a Texas governor's full pardon was sufficient to erase a "*conviction*", to the extent that a quarter-century after Petitioner had received clemency of a set aside and a governor's full pardon Petitioner could rightfully check a box on a teacher job application stating he had "*not been convicted, pled guilty or nolo contendere to a felony*". (*See* "Appendix B8" as the Court of Appeal's ruling)

13. Later in 2006, the Michigan Supreme Court upheld the plethora of violations against Petitioner's constitutional and civil right by issuing an Order denying Petitioner's "*Application for Leave to Appeal*" to that Court "*because [they] were not persuaded that the questions should be reviewed by this Court*". (*See* "Appendix B9" as also containing a letter from that attorney for this case expressing the basis for his wanting to take this case to the Supreme Court, as well as his "*Reply to Appellees' Brief in Opposition*" argument in its entirety.)

14. In 2007, a Wayne County Circuit Court judge CYNTHIA DIANE STEPHENS ruled to dismiss Petitioner's Complaints against the Northville Public Schools with prejudice, while proclaiming that "*Expungements are a myth*", and that "*Michigan legislators meant for schoolteachers to be subject to a life sentence*" for any legally indiscriminate deeds they might have otherwise resolved in their youth. (*See* "Appendix B10" as inclusive of the two brief paragraphs "*Order*" and the oral hearing transcript upon which, according to Judge Stephens, "*the Court*" was "*fully advised in the premises*".) Judge Stephens also violated Petitioner's constitutional "*due process*" rights by disregarding significant facts and numerous laws (set aside laws, occupational licensing laws, and Revised School Codes for starters) provided to her before this dismissal hearing. (*See* also "Appendix B10" for a copy of an *Affidavit of Plaintiff David Schied*, which was submitted to Judge Stephens along with Plaintiff's attorney "*Response to*

the Motion for Summary Disposition" just prior to her ruling in violation of numerous public policies.) [1]

15. In 2005, a Michigan State Police (FRED FARKAS) detective ignored for nearly ten (10) months Petitioner's crime report against Sandra Harris, as also supported with evidence, and then eventually perjured his own rewording of Petitioner's report when "*official-izing*" the report in 2006. That detective's MSP supervisors (BETH MORANTY) conducted a "*mock*" investigation in response to Petitioner's complaints about the detective, and wrote an unsupported "*discretionary*" letter of reply stating they "*found no violation*" whatsoever by the detective. **("Appendix E1")**

16. In 2006, Petitioner notified the Washtenaw County Prosecutor BRIAN MACKIE and his "*assistant*" JOSEPH BURKE about the perjured crime report, with supporting evidence of the original "*predicate*" crimes by Harris. Mackie refused to reply except to rely upon his assistant Burke, and Burke's letter "*cherry-picked*" a single Michigan law so to reason his own personal disregard for the key items of evidence and to draw up a fraudulent discretionary determination that "*no crime was committed*". **("Appendix E2")**

17. In July 2006, Northville City Police officer ANTHONY TILGER sent Petitioner's crime report to the Wayne County "*assistant prosecutor*" ROBERT DONALDSON along with a fax cover letter requesting that the local police not be compelled to "*handle*" this matter as the Northville Public Schools'

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[1] Note also that shortly after arriving at this legal conclusion, Judge Cynthia Stephens was rewarded by a promotion to a seat on the Michigan Court of Appeals where she now still resides.

administrative offices where the crimes were being committed were literally within a "*stone's throw*" away from the police headquarters. (**"Appendix E3"**)

18. To read the narrative of the Northville City Police Department's "*Incident Report*" is to see that prior to sending his Fax with the entirety of this incident report Officer Tilger spoke with the assistant prosecutor for the "*public integrity*" division of the Wayne County Prosecutor's office so that he would be expecting the Fax.

