No.

In The
Supreme Court of the United States

David Schied,
Petitioner - Appellant
And

Patricia Kraus, in behalf of David Schied,
Petitioner

v.

Midland County Sheriff Gerald Nielson,
Respondent

On Petition for Writ of Certiorari
From The United States Court of District Court for the Eastern District of Michigan
and
United States Court of Appeals for the Sixth Circuit

APPENDIX OF EXHIBITS
IN SUPPORT OF
PETITION FOR WRIT OF CERTIORARI

David Schied
Sui Juris
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APPENDIX OF REFERENCED EXHIBITS

DESCRIPTION OF ENTRY	DATE	RECORD ENTRY LETTER
EXHIBITS #1		
3-page FRAUDULENT "***Order***" by the U.S. District Court for the Sixth Circuit Court of Appeals' "clerk" upholding the lower U.S. District Court ruling by Judge Denise Page Hood dismissing without prejudice Petitioner's instant "Petition for Writ of Habeas Corpus."	3/20/13	1A
4 documents: a) Letter dated 8/25/10 from 6th Circuit Court "Circuit Executive" Clarence Maddox assigning **Judicial Misconduct complaint #06-10-90087** to a complaint filed by Petitioner on 8/1/10 against U.S. District Court judge Denise Page Hood alleging criminal conduct in cover up of judicial and other government crimes being reported in 2010 in a previously filed government "racketeering and corruption" case #10-CV-10105-DT in association with a case initially filed in State court #09-1474-NO; b) Page 1 of form "Complaint of Judicial Conduct or Disability" filed by Petitioner against Judge Hood on 8/1/13; c) 3 pages of "*Statement of Facts*" in support of Judicial Complaint #06-10-90087 against Judge Hood; d) 39 fully supported pages of cover letter and description of events supporting Petitioner's 2010 "Judicial Misconduct Complaint" against U.S. District Court judge Denise Page Hood.	8/25/10	1B
9 pages of original filings of Patricia Kraus, of "Application for Writ of Habeas Corpus Under 28 U.S.C. §2242," as filed in the U.S. District Court for the Eastern District of Michigan, Southern Division on 6/28/13, on behalf of Petitioner David Schied. The filing significant contradicts the content of the	6/28/12	1C

fraudulent Order of the Sixth Circuit Court of Appeals, as well as the fraudulent Order of the lower U.S. District Court in this instant case, demonstrating the propensity of the federal judges, magistrates, and the clerk(s) of the court to engage in corrupt schemes to cover up reports of previous government crimes and to establish fraudulent official records of the Court.	6/28/12	1C
EXHIBIT #2		
Order Denying Motion for Waiver of Fees and Costs" by U.S. Magistrate judge Steven Whalen in this instant case against the Midland County Sheriff Jerry Nielson. Whalen's ruling, placed in the context of Whalen's association with a fraudulent ruling by U.S. District Court judge Paul Borman in the 2008 civil rights case, is that it provides reasoned circumstantial Evidence that **Magistrate Whalen was taking retaliatory action against Petitioner David Schied in 2012** for Petitioner having brought warranted early attention of the U.S. District Court and Judge Denise Hood in the preceding 2010 case, to the fact that the government co-defendants in the 2010 were REPEATING similar crimes as those alleged against previous government co-Defendants' as clients of the Plunkett-Cooney attorney Michael Weaver in 2008.	7/2/12	2A1
Cover page of a 42 U.S.C. §1983 CIVIL RIGHTS case (#08-CV-10005) filed by Petitioner's Michigan attorney Daryle Salisbury in 2008 underscoring criminal allegations against local government officials and their attorneys who had been committing numerous crimes against Petitioner "*under color of law*" since October, 2003 yet unresolved by either the judicial or the executive branch of Michigan government. This cover page of the 2008 civil rights complaint filing presents evidence that U.S. District Court	1/2/08	2A2

magistrate Steven Whalen had been associated with that previous case, which was ultimately dismissed against Petitioner David Schied due to FRAUD by the co-appellees and their attorneys, including the Michigan governor Jennifer Granholm and the Michigan attorney general Mike Cox.	1/2/08	2A2
Entirety of the FRAUDULENT 15-page ruling, as delivered by U.S. District Court judge Paul Borman, in the 2008 civil rights case filed by Petitioner's attorney Salisbury. (This "*Opinion and Order (1) Granting Defendants' Motion for Summary Judgment; and, (2) Holding in Abeyance Defendants' Motion for Sanctions*" has fraudulent/defamatory info published by Judge Borman redacted.) This 2008 ruling shows that Judge Borman committed FELONY gross negligence when he ignored the facts of the case, summarily accepted the co-appellees' fraudulent claims about the case, and held sanctions in abeyance against Petitioner's attorney to dissuade that attorney from moving forward with the case in the U.S. Court of Appeals for the Sixth Circuit.	5/30/08	2A3
2 documents delivered together by Judge Hood in 2012 pertaining to this instant case before the U.S. Supreme Court. The first entry is the "*Judgment*" issued on 7/6/12 by U.S. District judge Denise Page Hood, dismissing Petitioner's "*Petition for Writ of Habeas Corpus*" on a unlawfully contrived 30-day county jail sentence. Significantly, because this "*Judgment*" was issued by Judge Hood AFTER the release of Petitioner's term of sentence and thereafter sent by mail, it **reasonably stands as circumstantial Evidence of retaliation against Petitioner by Judge Hood, for the same reasons outlined above relative to Magistrate Whalen who was working with Judge Hood in 2010 on the U.S. District Court case #10-10105 in report of fraud and**	7/6/12	2B

corruption by U.S. District Court judge Paul Borman in the previous civil rights case filed by attorney Daryle Salisbury on Petitioner's behalf in 2008 (as case #08-CV-10005). The second entry, also issued on 7/6/12, was a FRAUDULENT "*Opinion and Order Dismissing the Petition for a Writ of Habeas Corpus, Dismissing the Petition for Immediate Consideration and Writ of Habeas Corpus, Denying the Motion for Show Cause Order or Immediate Release, Denying a Certification of Appealibility, and Denying Leave to Proceed in Forma Pauperis on Appeal*". The *Opinion and Order* is fraudulent beginning in the very first sentence, with the claim by Judge Denise Hood that there were "*state court proceedings*" in Redford Township that led to a 30-day incarceration when, in FACT, the evidence and Affidavit testimony of numerous witnesses shows that there were NO PROCEEDINGS whatsoever, no case number, no due process hearing, no prosecutor, no transcript, no videotape, and otherwise no records of the event occurring in the Redford Township courtroom.	7/6/12	2B
Petitioner's application for Sixth Circuit Court appeal, cited as "*'Application for delayed leave of appeal' with grounds based upon Rule 60 ('Relief from Judgment') involving 'Fraud Upon the Court' by State BAR of Michigan's Plunkett-Cooney attorney Michael Weaver and involving 'Judicial Misconduct' by State BAR of Michigan's Eastern District of Michigan Judge Denise Page Hood and Other Good Cause Reasons*". This is a filing that shows that U.S. District Court magistrate Steven Whalen and judge Denise Hood knew full well who David Schied was from the previous 2010 U.S. District Court case in which Whalen and Hood had previously operated as a tag-team to dismiss Mr. Schied's report of state RICO activities. It	12/27/12	2C

also demonstrates that both Whalen and Hood were also clearly aware that Petitioner had filed a Judicial Misconduct complaint on Judge Denise Page Hood along with his Appeal of the lower court actions, having done so long prior to Magistrate Whalen choosing to first delay then deny waiver of fees and costs, and Judge Hood choosing to first delay then dismiss Petitioner's habeas corpus motion. The document additionally shows that the clerk and judges of the Sixth Circuit Court were well aware of all this by the time they chose to uphold the actions of the lower U.S. District Court and to dismiss the Petitioner's Appeal in this instant case now before the U.S. Supreme Court.	12/27/12	2C
1-page "*Order*" by Michigan's 17th District Court judge Karen Khalil, the person who acted outside her jurisdiction to create terror in her courtroom on 6/8/12, who directed her Redford Township police as bailiffs to harass and assault innocent court-watchers, and who sentenced Petitioner David Schied to the Midland County jail for contempt without any proper proceedings whatsoever, no case number, no due process hearing, no prosecutor, no transcript, no videotape, and otherwise no records of the events that occurred on 6/8/12 in the Redford Township courtroom. This *Order* is clearly fraudulent on its face because it is accompanied, preceded and unlawfully based upon an undated, incomplete and fraudulent "*Motion and Affidavit*." This *motion and affidavit*, was signed by a stamped name of an unknown individual, without completion of the statement of personal interest in the case, and without notary verification of the stamped-in signature. This combined "*Motion and Order to Show Cause*" is just one example of the type of corrupt activities with which this Michigan judge Karen	8/3/11	3A

Khalil and her court clerks and court administrator were engaged while the police department were engaged in other aspects of racketeering and extortionist activities.	8/3/11	3A
5 pages of documents: Included in this exhibit is a fraudulently constructed "*Notice to Appear*" (p.1 of the exhibit), dated 11/8/10, referring to a courtroom event in which a "*magistrate*" is expected to appear along with a representative of the police department (on a traffic citation written by Officer D. Gregg). The notice references Michigan BAR number "*P-04444*" to identify the magistrate, and the notice – sent through U.S. Mail – informs the recipient that they are expected to attend a judicial proceeding in which a "sentencing" will occur. This notice is fraudulent, demonstrating felony "*mail fraud*" because, as other pages for the exhibit shows, the "*P-number*" used to identify judges and magistrates as members of the State BAR of Michigan (as shown by identification of judge Karen Khalil as member P-41981) shows that the number used for the "*magis*" at the first hearing does not exist. Other evidence of misrepresentation and mail fraud by the 17th District Court includes references to Judith A. Timpner separately as both a "*Clerk/Deputy Clerk/Magistrate*" and as the "*Court Administrator.*" Moreover, this Evidence shows that the "*Certificate(s) of Service(s)*" being sent out to the public by the court – without proper dating of the action – are computer-generated with "*certification*" of personalized "*service of mailing*" without the signature of a person who is purportedly issuing such certification. This demonstrates that, indeed, no "*person*" is doing the mailing, and the certification is thus fraudulently misrepresented and out of compliance with the both the *letter* and *spirit* of the court rules as the action is	11/8/10	3B

personally unverifiable.	11/8/10	3B
sworn and notarized "*Affidavit of Facts*" of Petitioner David Schied in which fourteen (14) exhibits of Evidence are referenced as filed with the 17th District Court along with Mr. Schied's "*Motion to Set Aside Default Judgment and Motion for New Trial Due to Extenuating Circumstances and Unsolved Report of Criminal Racketeering*" and Petitioner David Schied's accompanying "*Request for Criminal Grand Jury Investigation*" of the activities of the 17th District Court judges and the Redford Township Police Department. This filing explains in 18 pages of details, how the judges, the court clerks, and the local police are working together to constructively deny private persons of their constitutional right to due process while committing acts of felony fraud and extortion upon the public.	7/25/11	3C
1-page ***Order*** issued on 7/24/12 by the Michigan Supreme Court. This *Order* was issued in answer to Petitioner David Schied's 50-page "*Petition for Leave of Appeal and Original Complaint of case involving the allegations of a 'Criminal Conspiracy to Deprive of Rights' between the judicial and executive branches of Redford Township, the 17th District Court, the Wayne County Circuit Court, the Michigan Secretary of State, the Michigan Attorne3y General, and the Michigan Court of Appeals as well-documented in recent and in a distant history already familiar to the Michigan Supreme Court in report of government 'Racketeering and Corruption;' and with previous 'miscarriages of justice' resulting in new 'rounds' of criminal offenses also being 'dismissed' from every court throughout 2011 without 'litigation of the merits' of the Facts and Evidence, while depriving Petitioner David Schied of his natural rights guaranteed under state and United States constitutions to due process*	7/24/12	4

<u>*and a jury, and while continually denying Petitioner access to a Grand Jury investigation of the criminal allegations*</u>" and "<u>*Complaint of 'Fraudulent Official Findings' and resulting 'Dismissal of Complaints' of the Judicial Tenure Commission in the face of clear evidence of gross omissions, misstatements, and other 'Fraud Upon the Court' by attorneys and judges as all corporate members of the corrupted State BAR of Michigan*</u>". (***See also*** <u>Exhibit #4</u> for a complete copy of the above 50-page + opening ***Title, Table of Contents***, and "***Questions Presented for Review***"). On its face, the above-referenced "***Petition,***" "***Original Complaint,***" and "***Request for Grand Jury Investigation***" are self-revealing and self-evident in reporting "***top-to-bottom***" judicial and other government corruption in Michigan. The filing, supported with 49 itemized Exhibits of Evidence and an "***Affidavit and Certification of Truth,***" was additionally ruled upon with a decision to "***dismiss***" based on the view that [the justices of the Michigan Supreme Court] were "***not persuaded that the questions presented should be reviewed by this Court***". As shown by inclusion of "<u>***Exhibit P***</u>" of the accompanying "<u>***Motion for Permission to File Petition for Writ of Certiori in Forma Pauperis***</u>", This Michigan Supreme Court "<u>***Order***</u>" was "***decided upon***" by a Michigan Supreme Court dominated by, as former Supreme Court justice-turned-whistleblower and book author has put it, "dark money, secrecy and ideology". The ruling to dismiss this case was also consummated by the participation of "***justice***" Diane Hathaway who was subsequently in 2012 investigated by the FBI and found guilty of felony bank fraud. (***See*** also "***Exhibit P***" as referenced in the accompanying "***forma pauperis***" filing.)	7/24/12	4

Entirety of the decision written on 3/27/13 by Justice Clarence Thomas, with the significantly applicable ruling of the U.S. Supreme Court in the case of "*Millbrook v. United States*", case No. 11–10362, cited as 569 U. S. ___ (2013) in which the determination was made that, "*The law enforcement proviso [of the Federal Tort Claims Act (FTCA) "which waives the "Government's sovereign immunity from tort suits"] extends to law enforcement officers' acts or omissions that arise within the scope of their employment, regardless of whether the officers are engaged in investigative or law enforcement activity, or are executing a search, seizing evidence, or making an arrest...the provisions of this chapter and section 1346(b) of this title shall apply to any claim arising . . . out of assault, battery, false imprisonment, false arrest, abuse of process, or malicious prosecution." 28 U. S. C. §2680(h)...(footnote #3)* ***The Government conceded in the proceedings below that the correctional officer whose alleged conduct is at issue was acting within the scope of his employment and that the named correctional officers qualify as "investigative or law enforcement officers" within the meaning of the FTCA. App. 54–55, 84–85; Brief for United States 30."***	3/27/13	5
6-page handwritten document written by Petitioner David Schied from inside of the Midland County Jail, operated by the Respondent Sheriff Gerald Nielson. The document, captioned as "*Sworn Crime Report and Affidavit by David Schied*" dated 6/11/12, being three days after Judge Karen Khalil and the Redford Township police unlawfully denied Petitioner constitutional due process, criminally abducted, and falsely incarcerated Mr. Schied. This crime report and Affidavit describes in detail the	6/11/12	6

events that took place in Judge Karen Khalil's courtroom, at the Redford Township jail, and during transport by the Statewide Security Transport guards to the Midland County Jail. Incorporated into "***Exhibit #6***" also is 5 additional pages of handwritten notes generated by Mr. Schied detailing occurrences in the Midland County Jail from 6/8/12 through 6/13/12 that pertained to his being placed into Solitary Confinement by the Midland County Sheriff – despite Mr. Schied having an "alarmingly high" blood pressure level upon arrival to the jail facility – because Mr. Schied had questioned a 3rd party medical contract that he was proffered and asked to initial, paragraph-by-paragraph, and to sign by Respondent Gerald Nielson's "agents" as jailers upon Petitioner's confinement in the Midland County Jail. These additional pages also detail the means by which the Midland County Sheriff *repeatedly* attempted to murder Petitioner by intentionally feeding him peanut butter after being clearly informed upon admission to the jail facility that Mr. Schied was deathly allergic to peanut butter and all other peanut products.	6/11/12	6
Five (5) eyewitness Affidavits from individuals who were in the 17th District Court courtroom on the morning of 6/8/12 when Michigan judge Karen Khalil and her Redford Township police/bailiffs assaulted and unlawfully abducted Petitioner David Schied, then falsely imprisoning him on the trumped up charge of criminal contempt. These Affidavits all support Petitioner's CRIME REPORT as presented in "*Exhibit #6*" in claim that Judge Karen Khalil and her bailiffs initiated a scene of confusion and terror in the courtroom against sovereign individuals sitting quietly in the pew over which this judge had no	All pertain to the events that occurred on 6/8/12	7

jurisdiction whatsoever. These Affidavits also clarify that Mr. Schied presented no disruptive behaviors and in fact remained cooperative and silent, though confused and fear-stricken, throughout the horrific assault upon his person.	All pertain to the events that occurred on 6/8/12	7
23 pages of handwritten formalized "*Inmate/Captive Request Form(s)*" completed by Petitioner between 6/10/12 and 6/29/12, in for jail management assistance from the Respondent Midland County Sheriff Gerald Nielson, along inclusive of additional pages of handwritten notes detailing the behavioral responses of the jailers working as "*agents*" of Sheriff Nielson. The details of these formalized request forms, issued by the Midland County Sheriff "*under color of*" providing due process for addressing prisoner complaints, demonstrates intentional tort by gross negligence and dereliction of duty in the mishandling of numerous of Mr. Schied's health and financial concerns while being falsely imprisoned by the Respondent Sheriff. "***Exhibit #7***" thus presents real causes of action by means of mental and physical cruelty through extortion, theft of all finances, threats against Petitioner's life through the repeated serving of peanut butter in a group environment, deprivation of rights under federal HIPPA laws, deprivation of healthy food, deprivation of human contact, deprivation of proper medical attention, and the deprivation of other important resources. These numerous "*request*" forms eventually resulted in the escalation of these complaints through the submission of two "*Midland County Jail Grievance Form(s)*" on 6/25/12 and 6/29/12 respectively, which were both ultimately DENIED due process of any form of action or reply in response to Petitioner's submission of these grievance forms. (See the final exhibits of "***Exhibit #7***" for the	6/10/12 through 6/29/12	8