19. Nevertheless, in response to Officer Tilger's understood "*bribe*", Robert Donaldson "*lost*" the entire crime report. Subsequently, when Petitioner complained to the supervisors of the two law enforcement agencies and to the Michigan Attorney General, the Wayne County prosecutor "*returned the favor*" and conspired with the officer to retaliate against Petitioner for having presented himself with a "*posture*". Reading into the narrative of the police report, it is also clear that there was some "*meeting of the minds*" between the prosecutor and the police officer in agreement for a "*tradeoff*" of favors whereby the prosecutor would honor the police officer's request not to provide arrest warrants for the local Northville school district administrators in return for the police officer playing the part of being a "*witness*" to the prosecutor using fraud and other forms of deception to deprive Petitioner of his constitutional crime victims' rights. (*See* also the "*narrative report*" of the police in **"Appendix E3"**)

20. The retaliatory acts by the assistant Wayne County prosecutor were recorded by Petitioner as they occurred, with "*play-by-plays*" emails and letters about these secondary crimes of *cover-up* and *obstruction* going to the "*government affairs*"

bureau chief and "*public employment*" and "*tort*" division chief employed by the Michigan Attorney General Mike Cox. Petitioner documented his numerous complaints about these activities. The exhibits to this Supreme Court include two examples dated 8/11/06 and 8/24/06. (*See* **"Appendix E4" as also copied to the Office of the Michigan Attorney General.)**

21. On 8/31/06, the "*acting chief*" of the Northville Police wrote to Petitioner promising to "*address the complaint*", and on 9/12/06 he wrote a second letter with three quick sentences of text stating, without support, that he had "*reviewed*" the case and "*determined*" that Officer Tilger had committed "*no errors relative to [Petitioner's] complaint*". **(Again,** *see* **"Appendix E4")**
22. On 9/8/06 the prosecutor then wrote his final letter of dismissal, dismissing the complaint by claim there was "*no evidence a crime was committed*" and because he perceived Plaintiff was "*posturing*". (*See* **again, "Appendix E4")**
23. On 10/24/06, as a result of SENATOR BRUCE PATTERSON referring Petitioner to Attorney General (AG) Mike Cox's wife as Wayne County Commissioner LAURA COX, and after Petitioner had made a full presentation to the entire county Board of Commissioners, Laura Cox requested an investigation of prosecutor Donaldson's dismissal. **("Appendix E5")**
24. In reply, the WC prosecutor's Special Operations Division "*chief*" JAMES D. GONZALES wrote to Petitioner wrongfully claiming that the Michigan case law set by "*Schied v. Sandra Harris and Lincoln Consolidated Schools*" somehow *authorized* the Northville Public Schools to disseminate the Texas "*expunction*" document. **This letter demonstrates a recurring pattern of Michigan law**

enforcement officials, including judges, abusing their discretion by both *omitting* and *misstating* the facts and laws about this case. (*See* "Appendix E5" as a follow-up letter written by the *chair* of the Wayne County Commission, John Sullivan, washing the Commission's hands of this case by Gonzales' response.)

25. On 7/6/06, the Criminal Division "*chief*" THOMAS CAMERON of the Office of the Michigan Attorney General sent a letter of only rhetoric in answer to Petitioner's complaint about the misdemeanor crimes by Sandra Harris and felony of the MSP detective and the Wayne County Prosecutor.("Appendix F1")

26. On 8/18/06, Attorney General Mike Cox himself sent a letter of denial in response to Petitioner's three-inch (3") package of proof about the added crimes of the Northville Public Schools and civil rights offenses being levied against Petitioner's young child by an elementary school principle SCOTT SNYDER who had been employed as an assistant principal at the Lincoln Schools at the time Harris had begun to commit her crimes against Petitioner. (Note: These suspensions by Scott Snyder lie at the foundation of Petitioner's Supreme Court Application No. 10A1018.) This letter by AG Mike Cox's again contained more rhetoric, never addressing either the factual evidence or the laws. He merely suggested Petitioner "*work with attorneys on these matters*". (*See* also "Appendix F1")

27. On 10/10/06, AG Cox's Government Affairs Bureau *chief* FRANK MONTICELLO had his *assistant*, PATRICK O'BRIEN, the *chief* of the Public Employment, Elections, & Tort Division wrote a third response to Petitioner after being privy to the *play-by-play* of the *deprivation of rights* being carried out between the