referenced grievance forms.)		
Three pages of documents: The first entry into that exhibit of the "*Inmate Release Sheet*" dated 6/19/12, and the "*Inmate/Captive Request Form*" submitted by Petitioner and completed by the Midland County sheriff's "*Deputy Watkins*", also dated 6/19/12. According to the Evidence written in the handwriting of the Respondent's authorized "*agent*", *Deputy Watkins*, Petitioner was being FALSELY IMPRISONED based upon a FRAUDULENT *criminal* charge of "*contempt*" for which a Clinton County prosecutor was purportedly involved...despite that Redford Township and the 17th District Court is in Wayne County and despite that Mr. Schied had never before in his life been in Clinton County. Moreover, according to Deputy Watkins, the "*accuser*" and the "*harmed party*" in Petitioner's case were the "*Clinton County Court*", again despite that the Affidavits supplied by "*Exhibit #7*" show the events transpired in Wayne County *without* the involvement of a prosecutor and any sort of due process provided. As shown by the third document, which were notes explaining the occurrences leading to this paperwork, this documentation of the Midland County Sheriff is the ONLY documentation that has been provided by any government entity in response to the plethora of requests for hearing transcripts or videotapes, indictment or prosecutorial documents, the name of a prosecutor, a valid case number, or anything to support the government's wrongful position on this matter.	6/19/12	9
This is a set of documents demonstrating that, indeed, Petitioner David Schied had clearly "*exhausted all state remedies*" and was clearly "*inaccessible*" to remedies in either State or Federal court	6/25/12	10

throughout the term of his 30-day unlawful captivity...as a direct result of actions taken by Respondent Midland County Sheriff Gerald Nielson and his various deputies as "*agents*". The first entry in "***Exhibit #10***" shows that on 6/25/12, Petitioner filed a "*Inmate/Captive Request Form*" attached to accompanying documents (as described below) in request of the sheriff deputies that these documents be *immediately* presented directly to Respondent Sheriff Nielson for delivery to a prosecutor and a Midland County judge. Subsequently, that form and the accompanying documents were brought back as supervisory agents of Respondent had refused to allow these documents to be hand-delivered to the sheriff. Subsequently, Petitioner submitted a "*Midland County Jail Grievance Form*" with sheriff deputies as Respondent's "*agents*" as a due process escalation of the constructive oral denial of Petitioner's previous "*request form*". Attached to this new grievance was Petitioner's previously submitted **8-page "*Crime Report, Demand for Immediate Release, and Demand for Criminal Grand Jury Investigation*" naming Karen Khalil and individual police officers engaged in racketeering and corruption in Redford Township, which Mr. Schied wished to personally requested to deliver to the nearest county prosecutor.** Petitioner also attached his handwritten "***Petition for Immediate Consideration of Writ of Habeas Corpus and Motion for Show Cause Order or Immediate Release from Unlawful Captivity***" as well as his "*Affidavit of Indigency and Motion for Waiver of Fees and Costs*" which Petitioner requested to file immediately with the nearest Midland County judge and court. **The grievance and attachments were subsequently all DENIED processing by deputies "*Wallace*" and her supervisor "*Close*"**	6/25/12	10

on behalf of Respondent.		
Grievance that was from the level of an "*appeal*" to "*Step 1*", which was a procedural right explained to him by sheriff deputies. Petitioner escalated his complaint by **re-submitting the documents for the third time to Respondent, as seen now as "*Exhibit(s) #9 and #10*"** with a new cover sheet "*Midland County Jail Grievance Form*" which, acting in compliance with the procedural steps required by Respondent for escalating complaints raised in the jail, Petitioner truthfully outlined felony "*Interference with a Victim/Witness and Criminal Proceedings, Dereliction of Duty, Deprivation of Rights Under 'Color of" Protocol and Formality*" by the Respondent's "*agents*". Petitioner's resubmitted documents were labeled "*Exhibits A*" and "*Exhibit B*". **The escalated "*Step 1*" grievance cover sheet also reminded Respondent and his sheriff deputies as "*agents*" that the Sheriff had the DUTY for a proper course of action upon "reasonable cause to believe" that a crime has been committed.** Nevertheless, this escalated grievance also was DENIED at the supervisory level by Respondent's agents and Petitioner was immediately forced to serve the remaining part of Judge Khalil's 30-day sentence again in Solitary Confinement as punishment for his attempts to exercise his stated right to due process in the Respondent's jail. (*See* notes shown in "*Exhibit #8*" for more details.)	6/25/12	11
"**EXHIBIT #12**" is two separate documents supporting the contention that that the Clerks of the 17th District Court refuse to produce requested – even subpoenaed – documents that can prove criminal activities of racketeering and corruption being carried out by the "judge" Karen Khalil, the bailiffs, and the clerks at that Court. "***Exhibit 1C***" (p.6) is the "*Request for Expedited 'Record of Actions and*	6/21/12 and 8/24/11	12

Transcript and Digital Video Record and/or Copy of Audio/Visual Hearing Record' referenced by the Affidavit of Patricia Kraus, in that she had been DENIED any "*record of actions...transcripts...audio/video hearing records*" etc. by the clerks of the 17th District Court. In further Evidence in "***Exhibit #12***" is a **Subpoena** (i.e., sent on 8/24/11 pertaining to a preceding case Petitioner had filed on Appeal of the 17th District Court's actions while prosecuting a speeding ticket on behalf of the Township of Redford) **that was DENIED any responsive action**. This too was a denial of a request to produce "*all records, documents, transcripts, audio and video recordings, witness statements, radar reports, police reports, court docket sheets*", etc, showing the propensity of the 17th District Court to cover-up their crimes by resistance acts. Moreover, submitted herein as "**EXHIBIT #13**" are two other documents demonstrating: a) that Petitioner David Schied's efforts to work on his own release from within the Midland County Jail were being unlawfully undermined by Respondent Sheriff Gerald Nielson and his "*agents*"; and b) that outside efforts, taken by Patricia Kraus and others on Petitioner's behalf were being undermined by the intentional dereliction and negligence of the U.S. Attorney for the Eastern District of Michigan (EDM), Barbara McQuade.	6/21/12 and 8/24/11	12
"**EXHIBIT #13**" is two other documents demonstrating: a) that Petitioner David Schied's efforts to work on his own release from within the Midland County Jail were being unlawfully undermined by Respondent Sheriff Gerald Nielson and his "*agents*"; and b) that outside efforts, taken by Patricia Kraus and others on Petitioner's behalf were being undermined by the intentional dereliction and negligence of the U.S. Attorney for the Eastern District of Michigan	6/22/12	13

(EDM), Barbara McQuade. The first document in "***Exhibit #13***" is an envelope sent to Petitioner David Schied at the Respondent's jail, as postmarked 6/22/12, which was originally from Petitioner's attorney, Daryle Salisbury, as clearly marked on the envelope. This envelope was presented to Petitioner ALREADY OPENED, a violation of well-established attorney-client privilege. The second entry in "***Exhibit #13***" is a 2-page "*Citizen Information Form*" marked "URGENT" as submitted on 6/28/12 by Patricia Kraus to the office of the U.S. Attorney Barbara McQuade. Attached to this two-page "information" form page was a copy of Petitioner's "Demand for Criminal Grand Jury Investigation" as time-stamped by the U.S. prosecutor's office. Also, by reference on page 1 of the "*Citizen Information Form*" to a previous complaint addressed to Barbara McQuade dated 3/31/11 **(referencing the letter presented in "*Exhibit F*" of the accompanying "*Motion to Petition for Permission to File Habeas Corpus in Forma Pauperis*")**, Ms. Kraus had offered the reminder that it was because of the previous dereliction of the U.S. Attorney in dismissing that previous 3/31/11 complaint that there has been a continuation of a "*large scale conspiracy of multi-tiered government crimes*" and a sustained "*Demand for access to a federal grand jury for reporting these crimes to a federal special grand jury as statutorily provided under 18 U.S.C. §3332*".	6/22/12	13
EXHIBIT #14" furthers the documentation showing that the U.S. District Attorney Barbara McQuade and her "*agents*" continue to be grossly derelict in their DUTIES to prosecute crimes for which there is reported Evidence and the demand by persons to bring these reports of crimes to the attention of the federal Special Grand Jury under 18 U.S.C. §3332. "***Exhibit #14***" consists of two formal	March and April 2012	14

"Notices" from Michigan resident Karen Stephens, describing crimes for which she has Evidence and that she wishes to present to the special grand jury. Despite these two very clearly written notices referencing 18 U.S.C. §3332, the U.S. Attorney's "assistant" **Leslie Krawford responded with a letter of rhetoric** informing Ms. Stephens that the "*U.S. Attorney's Office is not an investigative agency*". Ms. Stephens thus was compelled to write a third letter pointing out that the response letter intentionally ignored all references to the demands made under 18 U.S.C. §3332, while also clarifying that she was "*not request[ing] for the U.S. Attorney to conduct an investigation*" but was instead relying upon the duties of that office and the "*authority of 18 U.S.C. §3332*" to demand reporting of these crimes to the Special Grand Jury. Nevertheless, McQuade's other "*assistant*" Daniel Lamisch inappropriately responded back as if answering the previous two notices for a second time; while again completely ignoring the third letter sent by Ms. Stephens, and again fraudulently stating that Ms. Stephens was "*request[ing] an investigation*". Hence, the Evidence presented in this case demonstrates that not only has the "top-to-bottom" racketeering and corruption in BOTH the executive and judicial branches of state and federal government in Michigan deprived Mr. Schied of a multitude of his rights, criminally under color of law, these same types of actions are occurring daily and destroying the lives of individuals and families all over the entire State of Michigan. **(*See* "*Exhibit #14*" as copies of all the referenced 5 letters.)**	March and April 2012	14
Trezevant v. City of Tampa, 741 F. 2d 336 - Court of Appeals, 11th Circuit (1984) in its entirety. In that case, the Court determined that an award of $25,000 was not excessive for the imprisonment of the Plaintiff/Appellant for 23	1984	15

minutes. Similar to this case, Mr. Trezevant was incarcerated against his will, denied an attorney, and was incarcerated with other persons who were under arrest for more severe criminal violations. Mr. Trezevant was also subject to a harsh setting, sustained injury in jail, and had his needs for medical assistance disregarded (i.e., in this instant case, Petitioner David Schied was initially placed into Solitary Confinement for questioning the contract with 3rd party medical team contracting with the jailers for physician and nursing services, and he was refused medical services because he had no health insurance and was unwilling to sign a third-party agreement guaranteeing payment for services prior to their being render at the sole discretion of the medical staff.)	1984	15

EXHIBIT #1A

No. 12-1979

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

DAVID SCHIED,

Petitioner-Appellant,

and

PATRICIA KRAUS, in behalf of David Schied,

Petitioner,

v.

JERRY NELSON,

Respondent-Appellee.

FILED
Feb 20, 2013
DEBORAH S. HUNT, Clerk

ORDER

David Schied appeals the district court's judgment dismissing without prejudice his petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2242, which the district court construed as a 28 U.S.C. § 2254 petition. This court construes his notice of appeal as a request for a certificate of appealability (COA). Fed. R. App. P. 22(b). Schied also moves for leave to proceed in forma pauperis (IFP) on appeal.

On June 26, 2012, Patricia Kraus, on Schied's behalf, filed a petition for a writ of habeas corpus challenging Schied's June 8, 2012, conviction and thirty-day sentence for contempt of court. The petition contended that Schied's conviction was rendered without jurisdiction and in violation of his constitutional rights. On June 28, 2012, Schied filed on his own behalf a "petition for immediate consideration and writ of habeas corpus and accompanying motion for 'show-cause' order or immediate release from unlawful captivity," which restated many of his habeas claims and requested a grand jury investigation of the circumstances surrounding his conviction.

The district court dismissed the petitions without prejudice and denied the motion for an order to show cause or for immediate release as moot. The district court denied Schied a COA and leave to proceed IFP on appeal. Schied filed a timely notice of appeal.

A COA may be issued "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). To satisfy this standard, the petitioner must demonstrate that "jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). To satisfy this standard when the district court denies a claim on procedural grounds, the petitioner must demonstrate that reasonable jurists "would find it debatable whether the petition states a valid claim of the denial of a constitutional right and . . . whether the district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

To the extent that Kraus filed the habeas petition on Schied's behalf, she had no standing to bring this action on his behalf, and the district court properly dismissed the petition on that basis. Kraus did not allege any circumstances showing that Schied was unable to prosecute the case on his own behalf due to "inaccessibility, mental incompetence, or other disability." *Whitmore v. Arkansas*, 495 U.S. 149, 163-64 (1990); *see West v. Bell*, 242 F.3d 338, 344 (6th Cir. 2001). Furthermore, Schied himself filed subsequent pleadings in the action, at least one of which was filed while he was in prison, thus indicating that he was able to prosecute the case on his own behalf. Accordingly, reasonable jurists would not debate the district court's determination concerning this issue. *See Slack*, 529 U.S. at 484.

Furthermore, to the extent that Schied filed the § 2254 petition on his own behalf, the district court correctly determined that he had not demonstrated that he first exhausted his state court remedies. *See Pudelski v. Wilson*, 576 F.3d 595, 605 (6th Cir. 2009). Accordingly, Schied has not shown that reasonable jurists would debate the district court's determination concerning this issue. *See Slack*, 529 U.S. at 484.

Affidavits ?

As to Schied's request for a grand jury investigation concerning the circumstances surrounding his offense, he cannot, as a private citizen, sue for the enforcement of criminal laws. *See Diamond v. Charles*, 476 U.S. 54, 64-65 (1986); *Kafele v. Frank & Wooldridge Co.*, 108 F. App'x 307, 308-09 (6th Cir. 2004). As a result, this issue does not deserve encouragement to proceed further. *See Miller-El*, 537 U.S. at 327.

Schied now contends that the district court judge should have recused herself from his case because he had filed a judicial misconduct complaint against her that was still pending and because she acted "prejudicially and with criminal intent to defraud the court" in ruling against him in this case. However, because reasonable jurists would not debate the district court's decision concerning Schied's case, he has not shown that the judge's decision stemmed from extrajudicial bias or from any deep-seated favoritism or antagonism. *See Liteky v. United States*, 510 U.S. 540, 555 (1994); *Wheeler v. Southland Corp.*, 875 F.2d 1246, 1251-52 (6th Cir. 1989). Therefore, this issue does not deserve encouragement to proceed further. *See Miller-El*, 537 U.S. at 327.

Accordingly, Schied's motion for a COA is denied, and his IFP motion is denied as moot.

ENTERED BY ORDER OF THE COURT

Clerk

EXHIBIT #1B

OFFICE OF THE CIRCUIT EXECUTIVE
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
503 POTTER STEWART UNITED STATES COURTHOUSE
100 EAST FIFTH STREET
CINCINNATI, OHIO 45202-3988

CLARENCE MADDOX
CIRCUIT EXECUTIVE

TELEPHONE: (513) 564-7200
FAX. (513) 564-7210
WEBSITE: www.ca6.uscourts.gov

August 25, 2010

Still open as of 2/11/11

David Schied
20075 Northville Place Drive North #3120
Northville, MI 48167

Re: Complaint of Judicial Misconduct No. 06-10-90087

Dear Mr. Schied:

This will acknowledge receipt of your complaint of judicial misconduct against United States District Judge Denise Page Hood.

Your complaint has been filed and assigned No. 06-10-90087. Please place this number on all future correspondence.

In accordance with Rule 8(b) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings and Rule 3(a)(2) of the Rules Governing Complaints of Judicial Misconduct or Disability, a copy of the complaint will be sent to **Chief Judge Alice M. Batchelder.**

I will advise you further upon the disposition of this matter.

Sincerely,

Clarence Maddox
Circuit Executive

CM/pgn

JUDICIAL COUNCIL OF THE SIXTH CIRCUIT
COMPLAINT OF JUDICIAL CONDUCT OR DISABILITY

MAIL THIS FORM TO: CIRCUIT EXECUTIVE OF THE SIXTH CIRCUIT
503 U.S. POST OFFICE & COURTHOUSE
CINCINNATI, OHIO 45202

MARK ENVELOPE "JUDICIAL MISCONDUCT COMPLAINT" OR JUDICIAL DISABILITY COMPLAINT.' DO NOT PUT THE NAME OF THE JUDGE OR MAGISTRATE ON THE ENVELOPE.

SEE RULE 2 FOR THE NUMBER OF COPIES REQUIRED.

1. Complainant's Name: David Schied
   Address: 20075 Northville Place Dr. North #3120 Northville, MI 48167

Daytime telephone: (248) 924-3129

2. Judge or Magistrate complained about:

Name(s): Denise Page Hood

Court: United States District Court for the Eastern District of Michigan, Southern Division

3. Does this complaint concern the behavior of the judge or magistrate in a particular lawsuit or lawsuits?

   Yes

   If "yes" give the following information about each lawsuit (use reverse side if there is more than one):

   Court: Washtenaw County Circuit Court: 09-1474-NO *David Schied v. Laura Cleary, et. al*
   USDC EDM: *David Schied v. Lynn Cleary, et. al*

   Docket number: 10-CV-10105-DT

Other Docket number: 09-1474-NO in Washtenaw County Circuit Court

   Are (were) you a party or lawyer in the lawsuit?

   Party

   If a party, give the following information:

   Lawyer's Name: I am a "*pro se*" and "*forma pauperis*" litigant

   Address: n/a

   Telephone: (248) 924-3129

   Docket number(s) of any appeals of above case(s) to the Sixth Circuit Court of Appeals:

4. Have you filed any lawsuits against the judge or magistrate?

   No

STATEMENT OF FACTS

I. JUDGE DENISE PAGE HOOD FIRST STALLED THE CASE FOR SIX MONTHS, AND UNTIL PLAINTIFF FILED A "*MOTION*" TO HEAR A PREVIOUSLY FILED "*DEMAND FOR REMAND*" THAT JUDGE HOOD HAD STATED SHE WOULD OTHERWISE CONSIDER AS PLAINTIFF'S "*MOTION FOR REMAND*"; AND WHILE REFUSING TO "*HEAR*" PLAINTIFF'S DEMAND FOR AN IMMEDIATE ADDRESS OF A CRIME REPORT AND SWORN, NOTARIZED "*WITNESS*" STATEMENT, BECAUSE THE EVIDENCE PRESENTED IN THE "*DEMAND FOR REMAND*" DOCUMENTS SHOWED A MASSIVE "*CONSPIRACY TO DEPRIVE OF RIGHTS UNDER COLOR OF LAW*" THAT INCLUDED A HISTORY OF PARTICIPATION BY MEMBERS OF JUDGE HOOD'S OWN "*PEER GROUP*" OF OTHER JUDGES ON THE BENCH OF THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, AND THE SIXTH CIRCUIT COURT OF APPEALS.