Northville police and the Wayne County prosecutor. Despite that the reported crimes in Wayne County law enforcement took place after the actions in Washtenaw County referenced by the previous two letters from Mike Cox's AG office, this latest letter from O'Brien used a *double–entendre* to claim, *under color of fact*, that the two previous letters (referenced in "***Appendix F1***") had already advised Petitioner that "*the county prosecutor did not abuse his discretion in deciding not to prosecute*". The letter never addressed what these two government officials (Monticello and O'Brien himself) had *witnessed* (by Petitioner's "*play-by-play*" letters and emails) as going on in Wayne County. (***See* the attorney general representatives "Cc" copied in the letters of "Appendix E1-E4")**

28. On 11/8/06, Mike Cox wrote a fourth letter in response to Petitioner having sent another three-inch (3") package to the Michigan State Court Administrator CARL GROMEK with supporting evidence of his complaint about the Michigan judges *cherry-picking* which laws and facts to *litigate* so as to persistently deprive Petitioner of the merits of his cases, using *color of law* to undermine Petitioner's civil and constitutional rights. Cox's letter acknowledged receipt of the package and, without addressing the *criminal corruption* evidence, was simply written to notify Petitioner that Cox was forwarding the package to the State Court Administrator. **("Appendix F1")**

29. On 12/22/06, CONGRESSMAN THADDEUS McCOTTER, **having been apprised of all that had been going on since early 2004,** wrote a cover letter to AG Mike Cox in request of his personal review of Petitioner's 21-page follow–up complaint

about the incompetence, dereliction, and malfeasance of the Attorney General and his staff in light of all of the facts and evidence that had been supplied to them in proof of both "*predicate*" and "*secondary*" level crimes being committed "*under color of law*". (*See* **"Appendix F2" as the cover letter and complaint)**

30. Not until 3/6/07 did AG Mike Cox have another Criminal Division *chief* DAVID TANAY write two letters, one **carefully drafted to hide the fact that he was responding to Congressman Thaddeus McCotter's inquiry,** and the other written to Petitioner to reiterate that the Attorney General would continue to answering these criminal corruption complaints with only deception, rhetoric, malfeasance, and "*color of law*". (*See* **"Appendix F3" for copies of both letters)**

a) The letter to McCotter's staff, DAVID HEINTZ, went so far as to repeat the same violation about which Petitioner had come to the Attorney General in complaint. David Tanay not only failed to address the 21-page letter of Complaint about which Rep. McCotter's cover letter was attached, **Tanay went to the other extreme of committing another crime against Petitioner. He re-published the erroneous contents of the FBI report received by Harris,** supporting Harris' claims and misrepresenting facts to Rep. McCotter's staff, using a strategic combination of misstatements and omissions, misleading the Congressman to believe that the 2003 FBI report had otherwise been fully accurate.

b) Moreover, the letter neglected altogether to address anything that was occurring in Wayne County. Instead, by **selectively "*misrepresenting*" the**

facts in Washtenaw County, Tanay successfully convinced Congressman McCotter that Petitioner was raising frivolous false flags by his complaints.

c) The second letter written by Tanay was to Petitioner, which only reiterated the rhetoric and Mike Cox's earlier recommendation for Petitioner to consult with an attorney and to take these matters up with a judge in a civil court. (Again, see "*Appendix F3*")

31. A year later, in response to Petitioner's suggestion by AG Cox to pursue the allegations as a civil complaint, Petitioner filed his first "*pro-se*" case in Ingham County Circuit Court. In response, "*chief*" Judge WILLIAM COLLETTE first refused to hear anything of Petitioner's *criminal* complaints in his "*civil*" courtroom. Next, Judge Collette dismissed the Complaint by fraudulently claiming that Petitioner had not rewritten his 404-page criminal RICO complaint as a "*More Definite Statement*" when actually he had; and doing so after this judge had revealed off-record from the bench that he had been lifelong friends with one of named criminal co-defendants, Patrick O'Brien. (*See* **"Appendix B11"** as the "*Order of Dismissal*", the oral hearing transcript, the docket sheet, and Petitioner's filing of a "*More Definite Statement*" which confirms that "*chief*" judge in this State capital had dismissed the case fraudulently.)

a) The oral hearing transcripts show Petitioner cited the Michigan statutes spelling out that a signed Complaint constitutes a criminal "*indictment*" by definition and that "*any judge*" in possession of such a complaint *"shall act upon reasonable cause"* to believe that a crime has been committed. The

transcripts reveal however, that this Judge interrupted Petitioner when it was clear that Petitioner was asserting his victim's rights and using the law to compel this judge to take proper criminal actions against Michigan law enforcement authorities.

b) The docket sheets for that "*criminal racketeering*" Complaint reveal not only the fraudulence of this official ruling, but also shows that Petitioner was denied constitutional due process on numerous "*motions*" that he had also paid for at the time of filing (on 12/5/07) prior to the judge's dismissal. This including a "*Motion for Judge to Disqualify Himself for Judicial Misconduct*". (*See* also **"Appendix B11" as the docket sheets, the title page and Table of Contents for that "*More Definite Statement*".)**

c) The motions, inclusive of a "*Motion for Change of Venue*" (to a Court that "*hears*" criminal complaints), were based upon the **transcripts** of a motion hearing in which Judge Collette had belittled Petitioner even as he reported being a crime victim entitled to certain Constitutional rights. He also refused to grant Petitioner's "*Motion for Writ of Mandamus*" or to even "*hear*" Petitioner's criminal complaints in his courtroom. (See **"Appendix B11" for the transcripts)**

32. In February 2007, Petitioner went to the Michigan Department of Education (MDE) with a "*dual stream*" of complaints, one pertaining to the illegal activities of the Lincoln and Northville school districts in regard to the dissemination of nonpublic FBI and "*expunction*" documents, and the other related to the covering up by the NPS for their elementary school principal retaliating against

Petitioner's child by repeatedly suspending him from school and denying due process to Petitioner and his child under IDEA.

33. It was noted that at this precise time (2007) the Michigan teacher's union (MEA) was in the Court of Appeals with a lawsuit against the MDE in regards to violating the rights of other schoolteachers. (*See* **p.4 of "Appendix B12" as a copy of that "*published*" Court of Appeals ruling**) In this case, the judges of the Court of Appeals again ruled for "*government immunity*" and leaving schoolteachers without recourse on violations of their privacy rights and rights to "*challenge and correct*" purported "*convictions*" being reported to school districts by the state police. **Notably, Judge William Collette was the judge in the lower court rulings.**

34. After the MDE also tortuously used "*color of*" federal law to deprive the child and his parents of their rights, Petitioner then took all these issues to the Michigan Department of Civil Rights (MDCR). At that time, Petitioner also included in his report of "*civil rights*" violations, a complaint of discriminatory treatment by Michigan law enforcement and Michigan judges refusing to provide service on Petitioner's reports of crime and public policy violations. On 6/22/07, that agency then promptly denied service on these complaints without any explanation. (**See "Appendix G1" as both the cover page of the complaint and the denial.**)

35. On 8/1/07, Petitioner appealed the previous denial of service by the MDCR under Title VII of the Civil Rights Act and the state equivalent of the Elliott-Larson Civil Rights Act (ELCRA) with 15 pages of argument. (**"Appendix G2"**)

36. In response, on 8/14/07 the MDCR again denied the appeal without reason or any address of Petitioner's arguments. (*See* also "**Appendix G2**")

37. When Petitioner went to the Court of Appeals in report that the ruling by Judge Collette was constructed fraudulently, and that even the docket sheets offered proof that Petitioner had outstanding motions and a "*More Definite Statement*" in the record, the Court of Appeals literally DENIED Petitioner's subsequent three motions listed as follows: (*See* "**Appendix B13**" as the *Order* and all three of the following three *motions*)

a) "***Motion to Demand This Court Read All Pleadings Plaintiff Files with This Court, and to Adhere Only to Constitutionally Compliant Law and Case Law, and More Particularly, the Bill of Rights, in its Rulings.***"
b) "***Motion to Claim and Exercise Constitutional Rights, and Require the Presiding Judges to Rule Upon This Motion For Superintending Control and a Finding of Contempt Against Defendants***"
c) "***Motion to Hear Three Motions Plaintiff-Appellant Properly Filed in Lower Court Yet Still Without Any Hearing***".