II. JUDGE DENISE PAGE HOOD ALLOWED CASE MANAGER WILLIAM LEWIS TO CONTINUE FACILITATING AND MANAGING THE PAPERWORK IN THE CASE; AND WHILE ALSO CONTINUING TO ALLOW HIM TO INTERCEDE THROUGH "*EX PARTE*" COMMUNICATIONS WITH EACH PARTY TO THE CASE, RELAYING THAT INFORMATION TO JUDGE HOOD AND TAKING EFFECTIVE "*PREJUDICIAL*" ACTION TO CAUSE PLAINTIFF DETRIMENT, BY DENYING PLAINTIFF'S "*REQUEST FOR ORAL HEARING*" ON NUMEROUS MOTIONS AND WHILE CANCELING THE PREVIOUSLY SCHEDULED ORAL HEARINGS *WITH ONLY A FEW HOURS NOTICE.*

III. JUDGE HOOD ACTUALLY ALLOWED CASE MANAGER TO "*FACILITATE*" THE WRITING OF HER "*SIX SEPARATE ORDERS WRAPPED INTO ONE DOCUMENT DATED 7/29/2010*".

IV. JUDGE DENISE PAGE HOOD'S RULING IS PREJUDICIAL "*ON ITS FACE*". THE RULING *MISSTATED* AND CREATED "*OMISSIONS*" OF THE ACTUAL FACTS TO ESSENTIALLY GENERATE A "*FRAUDULENT OFFICIAL DOCUMENT*" THAT JUSTIFIED THE PREJUDICIAL NATURE OF THE DOCUMENT ITSELF.

V. JUDGE DENISE HOOD THEN USED HER OWN "*FRAUDULENT*" HISTORY OF THIS CASE TO JUSTIFY HER "*ANALYSIS*" OF THE CASE WITH PREJUDICIAL FAVOR *TOWARD* DEFENDANTS AND THEIR ATTORNEYS AND *AGAINST* PLAINTIFF, BOTH AS A CIVIL LITIGANT AND AS A "*CRIME VICTIM*".

VI. JUDGE DENISE PAGE HOOD VIRTUALLY IGNORED PLAINTIFF'S "*DEMAND FOR CRIMINAL GRAND JURY INVESTIGATION*" WHILE ACKNOWLEDGING BUT REFUSING TO ACT UPON PLAINTIFF'S ASSERTIONS – BACKED BY EVIDENCE (FOR WHICH THE COURT HAS REFUSED TO LOOK AT YET) – ABOUT HIS BEING A "*CRIME VICTIM*". YET JUDGE DENISE HOOD HAS ISSUED A RULING THAT COMMANDS PLAINTIFF (EVEN AS A "*PRO SE*" LITIGANT) TO ENGAGE HIS

CRIMINAL PERPETRATORS IN SUCH WAY THAT OPENS HIM UP TO EVEN FURTHER CRIMINAL OPPRESSION AND HARASSMENT BY THE DEFENDANTS AND THEIR ATTORNEY MICHAEL WEAVER, WITHOUT THE PROTECTION OF A PROSECUTING ATTORNEY.

VII. THE "*ANSWER*" OF THIS JUDGE FOR THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN FITS THE CRIMINAL PATTERN DESCRIBED IN PLAINTIFF'S ORIGINAL "*COMPLAINT*" AS FILED IN THE WASHTENAW COUNTY CIRCUIT COURT, BY JUDGE HOOD "*MISREPRESENTING*" THE UNDERLYING FACTS AND BASIS FOR THE PLAINTIFF'S PLEADINGS, THROUGH SIGNIFICANT "*OMISSIONS*" AND "*MISSTATEMENTS OF FACTS*" RELEVANT TO THE PLAINTIFF'S PLEADINGS.

VIII. THE "*ORDER*" DISPLAYS THE FAMILIAR *PATTERN* OF THE CO-DEFENDANTS "*DENYING FULL FAITH AND CREDIT*" TO PLAINTIFF'S TEXAS "*CLEMENCY*" DOCUMENTS; AND OF "*OBSTRUCTING*" PLAINTIFF'S "*FREE EXERCISE OF CONSTITUTIONAL RIGHTS*", AS OTHERWISE GUARANTEED BY TEXAS COURTS AND THE TEXAS GOVERNOR. IT ALSO REFLECTS AND REINFORCES THE *PATTERN* OF CO-DEFENDANTS' "*EXPLOITATION OF A VULNERABLE VICTIM*"

IX. JUDGE HOOD'S "*ORDER(S)*" DISPLAYS INTENTIONAL"*FRAUD*" AND A WILLFUL "*COVER UP*" OF ALLEGATIONS OF CRIMINAL FELONY OFFENSES, WHICH ITSELF CONSTITUTES FELONY OFFENSES BY THE JUDGE

X. THE JUDGE SHIRKED HER "*DUTY*" TO TAKE *IMMEDIATE* ACTION UNDER BOTH STATE AND FEDERAL STATUTES GOVERNING THE *RIGHTS OF CRIME VICTIMS*

XI. THE ORDER DISPLAYS THE FAMILIAR PATTERNS OF A GOVERNMENT "*COVER-UP*" OF PREFERENTIAL TREATMENT FOR GOVERNMENT PEERS, AN "*OBSTRUCTION OF JUSTICE*", AND A "*CONSPIRACY AGAINST RIGHTS*"

XII. JUDGE HOOD'S "*ORDER*" DISPLAYS THE FAMILIAR PATTERN OF GOVERNMENT CO-DEFENDANTS, OF "*CORRUPTLY MISLEADING THE PUBLIC*" BY SETTING FORTH FRAUDULENT "*AUTHENTICATION FEATURES*" IN WHAT IS OTHERWISE THE *RESTRICTED* INTERSTATE COMMUNICATION OF CRIMINAL HISTORY IDENTIFICATION INFORMATION

XIII. THE ORDER DISPLAYS THE FAMILIAR PATTERN OF THE GOVERNMENT CO-DEFENDANTS, "*CORRUPTLY MISLEADING THE PUBLIC*" BY LIBEL, SLANDER AND BY TRESPASSING UPON PLAINTIFF'S PERSONAL AND PROFESSIONAL REPUTATION

XIV. THE ACTIONS OF JUDGE DENISE HOOD AND HER CASE MANAGER WILLIAM LEWIS DEMONSTRATE THEIR ROLE IN A CONTINUUM OF "*GOVERNMENT RACKETEERING AND CORRUPTION*"

I declare, under penalty of perjury, that I have read rules 1 and 2 of the Rules of the Sixth Circuit Governing Complaint of the Judicial Misconduct of Disability. The statements made in this complaint, as articulated in the 5 pages designated as a concise "Statement of Fact" as seen above and as provided in the accompanying 25 pages of "*Interpretation*" of those facts, are true and correct to the best of my knowledge.

Executed on: 8/6/2010

David Schied
20075 Northville Place Dr. North #3120
Northville, MI 48167
248-924-3129
deschied@yahoo.com

8/1/10

Attn: Judicial Council of the Sixth Circuit
Office of the Circuit Executive
503 Potter Steward, U.S. Post office and Courthouse Building
100 E. Fifth Street
Cincinnati, OH 45202

Re: Complaint of conduct prejudicial to the effective and expeditious administration of the business of the courts (i.e., "*judicial misconduct*") by Denise Page Hood

Dear Judicial Council,

Enclosed you will find my 2-page Complaint, submitted under penalty of perjury for truthfulness of the facts; as well as this 39-page cover letter outlining and interpreting Plaintiff's 3-page "*Statement of Facts*". Please note that while your form Complaint restricts my statements to only 5 pages, I do not believe that "*official corruption*" or "*patterns*" of official corruption can be encapsulated by description in such minute number of pages. Therefore, I will seek to clarify by this letter a proper interpretation of the "*Statement of Facts*" as they have been again listed and thoroughly presented below.

Please note that I have been granted issuance of "*forma pauperis*" standing with this Court by reason that it is an extreme hardship upon my family to provide for the costs of multiple copies of the attached documents in Complaint of this judge. The documents being provided as one complete set include the following:

a) This cover letter outlining and interpreting Plaintiff's "*Statement of Facts*";
b) Formal Complaint of Judicial Conduct – tailored in two pages as provided by a "form" from the Sixth Circuit Court;

Please also note that my Judicial Misconduct complaint is not about a "*wrong decision*", a "*very wrong decision*", or arguments "*directly related to the merits*" of case or the judge's stated reasons for their decision. This Complaint is not to call into question the correctness of an official judgment by this judge. **Though the Complaint *does* relate to the ruling, it goes beyond merely a challenge of the correctness based on the merits of the case to attack the propriety of this judge having arrived at this ruling in an illicit manner *and* with an apparent improper motive.**

In this case, the evidence of an improper motive lay in the "*context*" in which this ruling falls within a "PATTERN" of criminal offenses; and by which a CONSPIRACY is proven to exist by a "*meeting of the minds*" on a "*common design*" that maintains the "*unity of purpose*" of "*concealing criminal conduct*" and "*thwarting government liability*" for the actions of other

government authorities involved and/or referenced in the evidence about this case, the way it was initially filed in the Washtenaw County Circuit Court.

> *"Private persons, jointly engaged with state officials in the prohibited action, are acting 'under color' of law for purposes of the statute. To act 'under color' of law does not require that the accused be an officer of the State. It is enough that he is a willful participant in joint activity with the State or its agents,"* United States v. Price, 383 U.S. 787, 794 (1966)."

> *"If sufficient allegations appear of the acts of one defendant among the conspirators, causing damage to plaintiff, and the act of the particular defendant was done pursuant to the conspiracy, during its course, in furtherance of the objects of the conspiracy, with the requisite purpose and intent and under color of state law, then all defendants are liable for the acts of the particular defendant under the general principle of agency on which conspiracy is based."* Hoffman v. Halden 268 F.2d 280 (1959)

My Complaint is about prejudicial conduct by this judge, who haas demonstrated an egregious manner of treating me as a litigant, by "*engaging in conduct outside the performance of her official Court duties*", and while using her judiciary position as means for perpetuating a crime and covering up the crimes of others "*under color of law*". Her actions, given proper public attention, would therefore lead to a "*substantial and widespread*" lowering of public confidence in the Courts, at least among *reasonable* people.

I should remind this Judicial Council that these charges, as proven by reason as true, are very serious and that this Sixth Circuit Court's Judicial Council has a duty to the Constitution to protect the integrity of the courts. Plaintiff reminds this Council that its loyalties are to the People of the United States and not to the self interests of the Bar, or fellow judges, or to The Bar Plan company of liability insurance. The Plaintiff appreciates that it is difficult for a judge or council of judges to find and determine misconduct against his or her fellow judge. Plaintiff believes that it is unconstitutional for the judicial system to be self regulating, as this case is evidence as to why self regulation doesn't work since Evidence already submitted to this U.S. Court of Appeals for the Sixth Circuit demonstrates that prior complaints have already been ignored by the State Bar of Michigan, the Michigan's Judicial Tenure Commission, and even by the Judicial Council of the Sixth Circuit. Nevertheless, the judiciary zealously defends its self regulation, so it has a DUTY to self-regulation and self-policing. Therefore, this Council, though presented with a *prima facia* conflict of interest, has a duty to protect the public perception of the integrity of this United States Court.

Many preambles, forwards, and prefaces to judicial codes of ethics and responsibility are found to state something effective of the following:

> *"The judicial and legal professions' relative autonomy carries special responsibilities of self governance. These professions have the responsibility of assuring the public that its regulations are conceived enforced in the public interest and not in furtherance of parochial or self-interested concerns of their judicial officers. Every lawyer and judge is responsible for observance of the Rules of professional practice. Each should also aid in securing their observance by other lawyers and judges. Neglect of these responsibilities compromises the independence of the judiciary and the public interest which it serves."*

The United States is a government of the people, by the people, and for the people. The judicial system's function is to serve the public by providing a means by which disputes may be resolved and justice may be served. This can only be done in an environment where honesty, integrity, and high moral standards are strictly enforced. The Courts therefore use disciplinary proceedings to protect the courts and the public from the official ministrations of judges and lawyers unfit to conduct legal proceedings in the practice of law.

Bad judges and lawyers hurt good ones. When a lawyer or a judge is allowed to abuse the judicial process for his own personal gain, or to provide gain or cover-up to the gain of others, it taints the image of the court and that of all lawyers and judges. As officers and officials of the court, judges and lawyers must be held to a higher standard of honesty and moral character, not a lower standard. It is therefore in the best interest of all judges and lawyers to determine who is failing to uphold that standard and therefore needs further retraining and knowledgeable support. Any organization that fails to take responsibility to *properly* police itself will eventually lose its autonomy from government regulation. If the courts allow judges and lawyers to use the court's power to abuse the people, the people will eventually find themselves without any further recourse except to rise up with contempt against the courts; to challenge and to strip them of their autocratic authority.

In the case of ELKINS ET AL. v. UNITED STATES, 364 U.S. 206, 80 S. Ct. 1437, 4 L. Ed. 2d 1669 the court in speaking about the imperative of judicial integrity stated:

> "*In a government of laws...existence of the government will be imperiled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious.* ***If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy.***"

The judge named above has not so cleverly exhibited her disdain for ethics and honesty by this recent ruling. Her contempt of the Rules of proper judiciary conduct is glaringly obvious by her having intentionally contributed to an ongoing CONSPIRACY TO COVER UP CRIMES against this litigant. Her Order, when placed in contrast with the content of the pleadings, serves *not* to underscore the "*merits*" of the pleadings themselves, but to underscore this judge's willingness to SUSTAIN and SANCTIFY A LONG HISTORY CRIMES against the plaintiff. The *manner* in which her Order was even written is itself demonstrative Evidence of conduct that was willful, deliberate and inexcusable.

In a society where professional attorneys become professional judges and judges go back to being lawyers, it would seem natural for the rule of law and "justice" to simply give way to the old idiom, "*You have to go along to get along*". It is likely that is what has happened in this case. Judges are not above the law, however. It is illegal to conspire with lawyers and/or other judges to cover up for each other and while simultaneously making a mockery of "*justice*" and the public. Judges have the DUTY to serve the public in the name of the law and the *duty* to serve justice, not themselves.

<u>Gross Negligence, Incompetence, and Intentional Malfeasance of Duty is outside the Scope of "Official Judiciary Duty"</u>

One need not consider the "*merits*" of this judge's ruling as weighed against the legal arguments to rationalize a willful omission of this judge to even address the Arguments and the Evidence presented by the litigant's pleadings. Neither does one need to consider the "*merits*" to reasonably prove that this judge's multiple *Order(s) Denying Motion(s)* of plaintiff's demonstrated rulings made with "*prejudicial bias*" toward the government co-defendants and against the plaintiff. One need only look at the surface features here, of the Plaintiff's filings and the judge's answer to those filings via her ruling, to see that the Order itself follows the same criminal pattern about which the Plaintiff complains needs to investigated, and to have indictments issued, in order to stop the ongoing "cover up" of the crimes that have been committed against the Plaintiff, and indeed against the federal government and Congress, for the past at least seven years.

The following arguments, as referencing specific evidence already in the court records, demonstrates that Judge Denise Page Hood saw from the very beginning of this case that Plaintiff's documents proved a long history of "*conspiracy to deprive* (Plaintiff) *of rights under color of law*". That documentation presented proof that a concurrent long history of government "*cover-up*" of those civil and constitutional rights violations included not only State judges but also the Federal judges employed on the bench of the U.S. District Court for the Eastern District of Michigan and the Sixth Circuit Court of Appeals. Once realizing this, Judge Hood utilized her "*case manager*", William F. Lewis, to first delay any proceedings on this case at all, despite that Plaintiff had initially filed a "*Demand for Remand*" of this case back to the State court where it was first filed. Subsequently, because Plaintiff filed a complaint about that case manager Lewis to the U.S. District Court Administrator David Weaver, Judge Hood then she "*retaliated*" against Plaintiff David Schied for moving the Court to address both the pending "*Demand for Remand*" and the complaint to the Court Administrator about the case manager's unethical behavior and actions.

I. <u>JUDGE DENISE PAGE HOOD FIRST STALLED THE CASE FOR SIX MONTHS, AND UNTIL PLAINTIFF FILED A "*MOTION*" TO HEAR A PREVIOUSLY FILED "*DEMAND FOR REMAND*" THAT JUDGE HOOD HAD STATED SHE WOULD OTHERWISE CONSIDER AS PLAINTIFF'S "*MOTION FOR REMAND*"; AND WHILE REFUSING TO "*HEAR*" PLAINTIFF'S DEMAND FOR AN IMMEDIATE ADDRESS OF A CRIME REPORT AND SWORN, NOTARIZED "*WITNESS*" STATEMENT, BECAUSE THE EVIDENCE PRESENTED IN THE "*DEMAND FOR REMAND*" DOCUMENTS SHOWED A MASSIVE "*CONSPIRACY TO DEPRIVE OF RIGHTS UNDER COLOR OF LAW*" THAT INCLUDED A HISTORY OF PARTICIPATION BY MEMBERS OF JUDGE HOOD'S OWN "*PEER GROUP*" OF OTHER JUDGES ON THE BENCH OF THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, AND THE SIXTH CIRCUIT COURT OF APPEALS.</u>

A. **<u>FACT</u>** - The contents of Plaintiff's "*<u>Response to Defendants' 'Notice of Removal' with Plaintiff's 'Demand for Remand of Case Back to Washtenaw County Circuit Court' and 'Motion for Sanctions Against Defendants and Their Attorney Michael Weaver for 'Fraud' and 'Contempt' Upon State and Federal Courts'</u>*" offered 26 "*<u>Exhibits</u>*" of clear evidence of history with a "*pattern of crimes*" existing between 2003 and 2009 which involved a

"conspiracy to aid and abet" in the cover-up of those crimes by State and Federal law enforcement and judges, inclusive of the judges of the U.S. District Court and the Sixth Circuit Court of Appeals.

B. **FACT** – The nature of the "motions" placed before Judge Hood, inclusive of not only Plaintiff's "*Demand for Remand*" but also Defendants' "*Motion to Reassign Case to Hon. Paul Borman*" forced Judge Hood to look at the history of this case and see that Judge Paul Borman himself was one of those judges of the Eastern District of Michigan when he dismissed a previous case in 2008 that had been brought before him under "42 U.S.C. § 1983" ("*Deprivation of Rights Under Color of Law*"), claiming "*res judicta*" and "*collateral estoppels*" when clearly neither the "*civil rights*" nor the "*criminal*" aspects of Plaintiff's ongoing complaints had never before been addressed. In reviewing that case, Judge Hood had also seen, as presented clearly in Plaintiff's 300+ pages of documented "*history*" of this case, that Judge Borman had also dismissed the 2008 case while "*holding in abeyance*" sanctions over the head of an attorney who had since been formally recognized by his peers, and by the judicial community, as having demonstrated ethics far above the norm. (By putting Judge Borman's ruling in case number 08-CV-10005 in context – as "*Exhibit H*" – with the remainder of Plaintiff's documentation, it surely was clear to Judge Hood that Judge Borman had actually done this unjustifiably because he was otherwise using "*color of law*" to attempt to thwart this reputable Michigan attorney, Daryle Salisbury, from taking Plaintiff's case to the Sixth Circuit Court as case No. 08-1879 and No. 08-1895.)