38. The Michigan Court of Appeals judges and all the government co-defendants in law enforcement, including the Michigan Attorney General, also failed to disregarded petitioner's clear notice of being a crime victim and **demanding access to a criminal Grand Jury**, as shown in the Table of Contents of the Appellant Brief and pages 4-6 of Mr. Schied's "*Docketing Statement*". (*See* **Appendix B14" as the Order dated 5/11/09 and other referenced documents.)**

39. On 5/19/09 the Michigan Supreme Court itself committed "***fraud upon the Court***" when they issued a DENIAL misrepresenting the nature of Petitioner's "*appeal*" as a continuation of the Ingham County case rather than acknowledging that Petitioner had actually filed an entirely NEW case clearly described as a "*Quo*

Warranto" case with Petitioner filing the case in "*State Ex-Rel*". The Supreme Court Clerk was clearly in on this scheme as shown by the letter that Petitioner wrote to provide clarification and warning (after Petitioner received filing documentation from the court indicating that the court was treating the Petition as something other than what it was filed as) that the documents filed were clearly a new type of case. [2] (*See* "Appendix B15" as the order of denial and letter to the clerk written beforehand in warning about such fraud.)

40. A year later Michigan Supreme Court Justice Elizabeth Weaver, who participated in the previous "*cover-up*" of Petitioner's "*Quo Warranto/State Ex-Rel*" case went into retirement; and ("*after considerable deliberation, though and prayer*"), decided to "*blow the whistle*" to the public about corruption in the Michigan Supreme Court. Judge Weaver's "*letter of resignation*" clarified that the judges are "*promoting agendas*" including personal "*biases and prejudices*" and "*special interests*" over the "*rule of law*". She has since been advocating for "*critically needed reforms of the judicial system*". The former Supreme Court Justice has the letter posted online at ("Appendix B16")

41. In 2008, Petitioner went to the U.S. District Court for the first time in the aftermath of Wayne County Circuit Court Judge CYNTHIA STEPHENS ruling that "*expungements are a myth*". (Petitioner and his attorney agreed there was no point in wasting money on an appeal to corrupt Michigan courts and judges.) Petitioner filed his case under 42 U.S.C. §1983 after having also gone to the

[2] For access to all of the documents submitted to the Michigan Supreme Court, along with the "*Quo Warranto/State Ex-Rel Complaint*" itself, go to the following website and download these public files in PDF format: http://michigan.constitutionalgov.us/Cases/DavidSchiedQW/

former Michigan governor JENNIFER GRANHOLM with complaints about the Attorney General MIKE COX, only to find "*more of the same*" of the governor's representative attorneys dismissing Petitioner's criminal complaints through gross negligence, tort, and malfeasance of duty. (*See* **"Appendix B17" which includes the cover page of that Complaint naming the Michigan governor.)**

42. Rather than to litigate the factual issues presented, federal Judge PAUL BORMAN not only dismissed the Complaint on 5/30/08, but also held "*sanctions in abeyance*" over the head of the attorney to dissuade him from pursuing the case in the Sixth Circuit Court of Appeals. The numerous counts of "*omissions and misstatements*" throughout his 15-page "*Order*" document demonstrated a clear deprivation of Petitioner's constitutional rights as well as "*fraud*" committed upon the public by this judge. **This judge also criminally "*published*" four (4) more times in his judgment *Order* the "*nonpublic*" information that was "*expunged*" by Texas and "*prohibited*" by Texas court order from "*use and dissemination*". ("Appendix B17")** [3]

43. THE RULING OF FEDERAL JUDGE PAUL BORMAN CALLED ATTENTION TO THE POSSIBILITY OF PETITIONER BEING ABLE TO HAVE THE UNCONSTITUTIONAL MICHIGAN COURT OF APPEALS' RULING REOPENED IN "*David Schied v. Sandra Harris and the Lincoln Consolidated Schools*". (*See* page 7 of "Appendix B17") (All caps emphasis added)

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[3] Note that it was not until after Petitioner had filed his own appeal in the Sixth Circuit Court did Judge Borman write a subsequent Order withdrawing the sanctions from Petitioner's attorney and while *only* admitting that he had failed to notice information right on the cover page of Petitioner's complaint which resulted in his having made the mistake of including a footnote on page 2 stating that "*Plaintiff and/or his counsel, DARYLE SALISBURY, failed to indicate on the required Civil Cover Sheet that there were related civil cases to the instant federal case*".

44. To ensure that his federal ruling could not be second-guessed and/or proven wrong, on 8/6/08 Judge Borman went on to DENY Petitioner's "*Motion to Expand/Enlarge the Record on Appeal*" when Petitioner took his case on appeal to the Sixth Circuit Court. In doing so, Judge Borman committed even more counts of "*fraud upon the court*" and the public. **("Appendix B18")**

45. Subsequently, Judge Borman provided a full three-page explanation to Defendants government and their attorneys about why he was denying their "*Motion for Bond on Costs on Appeal*" on claim that Petitioner was filing a "*frivolous*" appeal; yet while issuing one sentence and no supportive reason whatsoever to Petitioner for why he was denying Petitioner's "*Motion for Sanctions*" against the government. In a familiar pattern demonstrated by the Defendants themselves while "*aiding and abetting*" in the cover up of crimes by their "*peer group*", Judge Borman prejudicially reasoned only that "*there [was] no basis of support*" Petitioner's motion. **("Appendix B19")**

46. In 2009, while awaiting his appeal in the Sixth Circuit, Petitioner obtained new evidence of the Northville Public Schools moving further to deprive Petitioner's dependent child of his rights under IDEA and FERPA (Family Educational Rights and Privacy Act), so filed a "*Motion for Writ of Mandamus*" and a request for a federal criminal grand jury investigation. In denying that motion, **Judges MARTHA DAUGHTREY, DAVID McKEAGUE, and GREGORY VAN TATENHOVE published an "*Opinion and Order*" stating publicly that Petitioner still had a "*conviction*" for a "*pardoned*" offense and failing altogether to acknowledge the "*set aside*" that came before that pardon, or the *expunction* of**

remaining arrest record that came afterwards. The *Order* never addressed the evidence of the erroneous FBI report and Texas expunction record being disseminated under FOIA by the two school districts. ("Appendix B20")

47. Thereafter in 2009, Sixth Circuit Court judges ("*chief*") ALICE BATCHELDER, EUGENE SILER, Jr. and JULIA GIBBONS committed the same offense while naming the 1977 offense right on the front page of their "Order" and wrongfully claiming that the Texas "*expunction*" was pertaining to a "*conviction*" rather than to an "*arrest*", disregarding Petitioner's repeated references to the Texas attorney general opinions (DM-349 and JC-0396) and to the letter and spirit of Texas set aside, pardon, and expunction laws. This "*unpublished*" Order never addressed the evidence of the erroneous FBI report and Texas expunction record being disseminated under FOIA by the two school districts. ("Appendix B21")

48. In effort to resolve the criminal victimization, as well as clarify Texas "*policy*" and the law on effect of a Texas "*set aside*", "*pardon*", and "*expunction*", Petitioner turned to federal law enforcement and current and former Department of Justice personnel named as follows: Former U.S. Attorney-turned-U.S.District Court Judge STEPHEN MURPHY, former U.S. Attorney TERRENCE BERG, FBI agents ROD CHARLES, ANDREW ARENA and JEROME PENDER, GRANT ASHLEY, and DAVID HARDY, former USDOJ Pardons attorney MARGARET LOVE, former U.S. Attorney General MICHAEL MUKASEY, USDOJ Civil Rights Department supervisors MARIE O'ROURKE and SHANETTA CUTLAR, Texas Attorney General GREG ABBOTT, Texas Dept. of Public Safety director THOMAS DAVIS, Jr., and their representative

Texas attorney SCOTT GRAYDON. They all too denied Petitioner without plausible supporting reason other than by position of their own "*discretionary*" authority as a government official.