C. **FACT** – The nature of the "*motions*" placed before Judge Hood, inclusive of Plaintiff's "*Demand for Remand*" forced Judge Hood to look at the history of another case, filed as a "*criminal racketeering and corruption*" case and see that Sixth Circuit Court of Appeals judges Martha Craig Daughtrey, David William McKeague, and Gregory F. Van Tatenhove, as well as former U.S. Attorney and current U.S. District Court Judge Stephen J. Murphy, had all been previously named as "*co-defendants*" in a lawsuit filed by Plaintiff, also in 2008, in claim that these judges also committed acts of "*malfeasance of duty*" and "*judicial misconduct*" when dismissing Plaintiff's requests for an immediate address of Plaintiff's complaint that State government officials. Plaintiff's "*Exhibit I*" brought light to the fact that Plaintiff had filed previous complaints on State judges, the Michigan Attorney General, and other law enforcement officials, as well as Federal government officials employed by the FBI and the U.S. Department of Justice, because they had acted in a "*chain conspiracy*" to repeatedly disregard that the Lincoln Consolidated Schools had been repeatedly disseminating copies of a 2003 FBI report to the public under the Freedom of Information Act, and that the Northville Public Schools had been repeatedly disseminating a 2003 Texas court "*Order of Expunction*" to the public under the Freedom of Information Act.

D. **FACT** – The nature of the "motions" placed before Judge Hood, inclusive of Plaintiff's "*Demand for Remand*" forced Judge Hood to look at the history of another case, filed as a "*criminal racketeering and corruption*" case, and see that Judge Lawrence P. Zatkoff, one of Judge Hood's "*peer group*" of judges on the bench at the U.S. District Court for the Eastern District of Michigan, was one of many judges about whom Plaintiff had filed "*judicial misconduct*" complaints with the Judicial Council of the Sixth Circuit Court of Appeals. (See "*Exhibit L*" and "*Exhibit M*")

E. **FACT** – The nature of the "motions" placed before Judge Hood, inclusive of Plaintiff's "*Demand for Remand*" forced Judge Hood to look at the history of another case, filed as a

"*criminal racketeering and corruption*" case and see that Sixth Circuit Court "Chief" Judge Alice M. Batchelder was one of many judges about whom Plaintiff had filed "*judicial misconduct*" complaints with the Judicial Council of the Sixth Circuit Court of Appeals. (See "*Exhibit J*".)

F. **FACT** – The nature of the "motions" placed before Judge Hood, inclusive of Plaintiff's "*Demand for Remand*" but also Defendants' "*Motion to Reassign Case to Hon. Paul Borman*" forced Judge Hood to look at the history of this case and see that, relative to a "*civil rights*" case brought to the federal on behalf of Plaintiff's under-aged dependent child, a plethora of other "*judicial misconduct*" complaints had been filed, each with a complaint number, against Sixth Circuit Court of Appeals judges Damon Keith, Gilbert Merritt, Cornelia Kennedy, Boyce Martin, Ralph Guy, James Ryan, Danny Boggs, Alan Norris, Richard Suhrheinrich, Eugene Siler, Nelson Moore, Guy Cole, Eric Clay, Ronald Gilman, Julia Gibbons, Jeffrey Sutton, Deborah Cook, Richard Griffin, Richmond Kethledge, and Helene White. (See "*Exhibit N*" in reference to case No. 08-1879)

G. **FACT** – The nature of the "motions" placed before Judge Hood, inclusive of Plaintiff's "*Demand for Remand*" forced Judge Hood to look at the history of this case and see that (by reference to "*Exhibit P*"), the Michigan State Bar's Attorney Grievance Commission was "*derelict in their duty*" to find anything wrong with the actions of attorney Michael D. Weaver in response to "*Request for Investigation of an Attorney*" by Plaintiff in 2008. (See "*Exhibit P*" in reference to numerous "fraud" by Weaver in previous cases filed by Plaintiff in both State and Federal courts.)

H. **FACT** – The nature of the "motions" placed before Judge Hood, inclusive of Plaintiff's "*Demand for Remand*" forced Judge Hood to look at the history of this case and see that (by reference to "*Exhibit R*"), a former Wayne County Circuit Court judge, Cynthia Diane Stephens, (prior to her being promoted to the Michigan Court of Appeals), had been "derelict" in delivering a State ruling that stated literally that "*Expungements are a MYTH*" and that "*schoolteachers in Michigan are subject to a life sentence*" (even though they have evidence of having long ago received a "*set aside*" as well as a "*pardon*" prior to receiving an "*expungement*" of remaining "arrest" record). (*See* Wayne County Circuit Court case No. 04-577-CL.)

I. **FACT** – The nature of the "motions" placed before Judge Hood, inclusive of Plaintiff's "*Demand for Remand*" forced Judge Hood to look at the history of this case and see that (by reference to "*Exhibit S through Exhibit W*"), that from 2004 through 2006 the State court had disregarded clear evidence, laws, and lawyer pleadings, altogether demonstrating that Plaintiff had been fired from his employment in 2003 while being denied his federal right to "*challenge and correct*" the accuracy of the same 2003 FBI report that the Lincoln Consolidated Schools was subsequently found (by Judge Denise Hood) to be disseminating to the public (under FOIA request) in 2003, in 2006, and again in 2009 in effort to continually keep Plaintiff oppressed and unable to afford proper "*representation*", either as a civil litigant or as a "*crime victim*", to pursue civil and criminal "*remedies*" against the Lincoln Consolidated Schools as the criminal perpetrators.

J. **FACT** – The nature of the "motions" placed before Judge Hood, inclusive of Plaintiff's "*Demand for Remand*" forced Judge Hood to look at the history of this case and see that (by reference to "*Exhibit X and Exhibit Y*"), the "chief" Ingham County Circuit Court judge

William Collette had acted criminally in "*malfeasance*" of his duty when dismissing Plaintiff's case as filed in report of a "*criminal conspiracy to cover-up and deprive of rights under color of law*" by State government officials inclusive Wayne and Washtenaw county prosecutors, the Michigan State Police, the staff of attorneys assisting with the Michigan Attorney General, and numerous judges named in the Wayne and Washtenaw county circuit courts, the Michigan Court of Appeals, and in the Michigan Supreme Court.

K. **FACT** – Upon receipt of Plaintiff's "*Demand for Remand*", Judge Hood made record of the fact that she would consider Plaintiff's filing, inclusive of *Exhibits A-Z*, as a "*Motion to Remand*" the case; and through her case manager William Lewis, Judge Hood conveyed to Plaintiff that she would find a ruling on that Motion within another 30 days. Judge Hood disregarded that when Plaintiff followed up in 30 days, and in the months that followed, in complaint that Judge Hood was not holding true to her assurances, William Lewis then retracted his statements and, in fact, claimed that he never relayed that information to Plaintiff on the judge's behalf. Judge Hood condoned her case manager's actions even in the fact of Plaintiff having filed a formal written complaint to the Court Administrator, and to Judge Hood herself, after the case manager sent back to Plaintiff documents that had Plaintiff had previously sent to the court to be filed, and at the very same address at which he had successfully filed other documents with the court. For some unethical reason, Judge Hood failed to include mention about Plaintiff's written complaint about this case manager when rendering her multitude of rulings all at once on July 29th, and while incorporating the services of case manager William Lewis to facilitate phone calls and follow up rulings despite Plaintiff's clear request that Lewis be replaced as the case manager for this court case.

II. JUDGE DENISE PAGE HOOD ALLOWED CASE MANAGER WILLIAM LEWIS TO CONTINUE FACILITATING AND MANAGING THE PAPERWORK IN THE CASE; AND WHILE ALSO CONTINUING TO ALLOW HIM TO INTERCEDE THROUGH "*EX PARTE*" COMMUNICATIONS WITH EACH PARTY TO THE CASE, RELAYING THAT INFORMATION TO JUDGE HOOD AND TAKING EFFECTIVE "*PREJUDICIAL*" ACTION TO CAUSE PLAINTIFF DETRIMENT, BY DENYING PLAINTIFF'S "*REQUEST FOR ORAL HEARING*" ON NUMEROUS MOTIONS AND WHILE CANCELING THE PREVIOUSLY SCHEDULED ORAL HEARINGS *WITH ONLY A FEW HOURS NOTICE.*

A. **FACT** – Despite that Plaintiff had filed a formal Complaint with the "*Senior Court Clerk*" and with the U.S. District Court Administrator David Weaver" about case manager William F. Lewis, Judge Hood nevertheless continued to have Lewis facilitate the handling of this case, and likely even writing the Decision on her behalf. In the meantime, Plaintiff documented that in following up on that written complaint, Kendra Byrd of the Court Clerk's office stated that a complaint about the case manager would never be logged "into the record", and she had no idea whatsoever what becomes of such types of complaints; and indeed she could not find the document even though she acknowledge receipt of the "Motion for Hearing..." which was sent along with that case manager complaint and was otherwise logged into the computer system. She said that the Court operations manager Kevin Williams was out of the office; and in the meantime, the secretary for the U.S. District Court Administrator David Weaver also claimed that she too had never seen the complaint letter that was otherwise sent to the Court Administrator through the Court Clerk's office. Therefore, Plaintiff subsequently obtained the Court Administrator's business card and

promptly sent an email directly to David Weaver with another copy of the complaint (about William Lewis) as an attachment; yet in the past five weeks since that second letter was sent to Weaver, he still has not responded. Yet again, William Lewis was still allowed to continue intervening in these Court proceedings.

B. **FACT** – Per the letter of Complaint that Plaintiff addressed to the "*Senior Court Clerk*" and to the U.S. District Court Administrator David Weaver as written on June 9, 2010 (6/9/10), Plaintiff had attempted to file by mail his "*Plaintiff's Motion for Hearing on Plaintiff's Previously Filed Motion*...." which William Lewis maliciously sent back to Plaintiff with a cover letter claiming that he had sent these documents to the wrong floor of the Court, thus **creating a further delay in the processing of that "*Motion...*", thus providing the Defendant additional time in filing his "response" to that motion, and thus also generating a false court record on the actual day that Plaintiff's "*Motion*" record was actually "*time-stamped*" as having actually been "*received*" by the Court being run by Judge Denise Hood.**

C. **FACT** – On June 17, 2010 (6/17/10), William Lewis issued a "*Notice of Motion Hearing*" on Plaintiff's "*Motion for Remand*", mislabeling it as "*Document No. 18*" without properly acknowledging that the "*Motion for Remand*" document was actually properly filed much earlier (i.e., in January and right after Defendants' "*Notice of Removal*") in the document order as "*Document **No. 6***". It was the "***Motion for Hearing** on Plaintiff's Previously Filed 'Plaintiff's Response to Defendants' 'Notice of Removal' with Plaintiff's 'Demand for Remand of Case Back to Washtenaw County Circuit Court*" that was actually "*Document No. 18*". In addition, this "*Notice of Motion Hearing*" did not acknowledge that Plaintiff had previously filed his "*Plaintiff's Response to Defendants' Notice of Removal*...." in January and that Plaintiff had been informed by Lewis and one other of Judge's Hood's assistants in February, that Judge Hood would rule on the case before March 2010; but that Plaintiff found himself months later to be given only the "*runaround*" by William Lewis in follow up to Lewis' assurances about Judge Hood's initial promise on 2/2/10 to consider "*Plaintiff's Response and Demand for Remand...*" as a "*Motion to Remand*". While essentially mislabeling Plaintiff's motion hearing demand filed on 6/3/10, Lewis also neglected all reference to the second document of "*motion*", the "*Motion for Hearing on Planitiff's Previously Filed...*" that Plaintiff was compelled to send when William Lewis had otherwise stalled this case for many months without a judge's ruling (as earlier promised would occur) or scheduling, and while otherwise assuring Plaintiff that Judge Hood would be deciding something prior to March on the "*Response*...." document that Plaintiff had actually filed at the end of January.

D. **FACT** – Two weeks later on June 28, 2010 6/28/10), William Lewis issued a second "*Notice of Motion Hearing*", this time scheduling the "*Defendants' Motion to Quash (Plaintiff's Demand for Admissions)*", again without acknowledging any other motions that needed to be heard that day. In addition, despite that Plaintiff had filed a "*Notice of Correction of Name Error in Initial Filing*", in notice to the Court that the captioned name for Defendant "Laura Cleary" is actually "**Lynn** Cleary", Judge Hood and the Court continued to use the name "Laura Cleary" when referencing this case and subsequent documents issued by the Court never reflected that undisputed "*correction*" to the record.

E. **FACT** – Just one week after that, on 7/4/10, Plaintiff wrote a letter in reply to attorney Michael Weaver's request that the hearing scheduled for 7/28/10 be adjourned and

postponed. In writing his reply, Plaintiff stated his reasons for denying Weaver's request, and while pointing out that "*FIVE motions*" were then "*pending and in need for hearing on 7/28/10*" rather than the two listed by Judge Hood's case manager when setting that schedule. Those five motions were listed in the letter to the attorney for the Defendants and, as indicated on page three of the letter, Judge Denise Page Hood was provided a copy of the letter at her chambers. Additionally, the Court and the Court Administrator were sent copies of that letter. Nonetheless, on 7/28/10 Judge Denise Hood instructed William Lewis to call Plaintiff just hours before the scheduled hearing to cancel the hearing. At the time of the call, William Lewis acted as if he had no clue whatsoever about the content of Plaintiff's letter dated 7/4/10, stating again that only two motions had been scheduled for hearing. Plaintiff referred him to the letter dated 7/4/10 inquiring why, after being provided with the reasons why he had denied the Defendant a rescheduling of the hearing, that Judge Hood would be asking Lewis to again ask Plaintiff to justify his reasons for wanting to have the hearing that day. Even after Plaintiff repeated himself, William Lewis still adjourned the hearing and even LAUGHED when Plaintiff reminded Lewis that one of those motions was to Quash a deposition scheduled for Plaintiff just two days later and that Plaintiff intended not to attend that deposition without a resolve of the Motion to Quash that scheduled event. Plaintiff believes, as the circumstantial evidence suggests, that William Lewis' phone call and cancellation was due to his having already "*prejudicially*" constructed the judgment Order for Judge Hood without a hearing and despite that "*Plaintiff's Response to Defendants' Notice of Removal and 'Demand for Remand'*"" included a caption of "***ORAL ARGUMENT REQUESTED***" right on the face of that document.

F. **FACT** – Plaintiff's "*Response to Defendants' 'Notice of Removal' with Plaintiff's 'Demand for Remand of Case Back to Washtenaw County Circuit Court'*" and Plaintiff's "*Motion for Sanctions Against Defendants and Their Attorney Michael Weaver for 'Fraud' and 'Contempt' Upon State and Federal Courts*" each were captioned with "ORAL ARGUMENT REQUESTED" right on the face of the documents, yet Judge Hood denied Plaintiff his right to have his oral argument "*heard*" as a matter of record. Additionally, when Plaintiff filed his "*Response and Brief of Support to Defendants' 'Motion to Quash Plaintiff's Demand for Defendants' Admissions and in Both their Individual and Official Capacities...*"" and Plaintiff's "*Motion to Quash Defendants' Notice of Taking Deposition Duces Tecum*", as well as Plaintiff's "*Motion to Compel Discovery Against Defendant Instead*", Plaintiff had clearly again included the cover-page caption of "ORAL ARGUMENT REQUESTED". Nevertheless again, Judge Hood prejudicially denied Plaintiff those requests.

III. JUDGE HOOD ACTUALLY ALLOWED CASE MANAGER TO "*FACILITATE*" THE WRITING OF HER "*SIX SEPARATE ORDERS WRAPPED INTO ONE DOCUMENT DATED 7/29/2010*".

A. **FACT** – On July 28, 2010 (7/28/10) when William Lewis called to cancel the Oral Motion Hearings scheduled for later that day, as indicated above, he was unaware that at least five (5) separate motions had been filed in request for hearing. As indicated by the Court's previous "*scheduling notices*", he was aware of only two (2) of those motions; and Plaintiff had to correct him on the phone. Subsequently, later that day William Lewis sent by email attachment a judgment Order signed by Judge Hood listing six (6) separate motions and while stating that the Court had already "*reviewed*" all of those motions while "*ordering*" that a determination would be made by the Court without oral arguments.

B. **FACT** – The very next day, on 7/29/10, Judge Denise Page Hood issued seven itemized Orders within the same document, each addressing all of the motions for which the Court had no recollection about just the previous day. Plaintiff believes that, circumstantially, the events that took place during these two days indicates that William Lewis, as Judge Hood's "*case manager*" had already completed the "*draft*" of Judge Hood's "*Order*" BEFORE calling Plaintiff to cancel the oral hearing, and in demonstration of Judge Hood's court providing the Defendant's attorney with "*preferential treatment*" by complying with his wishes to have the motion hearing "*adjourned*" for that day because he intended to be out of the country. Additionally, Plaintiff believes that after being notified about the other four to five other motions that were pending but incompetently left unrecognized by the Court the very day of Lewis' cancellation of the motion hearing on Judge Hood's behalf, William Lewis simply modified his document quickly while again treating Plaintiff's motions with "*prejudicial treatment*" and while again disregarding Plaintiff's clearly articulated "*Request for Oral Hearing*" on those motions.

C. **FACT** – Elements of Judge Hood's signed ruling even reflected what appeared to be the "*voice*" of Lewis coming through the writing as particular elements in the ruling appear inappropriate in the context of an official judgment; and with that ruling essentially stripping away the "*foundation*" of Plaintiff's complaint and reducing it to a mere pittance for a collection of any damages by Plaintiff against the Defendants and their attorney, which Plaintiff had repeated insisted had been defrauding the U.S. District Court, as well as other courts in which previous cases between the Plaintiff and the Defendants' attorney had played out. Clearly, the ruling by Judge Hood appeared "*retaliatory*" by a complete and literal severing of all the offenses prior to 2009 which otherwise supported Plaintiff's "*conspiracy*" and "*corruption*" claims. This could be plausible considering that Plaintiff had filed a formal complaint about William Lewis with the Court Administrator, and with a copy of that complaint being provided to Judge Hood, yet with Lewis still being negligently allowed to "*manage*" Plaintiff's case despite Plaintiff's protest and demand for a new case manager to be assigned to the case.

IV. JUDGE DENISE PAGE HOOD'S RULING IS PREJUDICIAL "*ON ITS FACE*". THE RULING *MISSTATED* AND CREATED "*OMISSIONS*" OF THE ACTUAL FACTS TO ESSENTIALLY GENERATE A "*FRAUDULENT OFFICIAL DOCUMENT*" THAT JUSTIFIED THE PREJUDICIAL NATURE OF THE DOCUMENT ITSELF.