49. On 11/26/08, Petitioner therefore filed a "*pro se*" civil Complaint on all of the above-named federal law enforcement employees. Subsequently, U.S. District Court judge LAWRENCE ZATKOFF immediately dismissed Petitioner's 194-page Complaint with eighty (80) Exhibits as appearing "*frivolous*" and characterizing it as a "*monstrosity*". Judge Zatkoff thus required Petitioner to rewrite and to properly "*serve*" an "*amended*" Complaint despite Petitioner had already burdened the cost of properly "*serving*" all defendants with the evidence against them. (*See* "Appendix B22" as the "*Opinion and Order*" and Petitioner's "*Appendix of Referenced Exhibits*" in accompaniment of that Complaint)

50. Subsequently in 2009, using "*color of law*" as his tool for systematically dismantling Petitioner's "*Amended Complaint*" and Petitioner's persistent "*Demand for Criminal Grand Jury Investigation*", , Judge Lawrence went on to issue a 8-page line of reasoning on why he unconstitutionally DENIED Petitioner the following:

a) Petitioner's "*Motion to Demand This Court Read All Pleadings Plaintiff Files with This Court, and to Adhere Only to Constitutionally Compliant Law and Case Law, and More Particularly, the Bill of Rights in Its Rulings*";
b) Petitioner's "*Motion to Claim and Exercise Constitutional Rights, and Require the Presiding Judge to Rule Upon this Motion for All Public Officers of this Court to Uphold Said Rights*";
c) Petitioner's right to "file any additional materials related to his Complaint and/or any other pending matters", including any motions addressed by the Court....and while fully STRIKING the most incriminating paragraphs against the government complaints by reference to the factual Evidence (paragraphs 1-50, 63, 75, 154, 166, 194, 220, 221, 226, 242, 272, 273, 287, 343, 365, 385, 398, 428, 429, 496, 497, 500, and 559). (*See* "Appendix B23")

51. Judge Zatkoff then went the next step in 2009 to issue a "*Judgment*" dismissing Petitioner's case "*with prejudice*", which included a request for a criminal grand jury investigation. Judge Zatkoff followed the "*same pattern*" of re-publishing as wrongful "*fact*" that in 2003 Petitioner was still "*convicted*", again naming the 1977 offense without considering "*full faith and credit*" to Petitioner's clemency documents, while significantly OMITTING that the 2003 FBI report was erroneous and that Petitioner had been deprived of his right to challenge and correct that report, and while upholding the government's "*Double Jeopardy*" in resurrecting a "*conviction*" without due process of a jury trial. ("Appendix B24")

SECOND "*STREAM*" OF CIVIL RIGHTS OFFENSES

The second "*stream*" stems from Petitioner having openly advocated on behalf of his own child, as well as numerous students in Petitioner's special education classrooms whereas Petitioner persistently informed school administrators, his union, and eventually parents of how the civil rights of these students were being violated under the Individuals with Disabilities in Education Act.

Petitioner is currently challenging an *Order* issued by judges DANNY BOGGS, RONALD LEE GILMAN, and JOSEPH M. HOOD. At the time of this ruling, Petitioner had (and still has) two judicial misconduct complaints pending (Complaint #06-09-90-124) and Ronald Lee Gilman (Complaint #06-09-90-132)

When filing his "*Motion to Extend Time to File Writ of Certiorari*" in the U.S. Supreme Court, Petitioner provided each of the judges of this U.S. Supreme Court with a comprehensive overview of the "*extraordinary circumstances*" in background to these instant cases. The "*Appendix of Referenced Exhibits in Accompaniment to*

Extend Time to File Writ of Certiorari" included eights numbered Exhibits, each including a compilation of documents that were properly described in the motion.

These exhibits included numerous state and federal "*judicial misconduct*" complaints. Petitioner pointed out that on the state level the "*resolve*" of these complaints by the Judicial Tenure Commission followed a familiar "*pattern*" of discretionary abuses by government of "*dismissing*" Petitioner's summarily and without any supporting reason. At the federal level, when this same pattern was demonstrated by the chief judge for the Sixth Circuit, Petitioner exercised his administrative right to escalate his complaints to the Judicial Council where the complaints were stalled indefinitely without answer. Petitioner wrote a complaint to U.S. Supreme Court justice John G. Roberts on 2/18/10 in complaint of the practices of the Circuit Executive CLARENCE MADDOX. That letter remains today unanswered, much like numerous other judicial misconduct complaints still being held up in the Sixth Circuit.

Petitioner therefore includes herein the above-referenced Motion and Exhibits into this instant filing of "*Petition....*" incorporating these documents as if written herein verbatim.

QUESTIONS AND REASONS IN CONCLUSION FOR GRANTING PETITIONER'S REQUEST FOR WRIT – RELIEF SOUGHT

Petitioner incorporates and reiterates the three (3) "*QUESTIONS PRESENTED*" as found behind the cover page (i.e., on pages ii-iv) of this Petition, as if rewritten herein verbatim.

1. Petitioner therefore argues that based upon the above, **the ruling of Michigan Court of Appeals No. 267023, issued June 29, 2006 as found in "*Appendix B*"**

should be determined to be "*unconstitutional*", reversed and/or set aside by WRIT from this U.S. Supreme Court.

2. Petitioner therefore argues that based upon the above, and as provided by the documents present in the APPENDIX, this U.S. Supreme Court should find enough evidence to show that Michigan government officials have been committing a chain of unconstitutional offenses against Petitioner and against the federal government and Congress sufficient enough to be considered CRIMES, and with enough Evidence to warrant a WRIT for an investigation by a federal grand jury with exclusions to government claims to "*immunity*".

3. Petitioner therefore argues that based upon the above, as well as what is provided by the U.S. Supreme Court having already GRANTED Petitioner's "*Motion for Permission to Appeal Forma Pauperis*" and "*Motion to Extend Time to File Writ of Certiorari*", this U.S. Supreme Court should provide a WRIT to be delivered upon Attorney General Bill Schuette, U.S. Attorney Barbara McQuade and U.S. Attorney General Eric Holder, Jr. mandating that they "*cease and desist*" from feloniously "*obstructing*" the duty of the federal special grand jury to receive citizen information about crimes, including Petitioner's reports of government crimes in gross violation of the National Crime Prevention and Privacy Compact, that are being reported by citizens within that regional jurisdiction of the Eastern District of Michigan and the Sixth Circuit. Such Writ should order them instead to cooperate together in presenting Petitioner David Schied, as well as his evidence against State and Federal government "*actors*", to the Special Grand Jury as otherwise required under 18 U.S.C. §3332.

VERIFICATION

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

As the aggrieved party, UCC 1-102(2) Reserving my rights Without Prejudice UCC 1-308, I, David Eugene: from the family of Schied, am pursuing my remedies provided by [the Uniform Commercial Code] UCC 1-305.

This AFFIDAVIT, is subject to postal statutes and under the jurisdiction of the Universal Postal Union. No portion of this affidavit is intended to harass, offend, conspire, intimidate, blackmail, coerce, or cause anxiety, alarm, distress or slander any homo-sapiens or impede any public procedures, All Rights Are Reserved Respectively, without prejudice to any of rights, but not limited to, UCC 1-207, UCC 1-308, MCL 440.1207. Including the First Amendment to The Constitution of the Republic of the united States of America, and to Article One Section Five to The Constitution of the Republic of Michigan 1963 circa. The affiant named herein accepts the officiates of this colorable court oath of office to uphold the constitution, and is hereby accepted for value.

David Schied
Pro Se

Executed on August 15, 2011.

David Schied
Pro Se
PO Box 1378
Novi, Michigan 48376
248-946-4016
Email: deschied@yahoo.com

Sworn to and subscribed before me this 15 day of Aug, 2011.

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

My Commission Expires: 6-23-14

REBECCA QUERTERMOUS
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF WAYNE
My Commission Expires: June 23, 2014
Acting in the County of Oakland