A. **FACT** – While referencing Plaintiff's "Complaint" paragraphs 9-10, Judge Hood wrongly claimed that "*two sworn and notarized affidavits of witness" were used in November 2003 in Plaintiff's attempt to challenge the accuracy of the FBI report*". IN FACT, paragraph 9 pointed out that the Lincoln Consolidated Schools "interim superintendent" Sandra Harris, one of the named "defendants" in this case, had terminated Plaintiff's employment while denying Plaintiff his right, as articulated under Title 28 CFR, Section 50,12(b) to "*challenge and correct*" that accuracy of the FBI report and to keep his job while that challenge carried out. The two sworn Affidavits referenced in paragraph 10, on the other hand, were never "*used*" to challenge the accuracy of the FBI report because Plaintiff's own "*set aside*" and "*pardon*" clemency did that. The two sworn Affidavits referenced as "*Exhibit #3*", as shown right on the face of those documents, never even existed until October 17, 2005, making it

IMPOSSIBLE for Plaintiff to have used these documents to challenge the FBI report as fraudulently stated by Judge Hood. **This demonstrates that Judge Hood, at least, did not even look at or consider the Evidence that Plaintiff painstakingly presented to this Court to support his case.**

B. **FACT** –Judge Hood took no reservations to repeatedly publishing the name of the reported "***crime victim***" and the first and last names of the people named as Plaintiff's "*crime witnesses*", yet never referenced the first names or last names (except for a single last name) of those Defendants who committed those crimes. Throughout the published ruling, Judge Hood also continually referred to the Plaintiff as "*Schied*", rather than "Plaintiff", and while otherwise referring to each of the individual defendants collectively as "Defendants". In fact, on page 4 of the Judgment Order Judge Hood intentionally "*hid*" the name of the criminal offender, the Defendant, by claim that "*On March 12, 2009 THE DISTRICT sent Hocquard the Michigan State Police criminal history report, the 2003 FBI report, the 1979 Texas Court Order.....*" Meanwhile, the paragraph referenced by Lewis/Hood in the Order (para#23) referenced "*Exhibit #8*" which clearly presented, within the sworn and notarized "*witness statement*" that the documents sent out on March 12, 2009 were sent by Defendant CATHY SECOR with a cover letter bearing her name inside the package of incriminating documents. **Again, the "*omission*" of this very relevant information by Lewis/Hood demonstrates a "*gross negligence*" and complete failure on the part of the judge (and her case manager), or whoever constructed this Judgment Order, to properly review and consider the facts as also presented plainly "*on the face*" of the Evidence. It also demonstrates a gross violation of State and Federal "*crime victim rights*" laws otherwise holding that crime victims have the right to anonymity and protection from further victimization from the "*Accused*".**

C. **FACT** – In "*constructing a false history*" of this case, though properly stating (bottom of page 4 of the Ruling) that "*On January 26, 2010 Defendants filed a Motion to Reassign the Case to the Hon. Paul Borman [and] Schied filed documents entitled 'Plaintiff's Response': To Defendants' Notice of Removal'...*", Judge Hood completely OMITTED two very relevant facts pertaining to those documents and the order in which they were properly, or in the former instance pertaining to the Defendants, "*improperly*" served to play their part in these proceedings. The first omission of fact by Judge Hood was that at the court hearing on 2/2/10, Judge Hood had discovered that Defendants' attorney Weaver had never actually "*served*" his "*Motion to Reassign the Case....*" on Plaintiff, and so he was allowed to provide Plaintiff with the "*serving*" of that "motion" AFTER, not before, Plaintiff had filed and properly served his "*Plaintiff's Response: To Defendants' Notice of Removal...*". The second omission of fact by Judge Hood was by the FACT that Lewis/Hood, or whoever wrote this Ruling, failed to properly account for the fact that because Defendants' "*Motion to Reassign the Case...*" had not been properly served, it was never actually "*heard*" during the oral hearing on 2/2/10 because Plaintiff needed, and was provided by the Court, two weeks time to "Answer" that motion. **Yet when referencing the actions that took place in the courtroom on 2/2/10 (see page 5 of the Ruling), Judge Hood's *Order* fraudulently claimed, "*The Court allowed the parties to address pending motions, such as Defendants' Motion to Reassign the Case*", when in FACT that did not happen.**

D. **FACT** – In "*cherry-picking*" a factual outline of this history of this case, Judge Hood intentionally "*omitted*" the significant FACT, as articulated by Plaintiff, that the dissemination of the 2003 FBI report in 2003, in 2006, and again in 2009 constituted not only

separate "*crimes*" but a "*pattern of crimes*" against Plaintiff, which rightfully stood as the basis for Plaintiff's "*conspiracy*" and "*fraud upon the* (previous) *courts*" claims. The significant omission of these FACTS, as well as those described in the above "facts", constituted the beginning of what was to eventually clearly demonstrates the egregious manner in which Judge Hood constructed this "*Judgment Order*" document. She "*twisted*" the truth in such way, by a generous combination of misstatements and omissions of Plaintiff's statements, so the generate a document that fraudulently justified the underlying "*goal*" of the judgment Order, which clearly was to *prejudice* Plaintiff's case and to leave him as the "*crime victim*", as well as his crime "*witnesses*", vulnerable and exposed to additional ABUSE by both the Defendants and by the Court.

E. **FACT** – In "*cherry-picking*" what to use as the factual history of this case, Judge Hood "*mischaracterized*" Plaintiff's "*letter to the Court dated March 4, 2010 setting forth his arguments why the case should not be reassigned to Judge Borman, and his understanding as to Judge Hood's review of the documents submitted*". The letter, in FACT, was not written to the Court but instead was written to the case manager William Lewis. The letter, in FACT, did not set forth "*arguments*" but instead was written to memorialize numerous conversations that Plaintiff had with the Judge's staff in follow up to Judge Hood's implied promise in court on 2/2/10 to immediately review "*Plaintiff's Response': To Defendants' Notice of Removal'...*" and to immediately consider and act upon Plaintiff's "*Demand for Remand*" of the case back to State court where this case was initially filed 3 ½ months earlier. The letter recounted the content of Plaintiff's numerous phone conversations with Judge Hood's case manager Lewis, as well as "Kelly", who each had otherwise provided their fraudulent assurance that not only was Plaintiff's "*Response...and Demand for Remand...*" prominently on Judge Hood's desk but that Judge Hood had promised to have that document addressed by – at the latest – the end of that very month of March 2010. The FACTS, in light of this evidence memorializing these events, demonstrates intentional deception, primarily on the part of Judge Hood in relaying that false information to Plaintiff over the phone through her staff, but also in writing through a fraudulent ruling that **MISREPRESENTED the actual substance of the letter referenced in the ruling as document #15.**

F. **FACT** – In "*cherry-picking*" what to use as the factual history of this case, Judge Hood neglected to reference a letter that was sent to Plaintiff, signed by Judge Denise Page Hood and other judges, including Judge Borman, written on 3/31/10 to invite Plaintiff to the courthouse to participate in a Law Day Program on 5/3/10. Additionally, Judge Hood grossly neglected to also reference, or to even list as a document of "*Exhibit*" in the court record, that Plaintiff had written to the Court on 6/9/10 in complaint to the "*U.S. District Court Administrator and Senior Court Clerk*" about the "*intentional delay of process*" by William F. Lewis. (*See* "*Fact*" below for further explanation.)

G. **FACT** – In "*cherry-picking*" what to use as the factual history of this case, Judge Hood's ruling (end of first paragraph on page 6) sought fraudulently to single out, "*admonish*", and otherwise "*advise*" Plaintiff for his written communications with Judge Hood's "*chambers*", but while again OMITTING significant items of factual accuracy. In the ruling, Judge Hood wrote, "*Schied's response to Defendants' Motion to Quash was received...on July 7...The envelope and cover letter indicated "Attn: Court Clerk for Judge Denise Page Hood...Documents sent to Chambers do not necessarily constitute a filing with the Clerk's office...In the future, Schied must direct all his documents to the Clerk's Office on the Fifty Floor to ensure proper filing*". **Yet what is significantly OMITTED from this entire**

paragraph, which purported was written to provide a summary account of all "*history*" and "*documentation*" with the Court from February 5th, 2010 (beginning of the last paragraph on page 5) up to the ruling dated 7/29/10, was any reference whatsoever to TWO other documents that were also written as "*letters*" written prior to this one acknowledged by the court as having been written on July 7th. The **first** OMISSION OF OFFICIAL DOCUMENT ENTRY was a cover letter dated June 7, 2010 written by William Lewis stating that he had otherwise received Plaintiff's court filings on June 4, 2010 but was sending them back to Plaintiff under claim that Plaintiff had incorrectly addressed the documentation to Lewis as the case manager. This was despite that Plaintiff correctly addressed his documentation to the proper address of the U.S. District Court at 231 W. Lafayette Blvd. in Detroit. The **second** OMISSION OF OFFICIAL DOCUMENTATION was Plaintiff's letter of Complaint to the U.S. District Court Administrator and Senior Court Clerk dated 6/9/10 in complaint about Lewis having sent back timely-filed documents, and otherwise explaining why Plaintiff would later choose NOT to address his correspondence and court filings to William Lewis for filing with the Court.

In further complaint about this matter, Plaintiff must add the following: From the time pro se Plaintiff David Schied first began submitting his documents to the Court, he had been addressing his cover letters to the "*Attention*" of **"*Court Clerk*" and "Case Manger"**, while addressing the documents to "*U.S. District Court for the Eastern District of Michigan* [at] *231 W. Lafayette Blvd*". By June 3rd when Plaintiff had first attempted to file his "*Plaintiff's Motion for Hearing on Plaintiff's Previously Filed 'Plaintiff's Response to Defendants' Notice of Removal with Plaintiff's Demand for Remand of Case…and Motion for Sanctions Against Defendants' and their Attorney Michael Weaver for Fraud and Contempt….*", the name of the case manager had become known to Plaintiff so Plaintiff addressed the cover letter for his filing to "*Attn: Mr. William F. Lewis, Case Manager for Hon. Denise Page Hood*" at the same address at "*231 W. Lafayette Blvd.*" Yet in **RETALIATORY response to certain phone conversations that had occurred between Lewis and Plaintiff regarding Judge Hood's fraudulent promise about completing a ruling on Plaintiff's "*Plaintiff's Response to Defendants' Notice of Removal and Demand for Remand*" by the end of March** (see above) and regarding the continual delay since the end of March as "*discovery*" proceedings and deadlines continued to press forward, **case manager William Lewis maliciously delayed the proceedings even further by SENDING BACK Plaintiff's court filings** with a cover letter dated June 7, 2010 stating that he had otherwise received Plaintiff's court filings on June 4, 2010. **THIS INFORMATION WAS NOT ENTERED INTO THE COURT RECORD, and indeed the "*OMISSION*" of this information was used against Plaintiff in the formulation of the "*admonition*" delivered by Judge Hood at the bottom of paragraph 1 on page 6.**

Plaintiff's letter dated 6/9/10 was written as a formal "*Complaint of intentional delay of process by retaliatory treatment of a 'pro se' litigant by William F. Lewis, the case manager to Judge Denise Page Hood in regards to the filing of documents in the case of David Schied v. Laura Cleary, et al…*". It also included a note that the letter also regarded Plaintiff's "*Demand for investigation and follow up reply to this complaint by the U.S. District Court Administrator*". The letter itself pointed out that the documents sent to the court but returned by Lewis consistently retained the same ACCURATE physical address of the courthouse; and the letter complained that Lewis' cover letter and actions reeked of "*passive aggression*" and "*sarcasm*". As Judge Hood's instrumental "*representative*" for this case, this was reprehensible and intolerable, particularly given Plaintiff's ongoing concern for and good

faith dependency upon Judge Hood's promise during the hearing on 2/2/10 to consider Plaintiff's "*Response....and Demand for Remand...*" as a motion to act without delay. **The combined actions of case manager William Lewis and Judge Denise Hood therefore constitute acts in "conspiracy to retaliate" against Plaintiff for finding fault against the Court for these malicious and grossly negligent acts clearly prejudicing Plaintiff's case.**

H. **FACT** – Judge Hood intentionally OMITTED what is referenced in the above paragraphs to cover up what lay beneath the statement she wrote in the middle of the first paragraph of her ruling on page 6 which otherwise stated (in regards to Plaintiff's "*Motion for Hearing on his 'Response to Defendants' Notice of Removal with Demand for Remand...*") in oversimplified fashion, "*Although the Court had already indicated to the parties on the record on February 2, 2010 that it would rule on the motions and requests already filed by the parties, the Court set a hearing for July 28, 2010....*"

I. **FACT** – Judge Hood's ruling failed to reference the correspondence that Plaintiff had sent to the Court in copy of a letter that Plaintiff had written on 7/4/10 to the Defendants' attorney denying Defendants' attorney's request that the motion hearing on the scheduled motions be cancelled because he was scheduled to be out of the country. In Plaintiff's response letter, Plaintiff had pointed out his reasons for denying the Defendants' request for an adjournment, stating clearly that it was because Defendants had been defrauding the Court(s) for years. Plaintiff's letter also cited, once again for the record, that his *Motion for Sanctions* had been filed because Defendants had "*Removed*" the case from State Court based on the claim that while his clients have been committing crimes against Plaintiff for years with the attorney Michael Weaver himself acting as the "*kingpin*" for their continually committing "*theft and conversion of government to personal use*" in violation of the *National Crime Prevention and Privacy Compact* and Michigan's *CJIS Policy Council Act*.

In that letter, Plaintiff had clarified that while "*the Court*" (i.e., case manager William Lewis) had incompetently, or gross negligently, scheduled only TWO motions for Judge Hood to "*hear*" on July 28, 2010, that actually FIVE motions were otherwise actually pending. In FACT, when William Lewis had called Plaintiff on July 28, 2010 just hours prior to the scheduled hearing for later that day, he appeared quite unaware that the Court, and Judge Hood had received this letter. During that call he first asked if Plaintiff would mind if Judge Hood canceled the hearing, and when Plaintiff referenced the letter stating his many reasons why he was depending upon that oral hearing, William Lewis stated that the regardless of what Plaintiff cared about Judge Hood was canceling the hearing anyway and ruling upon the TWO motions without a hearing. ["The Court's" notices of hearing had only listed Plaintiff's "*Motion for Hearing* (on Plaintiff's Previously Filed Response...and Notice of Removal)" and Defendants' "*Motion to Quash Plaintiff's Demand for Admissions*" while failing to list an actual "*hearing*" on Plaintiff's initial motion which was the "*Plaintiff's Previously Filed Response...and Notice of Removal*". (Plaintiff surmised that a "*corrupt*" court could get away with holding a hearing on the "*Motion for Hearing*" on the other motion while still going without a hearing on the motion for which that second motion had been filed. Moreover, the hearing notices completely left out the need for a hearing on the "*Motion for Sanctions Against Defendants and their attorney Michael Weaver for 'Fraud' and 'Contempt' Upon State and Federal Courts*" that accompanied the "*Plaintiff's Previously Filed Response...and Notice of Removal*" motion. The hearing notices also failed to list Defendants' "*Motion to Reassign Case to the Hon. Paul Borman*" as a motion for which a ruling has long been deserved and for which Plaintiff had otherwise filed an appropriate response.)

In protest to William Lewis stating that Judge Hood would still be canceling the oral hearing just hours ahead of time, Plaintiff pointed out that he had already placed his objections into writing with his letter to Defendants' attorney, and that due to the incompetence and dereliction of "*the Court*" there were FIVE motions to be heard instead. Plaintiff described the letter to Lewis and he stated that he would find it and get back with Plaintiff. Later that same day, Lewis wrote back by email sending an attachment with an "*Order*" signed by Judge Hood listing all of the Motions referenced by Plaintiff over the phone (and in Plaintiff's letter to Defendants' attorney dated 7/4/10), and ruling that the oral hearing had been denied. The Order gave notice that Judge Hood would rule on all the motions sometime in the near future. The very following day, despite a mound of paperwork that had been unrecognized as even existing on July 28, 2010, Judge Hood established her written ruling on ALL of those motions. Again, Plaintiff believes that the construction of this ruling was nothing more than adding a few extra points of denial (a couple of extra pages) at the end of a document that had actually already been decided and written BEFORE Judge Hood's case manager had even called Plaintiff on July 28th to deny the oral hearing (thus again demonstrating "circumstantially" that Judge Hood had acted "*prejudicially*" in accordance with Defendant's request that the hearing be canceled because he would be out of the country).

J. **FACT** – Judge Hood's "***Order** for Submission and Determination of Motion Without Oral Hearing*", written on July 28, 2010, failed to mention that along with every "*motion*" filing Plaintiff had submitted his "*Demand for Grand Jury Investigation*". Moreover, Judge Hood's subsequent "*Order*" dated July 29th, though mentioning Plaintiff's "*Demand for Jury Trial / **Demand for Criminal Grand Jury***" on page 2, did NOTHING to address Plaintiff's persistent claim to be a perpetual "crime victim". Instead, Judge Hood's ruling "*constructively denied*" Plaintiff's "*Demand for Criminal Grand Jury*"

V. JUDGE DENISE HOOD THEN USED HER OWN "*FRAUDULENT*" HISTORY OF THIS CASE TO JUSTIFY HER "*ANALYSIS*" OF THE CASE WITH PREJUDICIAL FAVOR *TOWARD* DEFENDANTS AND THEIR ATTORNEYS AND *AGAINST* PLAINTIFF, BOTH AS A CIVIL LITIGANT AND AS A "*CRIME VICTIM*".

A. **FACT** – Of great significance to Plaintiff's allegation that Judge Hood's prejudicial treatment of this case and the construction of a ***fraudulent official public court document***, is the fact that Judge Hood's ruling falsified the FACT that Defendants' attorney Michael Weaver had "*removed*" this case from State court while resting on the SOLE claim that this case involved the "***same incident or occurrence***" as Judge Borman's previous case in which actually only one of the *defendants* was "*the same*". In her ruling, the falsification was presented in the official court record by the misstatement "*Defendants seek reassignment of this case to the Hon. Paul Borman...as a companion to an earlier case before Judge Borman, Schied v. Davis No. 08-10005. **Defendants argue Schied filed a NEARLY IDENTICAL cause of action** before Judge Borman which was dismissed and upheld by the Sixth Circuit Court of Appeals. Defendants claim the events giving rise to this cause of action are identical to the events giving rise to Schied's prior cause of action – that Schied was improperly terminated from his employment and that various individuals disclosed information about Schied's criminal background*". Defendants' attorney Michael Weaver had stated "*same*

incident or occurrence" rather than "*nearly identical cause of action*" or "*identical*" when removing this case from State court to Federal court.

By falsifying the actually stated basis for attorney Weaver having "*removed*" this case from State to Federal court, Judge Hood had not only "*aided and abetted*" in the "*covered up*" of attorney Weaver's previous "*fraud*" upon the other courts, as claimed by Plaintiff as the supporting basis of Plaintiff's "*Motion for Sanctions*", but Judge Hood had also prejudicially provided the Defendants with the "path" toward completely undermining all of Plaintiff's "*criminal conspiracy to cover up*", tortuous intent, and "*color of law*" civil rights claims, while justifying the prejudicial denial of Plaintiff's motion for the remand of this case back to State court where Plaintiff had initially filed this Complaint.

B. **FACT – Judge Hood's ruling, as articulated immediately above in the preceding "*FACT*" item, proclaims publicly that Plaintiff DOES have a CRIMINAL BACKGROUND when that cannot be legally stated as a "*fact*". By stating so, Judge Hood has therefore acted "*illegally*" and with a resulting cause of defamatory harm to Plaintiff.** Plaintiff therefore challenges this U.S. District Court to prove Plaintiff indeed has a criminal background since all remnants of any criminal history were "*expunged*" in 2004 by Texas court Order. Clearly, Judge Hood's claim that Plaintiff indeed does has a criminal history unjustly relies upon the contents of the 2003 FBI report (that Plaintiff has been, since 2003 when that 2003 FBI report was first generated, published and released to the Lincoln school district officials under STRICT privacy conditions), and thus demonstrates Judge Hood's unreasonable and, in fact, PREJUDICIAL inclinations against Plaintiff.

C. **FACT – Judge Hood took a single argument that Plaintiff made concerning Defendants' fraudulent claim** (i.e., that the basis for Defendants' "*Notice of Removal*" was stated to be because it involved "*the same*" incident or occurrence and did not recognize that the 2009 incident was yet an entirely new occurrence supporting Plaintiff's assertion that this latest occurrence was just another in a string or "*chain*" of criminal events constituting a "*conspiracy to deprive under color of law*") **and FRAUDULENTLY twisted it** to assert (in the middle of page 7) that "*Schied argues that this case involves a totally new time and event and involves different parties, complaints and issues from any case filed in Federal Court or in any state court. Schied claims that his 2009 action pertains to Defendants' recent illegal and criminal dissemination of nonpublic Texas Court and FBI information. He claims that any reference to an improper termination of his employment in 2003 is historical only and offered as background reference.*" **Judge Hood worded her ruling in such fashion as a PREJUDICIAL "*SET UP*" to justify her both "*cutting off*" Plaintiff's "*damage*" claims for anything occurring prior to 2009, and for her deciding to keep Plaintiff's case in Federal court** (based on Plaintiff's reference to Defendants' violating federal statutes as well as state statutes by their crimes) **long enough to determine that (because Plaintiff had filed "*conspiracy*", "*corruption*", and other types of complaints that involve two or more occurrences) by limiting Plaintiff's case to only the 2009 occurrence she could later dismiss Plaintiff's remaining complaint also, or at least severely limit Plaintiff's claim for "*damages*" related to this single event.**

D. **FACT** – Judge Hood's determination that Plaintiff's assertion (i.e., that the "new incident or occurrence" of Lincoln Consolidated School District officials disseminating an erroneous "*nonpublic*" FBI report to the public under FOIA request in 2009) was "*not a companion case*" (to the previous "*occurrences*" of the LCSD officials maliciously disseminating the

SAME erroneous "*nonpublic*" FBI report to the public under FOIA request previously in 2003 and again in 2006) provided her with the means by which Hood could not only "*deprive*" **Plaintiff of the "*substance*" of his claims, whether technically "*state claims*" or "*federal claims*", but also the means by which Judge Hood could undermine, or otherwise render impotent, all of Plaintiff's evidence in support of the claim that State and Federal judges** (including the so-called "*honorable*" Judge Paul Borman) **have long been acting in a criminal conspiracy to "*aid and abet*" in the continuation of these Defendants' ongoing crimes by their own FELONY "*gross negligence*" and FELONY "*malfeasance*" of official duty to provide Plaintiff, as a crime victim, with criminal protection from his perpetrators as outlined by both State and Federal laws.**

E. **FACT** – In accordance with the assertions of the preceding paragraphs, Judge Hood went further (as shown near the top of page 8 of her ruling) to FRAUDULENTLY claim that Plaintiff had "*admitted in his response*" (to Defendants' "*Notice of Removal*" of the case from state court to federal court) that the case "*only involves 'recent' incidents, specifically Defendants' March 12, 2009 response to Hocquard's December 2008 FOIA request.*" (Note that "*incidents*" is plural while constructively there is only ONE incident referenced which would, on its own, preclude Plaintiff from having a "conspiracy" or "corruption" claim under RICO statutes. This is another aspect of the prejudicial "*SET UP*" being "*constructed*" here by Judge Hood's ruling. Note also that Judge Hood repeated her assertion about Plaintiff having "admitted" having ONLY a single claim related to Earl Hocquard's receipt of the District's personnel file in March 2009 is repeated again precisely in the first paragraph of page 13.)

Judge Hood's statement if *fraudulent* because it intentionally, maliciously, tortuously, and wrongfully construes Plaintiff's argument (that the 2009 event was a "*separate and new event*" inapposite Defendants' assertion that it was "*the same*" event and NOT a "new incident or occurrence") **as an "*admission*"** that there was no connection whatsoever between this 2009 dissemination of the 2003 FBI report and Plaintiff's assertion that this "new" event supported his claim of a criminal "*conspiracy to deprive of rights*" and the Defendants having a long history of "*fraud upon the Courts*". Clearly, as articulated in the last line of that paragraph of page 8 of Judge Hood's ruling, **Judge Hood *fraudulently* construed Plaintiff as having "*admitted*" to something that is clearly untrue so to support her assertion that, "*Any events prior to December 2008* (i.e., when "*witness*" Earl Hocquard first submitted a FOIA request to the LCSD for personnel records related to Plaintiff) "*WILL NOT BE CONSIDERED BY THE COURT TO SUPPORT ANY CLAIM BY SCHIED, other than for historical purposes*".** She did this to PREJUDICE the remainder of Plaintiff's case.

F. **FACT** – **"The Court" PREJUDICIALLY found its "*basis for the Court's jurisdiction under the Court's federal question jurisdiction under 28 U.S.C. § 1331*", by accepting an argument received by the Court on June 25, 2010 but never actually sent to Plaintiff until AFTER the July 29, 2010 ruling** (also without an updated "*Certificate of Service*" as Plaintiff had previously overlooked that the "*Certificate of Service*" sent by Defendants along with their "*Motion to Quash*" included reference to a "*Defendants' Response to Plantiff's Motion for Hearing*" but was not actually sent then along with that package). Defendants' deceptive actions, both against the Defendants and against the court (since the Court received a certificate of service on that "*Defendants' Response to Plaintiff's Motion for Hearing Filing*") should only go to further support Plaintiff's assertion that Defendants have been

acting in "*bad faith*" in, and "*in concert*" with various state and federal judges to undermine both the spirit and the letter of the law, while using "*color of law*" to deprive Plaintiff of his right to "*justice*" under the law. The end result in any regard is clearly a "*gross miscarriage of justice*".

G. **FACT – Judge Hood admitted to "*making an exception*" to the general "*rule*" and practice of law in this case, so to execute her PREJUDICIAL actions against Plaintiff.** On page 9 of her ruling, Judge Hood clearly stated, "*As a general rule, removability is determined by the pleadings 'filed by the plaintiff', and all doubts arising from defective, ambiguous and inartful pleadings should be resolved in favor of the retention of state court jurisdiction.... Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss or remand the action, either by a party's motion or the court's own motion*". The court nevertheless did so while admitting (on page 10 of the ruling) both that the Court has neither addressed the "*merits of the Complaint*" nor was it even able to determine at this time whether Schied is making a claim – in a case that was filed in STATE court – under each of the federal statutes he cites in his Complaint. **THIS IS ANOTHER PREJUDICIAL "*SET UP*" for a later dismissal of Plaintiff's claims from the federal court because of a potential later "*finding*" that Plaintiff did not establish claims under "*federal statutes*" when filing his Complaint in State court. Furthermore, as already detailed above, Judge Hood's "*severance*" of all claims related to occurrences prior to December 2008, relegating all previous incidents to simple (and likely "*inadmissible*") "*history*" and precluding Plaintiff having anything other than a single claim related to the 2009 dissemination of 2003 "*nonpublic*" FBI report to Earl Hocquard, has the effect of "*whittling down*" all but one of Plaintiff's claims (which ultimately stemmed from Judge Hood's false claim that it was Plaintiff's "*admission*" that this one claim had nothing to do with that previous history and leading to the Court's determination that this was NOT a companion case to the one Judge Paul Borman had so incompetently dismissed in 2008.)**

H. **FACT** – Despite acknowledging the basis for Plaintiff seeking a "*Motion to Compel*" Defendants to answer over 300 questions related to their "*past 7-year fraudulent actions*", which otherwise supported Plaintiff's reason for also filing his "*Motion for Sanctions*" against Defendants and their attorney Michael Weaver, Judge Hood PREJUDICIALLY denied both of Plaintiff's motions while relying upon her own "*construction*" of fraudulent claims and her own resulting ruling to limit Plaintiff's claims to only one incident (in 2009) under a claim that Plaintiff – even as a reported crime victim being wrongfully denied access to a criminal Grand Jury investigation – would be creating "*an undue burden upon Defendants*" as the criminal perpetrators. **Rather than to allow Plaintiff to continue his attempt to expose the conspiracy of offenses, inclusive of "*misprision of felony*" by corrupt State and Federal judges, inclusive of judges of the Sixth Circuit Court of Appeals and the Office of the Circuit Executive Clarence Maddox, Judge Hood issued a ruling on July 29, 2010 limiting Plaintiff's "*Discovery*" requests to only 30 questions, and with a "*Discovery deadline*" on August 2, 2010 set by the Scheduling *Order* issued on 2/2/10; and while FRAUDULENTLY asserting "*Any other requests to admit relating to any facts or prior lawsuits before December 2008 ARE NOT RELEVANT.* The obvious intention and the effect of such a prejudicial ruling, again, is to "construct" impossible conditions for Plaintiff to sustain any type of claim...period....or at least any type of claim on which he might substantiate an honest claim for substantial "*damages*".**

I. **FACT** – When addressing Plaintiff's "*Motion to Quash Deposition*" submitted by Defendants (see bottom of page 13 of the ruling), Judge Hood fraudulently constructed "*misstatements*" and she "*lied by omissions*" when she wrote, "*The Court assumes the Notice pertains to Schied's deposition since Schied did not attach a complete copy of the Notice with his request*", and while stating, "*Schied does not set forth any reasons why the deposition should not be held, other than reiterating allegations that Defendants and defense counsel continual to engage in "fraud upon the Court*".

In FACT, Plaintiff's "*Motion to Quash Defendants' 'Notice of Taking Deposition Duces Tecum" was filed within and as part of Plaintiff's "Response and Brief of Support to Defendants' 'Motion to Quash Plaintiff's Demand for Defendants' Admissions in Both Their Individual and Official Capacities....*", and as such, Plaintiff should not have needed to file a "complete copy of the Notice" to begin with since the Court should have been reviewing Plaintiff's "*Response...*" alongside and while referencing the Defendant's "*Notice....*". Even still, Plaintiff did provide the cover page for Defendant's "Notice..." by reference as "*Exhibit #1*" which WAS attached to Plaintiff's "*Motion to Quash...*" Therefore, it should be clear that William Lewis, Judge Denise Hood, or whoever else writing this court Order had constructed it in such fashion as to maliciously frustrate Plaintiff with "*frivolous*" demands that otherwise serve to PREJUDICIALLY hold "*pro se*" litigant up to a higher standard of written pleadings than what is expected of professional attorneys.

Moreover, by casually dismissing Plaintiff's claims on even a cursory perception that Plaintiff is "*reiterating*" his allegations that Defendants continue to engage in "*fraud upon the Court*" would lead "*ANY REASONABLE PERSON*" to question the judicial integrity of the Courts. In FACT, Plaintiff's combined "*Response to Defendants' Motion to Quash Plaintiff's Demand for Admissions...*" and "*Motion to Quash Defendants' Notice of Taking Deposition...*" and "*Motion to Compel Discovery Against Defendants Instead*" was 41 pages in length, and consisting fully of a "*Table of Contents*" and an "*Index of Relevant Authorities*" to support all of Plaintiff's "*supporting arguments*". It is imperatively significant that Judge Denise Hood's ruling failed to acknowledge these 41 pages of very relevant issues based in FACT when they otherwise clearly supported Plaintiff's clearly articulated claims of criminal activity by government officials and their attorneys. This is particularly true as all of the actions described by Plaintiff's documents had reflected upon the decisions of judges in previous court rulings, and had supported Plaintiff's concurrent allegation that those state and federal judges had purposefully committed a "*chain*" of felony acts of "*judicial misconduct*" by their tortuous previous denials of Plaintiff's earlier "*iterations*" of the same claim of being criminally "*victimized*" by all of this.

VI. JUDGE DENISE PAGE HOOD VIRTUALLY IGNORED PLAINTIFF'S "*DEMAND FOR CRIMINAL GRAND JURY INVESTIGATION*" WHILE ACKNOWLEDGING BUT REFUSING TO ACT UPON PLAINTIFF'S ASSERTIONS – BACKED BY EVIDENCE (FOR WHICH THE COURT HAS REFUSED TO LOOK AT YET) – ABOUT HIS BEING A "*CRIME VICTIM*". YET JUDGE DENISE HOOD HAS ISSUED A RULING THAT COMMANDS PLAINTIFF (EVEN AS A "*PRO SE*" LITIGANT) TO ENGAGE HIS CRIMINAL PERPETRATORS IN SUCH WAY THAT OPENS HIM UP TO EVEN FURTHER CRIMINAL OPPRESSION AND HARASSMENT BY THE DEFENDANTS AND THEIR ATTORNEY MICHAEL WEAVER, WITHOUT THE PROTECTION OF A PROSECUTING ATTORNEY.

A. **FACT** – The final two pages of Judge Hood's ruling demonstrates a blatant disregard for Plaintiff's rights under the very first thing listed in 18 U.S.C. § 3771 as the "*Rights of Crime Victims*", being § 3771(a)(1) "***The right to be reasonably protected from the accused***". Instead, Judge Hood's ruling focused on using "*color of law*" [i.e., *Fed. R. Civ. P. 30(a)(1)*"] and "*the right of a party to depose a person, including a party*" to insist – with an air of "*contempt*" for Plaintiff as a crime victim (by continuing to reference Plaintiff personally by his last name only) that "***Schied is subject to discovery, including a deposition, so that Defendants may properly prepare their defense to the Complaint....Schied has not shown that he should not appear at the deposition....If a party fails to appear at a deposition, the noticing party is entitled to recover reasonable expenses for attending, including attorney fees...Schied's Motion to Quash Deposition is DENIED.....In his Response to Defendants' Motion to Quash, Schied seeks to compel discovery against Defendants 'instead'...Schied claims that there is no basis for Defendants' Motion to Quash (Plaintiff's 'Motion to Compel Discovery' based on Defendants' refusal to answer Plaintiff's incriminating 'Demand for Admissions' based on a plethora of evidence against Defendants)...Given that the Court has granted Defendants' Motion to Quash for the reasons set forth above, Schied's Motion to Compel Discovery that Defendants' respond to the Requests to Admit is denied...It is further Ordered that Plaintiff's Motion for Sanctions Against Defendant and their Attorney Michael Weaver for 'Fraud' and 'Contempt' Upon State and Federal Courts is DENIED.***". **A judge cannot be shown to act more prejudicial than this.**

B. **FACT** – Judge Hood provided less than 24 hours notice to crime victim David Schied that he should "*appear at the deposition*" and be "*subject to discovery*" or face sanctions by Judge Hood herself who clearly postured herself PREJUDICIALLY in favor of awarding Defendants "*expenses*" and "*attorney fees*", essentially threatening Plaintiff, as a crime victim, with having to PAY for the costs for allowing the criminal perpetrators to further victimize him. She also has clearly Ordered Plaintiff to be subject to questioning by the attorney representing "*the Accused*", even as he is a reported "*crime victim*" with a sworn "*witness*" ready to testify to the crime, and while denying Plaintiff's right to "*confer*" with a government prosecutor, which in this case should be the U.S. Attorney for the Eastern District of Michigan. This is a direct violation of 18 U.S.C. § 3771(a)(3) which otherwise states, "*A crime victim has the right to confer with the attorney for the government in the case*" and 18 U.S.C. § 3771(a)(8) which states, "*A crime victim has the right to be treated with fairness and respect for the victims' dignity and privacy*".

VII. THE "*ANSWER*" OF THIS JUDGE FOR THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN FITS THE CRIMINAL PATTERN DESCRIBED IN PLAINTIFF'S ORIGINAL "*COMPLAINT*" AS FILED IN THE WASHTENAW COUNTY CIRCUIT COURT, BY JUDGE HOOD "*MISREPRESENTING*" THE UNDERLYING FACTS AND BASIS FOR THE PLAINTIFF'S PLEADINGS, THROUGH SIGNIFICANT "*OMISSIONS*" AND "*MISSTATEMENTS OF FACTS*" RELEVANT TO THE PLAINTIFF'S PLEADINGS.

A. **Plaintiff challenges this federal judge to show proof of any "*criminal background*".**
B. Plaintiff also challenges Judge Hood to provide interpretation to the following documents in possession of the U.S. District Court in light of State or Federal **full faith and credit** laws to **prove that the following are NOT also "*FACTS*"**:
   1) Prove that "*Exhibit #E*" presented with the "*Sworn Affidavit of Earl Hocquard*" (Plaintiff's "*Exhibit #8* of the Washtenaw County Circuit Court "Complaint") is NOT

a Texas court document of "*Early Termination Order of the Court Dismissing the Cause*" (otherwise referred to as a "*set aside*") from 1979, and that it DID NOT effectually "*withdraw guilt*", "*dismiss the indictment*", and "*set aside the judgment*".

2) Prove that "*Attachment #4*", presented with Plaintiff's "*Exhibit #19*" as a fraudulent crime report written by (former) Michigan State Police Detective Fred Farkas is NOT a Texas governor's "*Full Pardon*" (with restoration of "*full civil rights*) from 1983, and that it DID NOT relieve Mr. Schied of any remnants of the legal "*penalties and disabilities*" brought on by Mr. Schied's teen indiscretion of 1977; and that the governor's Full Pardon DID NOT preclude all possibility that the term "*conviction*" should continue to apply to Mr. Schied after 1983 – even if Michigan and United States judges choose to follow allow the co-Defendants and to ignore Texas case laws and attorney general opinions (also provided to the judges with the original pleadings) otherwise clarifying that Mr. Schied's 1979 "set aside" had previous "*wiped away*" the so-called "*conviction*".

3) **Prove that the following excerpt from Title 28 USC, §1738 for the Judicial Council should NOT apply to Plaintiff's clemency documents:**

> "*Records and judicial proceedings or copies thereof....**shall have the same full faith and credit in every court within the United States**... as they have by law or usage in the courts of such State... from which they are taken.*"

C. Plaintiff challenges Judge Hood to prove that that she has the rightful authority to issue a written *Order* repeatedly identifying Mr. David Schied, even as he is a "*crime victim*", and while publicly determining that he has a "*criminal record*" when Mr. Schied's court documents, the State laws of both Michigan and Texas, and the United States Codes make clear that the dissemination of such "*nonpublic*" information, while knowing that the information has been set aside, pardoned, and/or expunged, is a CRIMINAL offense punishable by fine and imprisonment.

D. The evidence of "PREJUDICE" and "BIAS" presented by the judges' public assertion and this written permanent record is therefore reasonable grounds to inquire into possible misconduct by this judge.

a) **This judge knew that she was providing co-defendants with yet another misleading Court document for co-defendants to use later "*under color of law*" to reassert their fraudulent pattern of claims:**

1) That a "*conviction*" existed in 2003 when they terminated his employment,
2) That such a "*criminal record*" is proof of "*unprofessional conduct*" by the Plaintiff even as a schoolteacher in 2005, and
3) That such a "*criminal record*" continues to justify ("*under color of law*") the co-defendants' otherwise ILLEGAL "*theft of government property*" and dissemination of outdated criminal history documents in malicious criminal defiance of both the *spirit* and the *letter* of a multitude of state and federal laws.
4) That the issues currently being presented to the U.S. District Court by the Plaintiff have already been "*litigated*" in three State courts and once already in a U.S. District Court.
5) That Plaintiff is simply acting *maliciously* to file *frivolous* and "*vexatious*" lawsuits against the co-defendants because his character is "*the same*" as it was in

1977 when he received the "*conviction*" that now is the focal point of all legal TRUTH. [1]

VIII. <u>THE "*ORDER*" DISPLAYS THE FAMILIAR *PATTERN* OF THE CO-DEFENDANTS "*DENYING FULL FAITH AND CREDIT*" TO PLAINTIFF'S TEXAS "*CLEMENCY*" DOCUMENTS; AND OF "*OBSTRUCTING*" PLAINTIFF'S "*FREE EXERCISE OF CONSTITUTIONAL RIGHTS*", AS OTHERWISE GUARANTEED BY TEXAS COURTS AND THE TEXAS GOVERNOR. IT ALSO REFLECTS AND REINFORCES THE *PATTERN* OF CO-DEFENDANTS' "*EXPLOITATION OF A VULNERABLE VICTIM*"</u>

A. **<u>FACT</u>** – This judge has willfully and wantonly ignored the Evidence of Texas court orders (presented to them with the Complaint), and Plaintiff arguments showing that this judge had a clear DUTY to enforce his constitutional rights to "*<u>Full Faith and Credit</u>*" of Mr. Schied's Texas clemency documents of "*<u>set aside</u>*" (1979), "*<u>pardon</u>*" (1983), and "*<u>expunction</u>*" (2004) of all criminal history.

1. <u>Title 18, U.S.C. §1509</u> ("*<u>Obstruction of Court Orders</u>*") holds:

   "***Whoever....willfully attempts to prevent, obstruct, impede, or interfere with, the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States, shall be fined under this title or imprisoned not more than one year, or both.***"

2. <u>Title 18, U.S.C. §1509</u> also emphasizes:

   "***<u>No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a CRIME</u>***."

B. **<u>FACT</u>** – The judge's "*<u>Order</u>*" presents "*the same pattern*" used by the co-defendants of minimizing the significance of the Plaintiff's criminal allegations, even altogether denying recognition to Mr. Schied's specific references to FACTS and EVIDENCE in support of SPECIFIC CRIMINAL ALLEGATIONS against the co-defendants and other government officials for whose crimes these co-defendants are otherwise being criminally "*shielded*" and "*covered up*".

1. The judge displayed an apparent disregard for the fact that the "*Cover Sheet*" for the Complaint provided for a "*<u>Demand for a Criminal Grand Jury Investigation</u>*".
2. The judge displayed intentional omissions and executed purposeful misstatements by failing to list Plaintiff's requests for relief.
3. The judge followed suit with the pattern set by the co-defendants in creating yet another public record that "*<u>misleads</u>*" any reader of the Order, causing possibility for them to believe any of the following statements despite that the statements themselves are grossly erroneous claims being perpetuated by the government co-defendants: [2]

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[1] Plaintiff maintains that a primary focus of this case is threefold: <u>First</u> is whether or not a "*conviction*" currently "*exists*" and if not, when exactly that "conviction" legally "*disappeared*" or was "*wiped away*". <u>Second</u> is whether the co-defendants dissemination of outdated criminal history documents, surrendered to the co-defendants under conditions of fraud and extortion, are being *criminally* disseminated "*under color of law*". <u>Third</u> is whether or not the condoning and sanctioning by Michigan and Federal judges of co-defendants actions up to this point constitutes crimes in and of themselves by the willful negligence of Judge Denise Hood to carry out her DUTIES in accordance with her sworn Oath, to uphold and enforce civil and criminal statutes governing the Constitutional rights, the civil rights, and the victims' rights belonging to the Plaintiff.

[2] Plaintiff's depiction of "*the reader*" is not only that of any public citizen, but of the co-defendants themselves by their own past *<u>pattern of misinterpreting</u>* court documents to suit their own fraudulent purposes when they take

a) That the "*merits*" of the case were actually considered and "*litigated*" by this judge;
b) That it is logical to conclude that a "*criminal record*" always has and always will "*exist*" to justify the judge's continued sanctioning of what is otherwise the CRIMINAL dissemination of outdated criminal history information "*under color of law*";
c) That the focus should be upon the Plaintiff being a "*pro se*" litigant and/or a "*forma pauperis*" litigant, who has had the "*merits*" of his case already "*heard*", and that these merits are otherwise "*tied to previous case filings*". [3]
d) That because the "*pattern of focus*" is on "*a*","*b*", and "*c*" above in the judge's recent Order, as these claims were also summarily written into previous civil court judgments as well as government-perjured crime reports, these statement (which were otherwise supposed to be "*concise*" but **truthful**) have the effect of causing subsequent readers of the "*Judgment Order*" to believe the co-defendants' (illegitimate) reasoning that Plaintiff is merely acting out of "*angst*", and that Plaintiff's arguments are therefore "*meritless*" and "*frivolous*".

4. What is implied by the actions listed above is that this judge contributed to and participated in a "*meeting of the minds*" on the "*exploitation of a vulnerable victim*", a violation of Michigan state law under MCL 777.40.

a) MCL 777.40 (Code of Criminal Procedure) states: "'***Exploitation of a vulnerable victim' occurs when 'an offender abuses his or her authority status'***"
b) Under MCL 777.40, "*Abuse of authority status*" is defined as meaning, "***A victim was exploited out of fear or deference to an authority figure***".
c) Under MCL 777.40, "*Exploit*" means "***to manipulate a victim for selfish or unethical purposes***"
d) Under MCL 777.40, "*Vulnerability*" means "***the readily apparent susceptibility of a victim to injury****, physical restraint, persuasion, or temptation.*"

5. Title 42 U.S.C., §14141 (*Cause of Action*) defines the above actions of the judge as "*unlawful conduct*" and provides for civil relief by intervention of the Attorney General of the United States.

a) Title 42 U.S.C., §14141 states, "***It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct ....that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.***"

C. **FACT** – Judge Denise Page Hood has disregarded federal statutes regarding the extent to which they are legally authorized to disclose or publish confidential and identifying information regarding a "*criminal record*" or the "*expungement*" thereof.

1. Title 18, U.S.C. §1905 (Disclosure of Confidential Information) states: "*(a)Whoever, being an officer or employee of the United States... publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties... which information concerns or relates to.... the identity, confidential statistical data...or*

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illegitimate advantage of "holes" left in what otherwise are straightforward legal arguments and "*concise*" legal documents.

[3] Plaintiff otherwise believes that the co-defendants hold an unnecessary spotlight upon his acting on his own behalf, "*pro per*" and without an attorney to represent him, in order to keep the spotlight off of their illegal activities and the fact that this "***miscarriage of justice***" has undermined and fragmented the financial and the emotional foundation of the Plaintiff's entire family, causing him to no longer be able to afford either an attorney.

particulars thereof to be seen or examined by any person except as provided by law; shall be fined under this title, or imprisoned not more than one year, or both; and shall be removed from office or employment."

2. Title 18, U.S.C. §1905 also states, "*Whenever the Attorney General has reasonable cause to believe that a violation of paragraph (1) has occurred, the Attorney General, for or in the name of the United States, may in a civil action obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.*"

IX. JUDGE HOOD'S "*ORDER(S)*" DISPLAYS INTENTIONAL"*FRAUD*" AND A WILLFUL "*COVER UP*" OF ALLEGATIONS OF CRIMINAL FELONY OFFENSES, WHICH ITSELF CONSTITUTES FELONY OFFENSES BY THE JUDGE

A. **FACT** – By definition of several federal statutes, the "*Answer*" by this judge constitutes "*Fraud*". The Order *fraudulently* identifies Mr. Schied as an individual with a "*criminal record*"; and by its many omissions and misstatements of FACT, the Order performs the function of "*shielding from prosecution*" the co-defendants for the crimes Plaintiff has clearly alleged them to be committing.
   1) Under Title 18, U.S.C. §1961, "*Fraud*" and the "*Conspiracy to Commit Fraud*" (such as the type related to the falsification of identification documents) constitutes a "*Racketeering activity*".
   2) Under **Title 18, U.S.C. §1028** (f) (***Attempt and Conspiracy***) — *Any* person who attempts or conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

B. **FACT** – Under the legal definitions above, a reasonable person may conclude the following:
   1) That Judge Denise Page Hood is a willing participant in a government "*Pattern*" or "*scheme*" to deny Mr. Schied's Constitutional right to Full Faith and Credit of his Texas court orders of "*set aside*" and "*expunction*", and to a Texas governor's "*full pardon*" with *full restoration of all civil rights*.
   2) That Judge Denise Hood is currently participating in a "**Conspiracy**" to reinstate "*guilt*" and a "*criminal record*" where otherwise guilt and a criminal record no longer legally "*exist*"; and that this judge is just the latest in a string of government "*co-defendants*" who have placed Mr. Schied in a position of " Double Jeopardy", establishing "*guilt*" and a "*criminal record*" without Due Process of law.
   3) That Judge Denise Hood, as well as her case manager William Lewis, is a willing participant in a scheme to effectively reinforce the taking away of Mr. Schied's other Constitutional rights to "Privileges and Immunities" and to "Due Process" in order to *cover up previous injustices* done against the Plaintiff at the State level that presents a costly **PRECEDENCE** to legally rectify at the federal court level.
   4) That Judge Hood is acting concertedly "Under Color of Law", in violation of the vary law they acknowledge themselves to be responsible for later litigating...acting with a "*course of conduct*" that adds to, not detracts from, the acts of criminal "*Harassment*" by the co-defendants.

X. THE JUDGE SHIRKED HER "*DUTY*" TO TAKE *IMMEDIATE* ACTION UNDER BOTH STATE AND FEDERAL STATUTES GOVERNING THE *RIGHTS OF CRIME VICTIMS*

A. **FACT** – Judge Denise Hood failed entirely to address Mr. Schied's rights, and his family's rights, under federal victims' rights statutes, particularly when disregarding pleadings about ongoing retaliatory treatment by co-defendants' attorney Michael Weaver as detailed in Evidence submitted to this judge in support of Plaintiff's request for injunctive relief.
   1. Plaintiff alerted Judge Hood that such discrimination by these government "Co-Defendants" was motivated because of the Co-Defendants' attorneys publicizing the erroneous claim that Mr. Schied's claims were "*invalid*" as they all stemmed from Plaintiff's inability to move past being terminated from the Lincoln Consolidated Schools without being provided his statutory right to "challenge and correct" the so-called "erroneous" 2003 FBI report.
   2. Judge Hood also completely disregarded a plethora of Evidence to the Court showing proof that numerous previous complaints had been filed with several State and Federal agencies of law enforcement depicting his reporting of misdemeanor and felony crimes.
      a. These Complaints to law enforcement supervisors and to the Office of the Michigan Attorney General were inclusive of allegations supported by Evidence that police officers had "*perjured*" crime reports, solicited the subornation of perjury by prosecutors for the State, and that those prosecutors had "*retaliated*" against Mr. Schied for having sent prior evidence of these occurrences to the Attorney General's representatives in proof of other acts of their "*gross negligence*" and "*abuse of prosecutorial discretion*".
      b. When the Attorney General's representatives were found to respond with only rhetorical nonsense and recommendation to take these "*criminal*" matters to a "*civil*" Court, Mr. Schied escalated his complaints to the Office of the Michigan Governor, adding additional complaints about the handling of the matters by the Attorney General and his representative Bureau and Division chiefs. [4]

B. **FACT** – There are a plethora of State and Federal "criminal procedure" statutes governing the rights of victims "*to be reasonably protected from the accused*", which these federal judges have completely disregarded despite that Plaintiff clearly spelled them out in the pleadings submitted to Judge Hood and to the U.S. District Court for the Eastern District of Michigan.
   1. Title 18, U.S.C. §3771 regarding any *Motion for Relief* and *Writs of Mandamus*, states that the Court....

      " *...SHALL take up and decide any motion asserting a victim's right forthwith. In no event shall proceedings be stayed or subject to a continuance of more than five days....If the Court of Appeals denies the relief sought, THE REASONS FOR THE DENIAL SHALL BE CLEARLY STATED ON THE RECORD IN A WRITTEN OPINION.*

      In addition, Title 18, U.S.C. §3771 states,

      "*A crime victim has the following rights: (1)* ***The right to be reasonably protected from the accused.*** *(6) The right to full and timely restitution as provided in law. (7)* ***The right to proceedings free from unreasonable delay***. *(8) The right to be treated with fairness and with respect for the victim's* ***dignity and privacy***.
   2. Title 18, U.S.C. §1514 defines "*Harassment*" as:

[4] The Michigan Governor and her representative counsel also disregarded Mr. Schied's complaints, setting up a clear "*pattern*" of disregard for the law. That disregard then, was the basis for Plaintiff's previous Complaints before Judge Borman, and which subsequently went to the Sixth Circuit Court of Appeals as case number 08-1979 and 08-1985 in attempt to stop CRIMINAL offenses from continuing against the Plaintiff (and his family).

"A course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose".

The same statute defines "Course of conduct" as:

"A series of acts over a period of time, however short, indicating a continuity of purpose".

XI. THE ORDER DISPLAYS THE FAMILIAR PATTERNS OF A GOVERNMENT "*COVER-UP*" OF PREFERENTIAL TREATMENT FOR GOVERNMENT PEERS, AN "*OBSTRUCTION OF JUSTICE*", AND A "*CONSPIRACY AGAINST RIGHTS*"

A. FACT – **The pleadings of the Plaintiff....indeed, even the Cover Page of those pleadings made clear that Plaintiff's Complaint included a "Demand for a Jury / Criminal Grand Jury Investigation" into his allegations of CRIMES committed by Michigan government officials. Yet, Judge Hood thwarted her DUTIES, either to issue arrest warrants or to inform the Grand Jury about Plaintiff's allegations, to inform the Grand Jury of the identities of the "*accused*", and to summon a Grand Jury to discharge its obligations of determining the *truth* of those allegations. The *Order* submitted as a matter of official public record reflects such "*dereliction of duty*" and, as such, is proof of Judge Hood being an "*Accessory After the Fact*" by committing a "*Misprision of a Felony*".**

1. Under MCL 761.1 of Michigan's Code of Criminal Procedure, the "*formal written complaint*" that was sworn and submitted to the judges of the U.S. Court of Appeals of the Sixth Circuit, constituted "*indictments*" on the individuals the Plaintiff's named as having committed specific crimes. Yet the judges wrote their Order as if the Plaintiff's request was for a Grand Jury investigation to "*investigate possible criminal charges*".
2. Under MCL 764.1 and MCL 767.1(b) "*Upon proper complaint alleging the commission of an offense...judges have a DUTY to call for an arrest without delay.*" MCL 767.3 states:

   "Whenever by reason of the filing of any complaint which may be upon information and belief....any judge of a court of law and of record SHALL have probable cause to suspect that any crime, offense or misdemeanor has been committed within his jurisdiction..."
3. Similarly, Title 18 (Appendix), Federal Rules of Civil Procedure, Rule 4 dictates:

   "(a) ***If the complaint of one or more affidavits filed with the complaint establish probable cause to believe that an offense has been committed and that the defendant committed it, the judge MUST issue an arrest warrant*** *to an officer authorized to execute it."* [5]
4. Under Title 18 U.S.C §4 it is a "*Misprision of Felony*" to not take proper action upon receipt of report and evidence about federal crimes that have been committed. The federal statute states:

   "Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, ***conceals*** *and does not as soon as possible* ***make known*** *the same to some judge OR OTHER PERSON in civil or military authority under the*

[5] This is to emphasize that Title 18 (Appendix), Federal Rules of Civil Procedure, Rule 2 (*Interpretation*) was written to underscore that, "***These rules are to be interpreted to provide for the just determination of every criminal proceeding, to secure simplicity in procedure and fairness in administration, and to eliminate unjustifiable expense and delay.***"

United States, shall be fined under this title or imprisoned not more than three years, or both."

B. **FACT** – Judge Hood had 300 pages of precise allegations presented to her, written and sworn under penalty of perjury for their truthfulness by the Plaintiff, and presented to the judges with 35 itemized Exhibits as supporting documentation to show the crimes that have been committed by the government Co-Defendants and their attorney Michael Weaver. Yet, even while acknowledging these allegations, this judge "*constructively denied*" that these government crimes against Plaintiff have occurred; and she similarly denied "*constructively*" and without supporting reason, that Plaintiff has not shown "*a clear and indisputable right to the relief sought*". Moreover, Judge Hood shirked what is otherwise her DUTY to issue notice of these crimes to other federal authorities; and she instead apparently placed the burden upon the Plaintiff to present these issues to the United States Attorney for the summoning of the Grand Jury investigation.

   1. This is official "*malfeasance*". Judge Hood was – or should have been – fully aware that under Title 18, U.S.C. §3332 (*Powers and Duties*), the Grand Jury empanelled for any judicial district is **obliged** to be the one to "*to inquire into offenses against the criminal laws of the United States alleged to have been committed within that district.*"
   2. Moreover, Judge Hood was reminded that under Title 18 U.S.C §4 (as articulated above) they are to be held accountable for responding to notice of crimes being perpetrated within their regional jurisdiction.
   3. Title 18, U.S.C. §3332 additionally calls upon judges to properly use their judiciary discretion, for the purpose of preventing additional cost, delay or further victimization of the purported injured party, to notify the grand jury themselves about these allegations. Title 18, U.S.C. §3332 states,

      "***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.***"

C. **FACT** – The omissions and misstatements depicted by this Complaint are substantial issues of FACT that under the law constitute CRIMINAL violations of state and federal laws as well as violations of simple rules of judicial conduct. The action of Judge Hood to "***conceal***", to unreasonably "***delay***" criminal proceedings, and to hold in abeyance any direct notification of the U.S. Attorney or a Grand Jury about the criminal allegations, constitutes an "*Obstruction of Justice*" and places each of them in the position of being an "*Accessory After the Fact*".

   1. Title 18, U.S.C. §2071 (Concealment, Removal, or Mutilation) clearly states, "***Whoever willfully and unlawfully conceals****, removes, mutilates, obliterates, or destroys, or attempts to do so...* ***any record...paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined under this title or imprisoned not more than three years, or both.***"
   2. Title 18, U.S.C. §1510 defines "*Obstruction of Justice*" as:
      "*Willful obstruction,* ***delay*** *or prevention of communication relating to the violation of any criminal statute of the United States by any person to a criminal investigator...*"

3. Title 18 U.S.C §4 holds that, "*Whoever, knowing that an offense against the United States has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an Accessory After the Fact.*"
4. Title 18 U.S.C §4 additionally holds that, "*Except as otherwise expressly provided by any Act of Congress, an Accessory After the Fact shall be imprisoned not more than one-half the maximum term of imprisonment or (notwithstanding section 3571) fined not more than one-half the maximum fine prescribed for the punishment of the principal, or both; or if the principal is punishable by life imprisonment or death, the accessory shall be imprisoned not more than 15 years.*"

D. **FACT** – The omissions and misstatements depicted by this Complaint significantly altered the meaning and the intended basis of the Plaintiff's pleadings, and provided a necessary "*cover up*" of plaintiff's proper reporting of *crimes* and a "*conspiracy to cover up*" those crimes by the co-defendants. Those omissions and misstatements also had the effect of "*covering -up*" plaintiff's previous proper reporting to the United States judges of the Sixth Circuit Court of "*judicial misconduct*" by other judges working for the State of Michigan and for the U.S. District Court and Sixth Circuit Court. Therefore, the act of Judge Hood to administer the *Order* in this context of FACTS is "*PERJURY*" of their sworn Oath.

1. Title 18 U.S.C, §1621 describes an official as having committed perjury as, "*Whoever, (1) having taken an oath .... in any case in which a law of the United States authorizes an oath to be administered.... that he will ....certify truly.... any written ... declaration... or certificate ... is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true... is guilty of perjury and SHALL, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.*"
2. As shown, not one but three Sixth Circuit judges, each sworn under Oath to TRUTH and the enforcement of the laws, have altogether reinforced each others' decisions to disregard criminal allegations and Evidence of crimes having been committed by government officials in the State of Michigan. That action alone justifies the application of Title 18 U.S.C, §1622 which holds,

   "*Whoever procures another to commit any perjury is guilty of subornation of perjury, and shall be fined under this title or imprisoned not more than five years, or both.*"

E. **FACT** – The omissions and misstatements depicted by this Complaint were created by an "*intentional design*" patterned upon arguments presented in the Complaint itself as clearly presented by the Plaintiff. Judge Hood's omissions and misstatements were obviously MOTIVATED by the her desire to provide prejudicial "*favor*" toward her professional *contemporaries* in State government, and by her desire to *cover up* the crimes by their "*peer group*" of other judges. [6] In that context, the action Judge Hood presents genuine issues for the Judicial Council's review.

[6] It is important here to recognize that a "*contemporary*" (i.e., referred to as a noun) by definition depicts a "RELATIVE" or "FRIEND" by the same "*peer group*" of individuals having the "*same status*". (*See* definition of "*peer group*" at http://www.hyperdictionary.com/dictionary/peer+group) "*Contemporary*" is also defined by instance of the same (professional) "*place*" of (background) "*origin*" and/or by reference to "*a person or their works*" that is "happening" – or "*marked by characteristics*" of "***what relates (people)***" – at about the same period in time. (*See*

1. While Judge Hood might be found to have performed a "*Subornation of Perjury*" because she had acted concertedly with William Lewis rather than independently, it might also be argued that both Lewis and Hood committed a "*Conspiracy Against (Petitioner's) Rights*" while acting "*under color of law*".
2. Title 18, U.S.C. §241 defines "*Conspiracy against rights*" as:
   "*Two or more persons conspiring to injure, oppress, threaten, or intimidate any person in any State... in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same...*"

The same statute additionally states:

"*If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured.... They shall be fined under this title or imprisoned not more than ten years, or both.*"

3. As it relates to Judge Hood's disregard for Mr. Schied's Constitutional rights to *due process*, *full faith and credit*, and *privileges and immunities* as guaranteed by the Texas court documents submitted to these Sixth Circuit Court judges as Exhibits #1-3, Title 18, U.S.C. §242 also holds: "*Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State... or District to the* ***deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States****....shall be fined under this title or imprisoned not more than one year, or both.*"
4. Because the original pleadings pertained to requests for "*victims' relief*" as a result of alleged crimes occurring at places of Plaintiff's previous employment, Title 18, U.S.C. §246 (Deprivation of Relief Benefits) might also arguably apply to this circumstance.
   a) Plaintiff David Schied originally alleged that the Co-Defendants are past employers who have "*retaliated*" against him for standing up for his legal rights in various venues; and that these criminal violations have affected his employment to such degree that he has had to present his case to the Washtenaw County Circuit Court and to the U.S. District Court with such urgency that it required immediate action. In addition to the Evidence sent with that original Complaint, Plaintiff sent proof that the "*chain*" of employer's actions has left him with no choice but to file his action as a "*forma pauperis*" litigant, and the Evidence that went along with Plaintiff's numerous documents should have been compelling enough for Judge Hood to take immediate action. Nevertheless she did not.
   b) Title 18, U.S.C. §246 holds, "*Whoever directly or indirectly deprives, attempts to deprive, or threatens to deprive any person of any employment, position, work, compensation, or other benefit provided for or made possible in whole or in part by any Act of Congress appropriating funds for work relief or relief purposes, on account of political affiliation, race, color, sex, religion, or national origin, shall be fined under this title, or imprisoned not more than one year, or both.*"

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definitions provided by www.yourdictionary.com/contemporary and http://www.merriam-webster.com/dictionary/contemporary)

XII. JUDGE HOOD'S "*ORDER*" DISPLAYS THE FAMILIAR PATTERN OF GOVERNMENT CO-DEFENDANTS, OF "*CORRUPTLY MISLEADING THE PUBLIC*" BY SETTING FORTH FRAUDULENT "*AUTHENTICATION FEATURES*" IN WHAT IS OTHERWISE THE *RESTRICTED* INTERSTATE COMMUNICATION OF CRIMINAL HISTORY IDENTIFICATION INFORMATION

A. **FACT** – By definition of several federal statutes, the "*Answer*" by Judge Hood constitutes "*Fraud*". The Order recently delivered fraudulently identifies Mr. Schied as an individual with a "*criminal record*". This document was manufactured by Judge Hood (and/or William Lewis on her behalf) with full knowledge that her statements were misleading and/or false, and that co-defendants would later receive and use this document to mislead the public into believing that their continued criminal victimization of the Plaintiff and deprivation of his Constitutional and Civil Rights is an activity sanctioned "*under color of law*" by the United States of America.

1. "***Fraud***" by definition of Title 18, U.S.C. §1001 is committed whenever someone... "*(a) Knowingly and willfully: (1) falsifies, conceals or covers up by any trick, scheme or device, a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry.*"
2. Title 18, U.S.C. §1028 defines "*Fraud*" as it is a "*related activity in connection with identification documents, authentication features, and information*" as:
   a) "*(7) to knowingly transfer, possess, or use, without lawful authority, a means of identification of another person with the intent to commit,* ***or to aid or abet****, or* ***in connection with, any unlawful activity that constitutes a violation of Federal law, or that constitutes a felony under any applicable State or local law.***"

And....

   b) "*(5) to knowingly produce, transfer, or possess a document-making implement or authentication feature with the intent such document-making implement or authentication feature will be used in the production of a false identification document or another document-making implement or authentication feature which will be so used.*" [7]

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[7] As "*official State-issued documents*", Mr. Schied's Texas court orders of "*set aside*" and "*full pardon*" and "*expunction*" of remaining arrest record altogether provide "*authenticated information*" written by a "*lawful authority*", that identifies Mr. Schied as being recognized as an individual who has had his guilty plea "*withdrawn*", who has had a criminal indictment "*dismissed*", who has had a criminal judgment "*set aside*", who has had the underlying offense "*pardoned*", and who has had any remaining vestiges of the arrest record "*expunged*". Yet the judges for the State of Michigan have set up another set of "**false**" documents for the government co-defendants to be relying on and using to identify Mr. Schied as being an individual with a "sustained" conviction at all points in time at which those documents were produced. Examples consist of the following: **A)**The 2006 Michigan Court of Appeals decision in which the judges determined that though Mr. Schied had a Texas "set aside" and "pardon", because he did not have the remaining arrest record expunged the "*conviction*" still "*existed*" somehow. **B)** The 2007 Wayne County, Michigan Circuit decision in which Judge Cynthia Stephens determined that the Plaintiff's "*Expunction*" document itself was "*proof of unprofessional conduct*" and that Texas laws "**obliterating**" the offense and prohibiting the dissemination of the expunged offense was a "*MYTH*", placing Mr. Schied in the position of being under a "*LIFE SENTENCE*" for his 30+ year old single teen indiscretion. **C) U.S. District Court Judge Paul Borman's 2008 ruling and court transcripts – in which he endorsed co-defendants' arguments that the "*merits*" of Plaintiff's pleadings were already "*litigated*", despite that Plaintiff's "criminal" allegations against the government co-defendants have thus far gone completely unaddressed as a matter of *ANY* record. D) In 2008 the U.S. Circuit Court of Appeals generated yet another "*official*" court document for the co-defendants to illegitimately use in future proceedings that identifies Mr. Schied as being an individual with a "*conviction*" that "*exists*" when that is clearly a fraudulent statement about the Plaintiff.**

c) Judge Denise Page Hood well knew that by publishing her "*Order*", delivering copies of that order to the Co-Defendants and to the public through Pacer Service Center and other publishing outlets like Westlaw, they were disseminating an informational means for which the co-defendants could use as a wrongful tool of "*advantage*" in this or another court case. She therefore knew that she was providing a means by which the public at large might also wrongly identify Mr. Schied as being an individual with a "*criminal record*".

1) The term "*means of identification*" as described under Title 18, U.S.C. §1028, refers any name along with *any other information* that is used to identify a specific individual.
   a. Title 18, U.S.C. §2725 depicts "*personal information*" as "*information that identifies an individual*" inclusive of an individual's name and "*disability*", with disability information being classified as "*highly restrictive personal information*".
   b. Meanwhile, Texas, Michigan, and Federal laws all three recognize that having a "*criminal record*" is indeed a "*disability*" and Judge Hood was well informed by the Plaintiff in his initial pleadings that under Texas set aside law (Article 42.12 of Texas Code of Crim. Proc.) Mr. Schied was "*released of all penalties and disabilities*" more than 30 years ago.
2) An "*identification record*" is defined by 28 CFR, §1631 described as an FBI document that includes certain criminal history information including the arrest charge and the disposition of the arrest if it is made known to the FBI by the reporting agency. Information data included in an identification record are obtained from fingerprint submissions, disposition reports, and other reports submitted by agencies having criminal justice responsibilities. [8]
3) Title 5 U.S.C., §552a (*Records Maintained on Individuals*) defines a "*record*" *as "Any item, collection, or grouping of information about an individual ... including, but not limited to criminal or employment history and that contains his name... or other identifying particular assigned to the individual.*"
4) An "*identification document*" is described under Title 18, U.S.C. §1028 as a document, issued by or under the authority of the United States, with an authentication feature that is of a type commonly accepted for identifying individuals.
5) A "*false identification document*" is described under Title 18, U.S.C. §1028 as a document that appears to be issued under the authority of the United States but was altered in some way to reflect false information about the individual it identifies.
6) A "*false authentication feature*" is described under Title 18, U.S.C. §1028 as possibly genuine, but is intended for connection with an unlawfully made identification document or **unlawful means of identification to which such authentication feature is not typically intended by the respective issuing authority**.

d) Judge Hood knew that by her Court "*Order*" she was acting outside of her powers and duties, and in **tortuous violation of Mr. Schied's Constitutional right to privacy**, when issuing a false identification statement wrongfully identifying Mr.

[8] Plaintiff notes that the FBI Criminal Justice Information Services Division is not the source of the arrest data reflected on an identification record. The U.S. District Court and Sixth Circuit Court of Appeals are otherwise just such a government agency with the criminal justice responsibilities of ensuring accurate recordkeeping by the FBI as the "*official*" source for criminal history information.

Schied as having a "*criminal record*", on a document with the authenticating feature of it being an official Court record that also identified Mr. Schied as being a "*pro se*" litigant and listing Mr. Schied as the "*Plaintiff*" in this "*public*" court case.

1) Judge Hood had knowledge about a Texas "*Agreed Order of Expunction*" which otherwise informed (as item #1 of the Decree) that once all records of the Plaintiff's arrest...and prosecution...are destroyed by the named government agencies in the State of Texas, "*all release, dissemination or use of records pertaining to such arrests and prosecutions is* ***prohibited***".
2) Judge Hood also knew that by ANY court order of Expunction, and that Plaintiff David Schied in particular, has long had the right to "*deny the occurrence of the expunged arrest and prosecutor*" and even the existence of the expunction order itself. Yet by establishing a public proclaimation about Mr. Schied as having a "*criminal record*" as a matter of "FACT", Judge Hood has tortuously "*trespassed*" upon Mr. Schied's right and, in fact, established an authoritative document that might be used to bring "*perjury*" claims against Mr. Schied himself should he attempt to deny the "*existence*" of the "*criminal record*" that Judge Hood has now placed upon him without "*due process*" of law.

B. **FACT** – Government agencies, inclusive of the U.S. Court of Appeals for the Sixth Circuit, are mandated to follow the procedures outlined by The Privacy Act of 1974 (Title 5 U.S.C., §552a as amended) for correcting records maintained on individuals.

1. Title 5 U.S.C., §551 defines "*agency*" as "the authority of the Government" to include "***(1)(B)*** *the Courts of the United States*" and "§552**(a)(1)** *any independent regulatory agency*".
   a) Plaintiff notes that the Judicial Council of the Sixth Circuit regards itself as an independent, self-governing, regulatory and administrative committee composed of individuals that "*oversees the operations*" of their various court units.
2. The term "*system of records*" under Title 5 U.S.C., §551 refers to "*a group of any records under the control of any Agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.*"
   a) Plaintiff notes that the Order is searched for in the "Pacer Service Center", by Westlaw, and by other public searches by direct reference of Plaintiff's name "*David Schied*" or by the case number "*10-cv-10105*" assigned directly to Mr. Schied's case and naming him as both "*Plaintiff*" and the "*Counsel* of Record".
3. Under Title 5 U.S.C., §552a, to ensure accuracy of records the following procedures must be followed:
   a) "***(5)(d)*** *Each agency that maintains a system of records SHALL...* ***(2)*** *permit the individual to request amendment of a record pertaining to him and...* ***(A)*** *not later than 10 days (excluding Saturdays, Sundays, and legal public holidays) after the date of receipt of such request, acknowledge in writing such receipt; and...* ***(B)*** *promptly, either...* ***(i)*** *make any correction of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or...* ***(ii)*** *inform the individual of its refusal to amend the record in accordance with his request, the reason for the refusal, the procedures established by the agency for the individual to request a review of that refusal by the head of the agency or an officer designated by the head of the agency, and the name and business address of that official.*"
   b) In addition, "***(5)(e)*** *Each agency that maintains a system of records SHALL...* ***(2)*** *collect information to the greatest extent practicable directly from the subject*

*individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges...**(5)** maintain all records which are used by the agency in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination; **(6)** prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to subsection (b)(2) of this section, make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for agency purposes; **(9)** establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and instruct each such person with respect to such rules and the requirements of this section, including any other rules and procedures adopted pursuant to this section and the penalties for noncompliance; and, **(10)** establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity **which could result in substantial harm, embarrassment, inconvenience, or <u>unfairness</u> to any individual on whom information is maintained**...."*

c) Finally, <u>Title 5 U.S.C., §552a(5)(g)(1)</u> holds, Whenever any agency **(A)** makes a determination <u>not</u> to correct or amend the record in accordance with his request; **(B)** refuses to comply with an individual request to review or access the record in question; (C) "*fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or opportunities of, or benefits to the individual that may be made on the basis of such record, and consequently a determination is made which is adverse to the individual*"; or **(D)** fails to comply with any other provision or rule promulgated by this statute, in such a way as to have an adverse effect on an individual....**<u>that individual "*may bring a civil action against the agency*</u>**, *and the district courts of the United States shall have jurisdiction in the matters <u>under the provisions of this subsection</u>*".

C. **<u>FACT</u>** – As an agency of the United States, U.S. District Court for the Eastern District of Michigan has the responsibility for ensuring that information security protections are in place and being implemented to safeguard confidentiality of records in accordance with the law in the trade and sharing of information between departments and with the public.

1. <u>Title 44 U.S.C., §3534</u> and <u>§3544</u> (<u>Federal Information Policy</u>) holds: "*The head of each agency shall **(1)** be responsible for **(A)** providing information security protections commensurate with the risk and magnitude of the harm resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of **(i)** information collected or maintained by or on behalf of the agency; **(ii)** information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency; and, **(B)** complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines, including **(i)** information security standards promulgated under section 11331 of title 40; and **(ii)** information security standards and guidelines for national security systems issued in accordance with law and as directed by the President.*"
2. <u>Title 44 U.S.C., §3506</u> (<u>Federal Agency Responsibilities</u>) holds that "*Each agency SHALL **(1)** ensure the relevance, **<u>accuracy</u>**, timeliness, **<u>integrity</u>**, and **<u>objectivity of information</u>** collected; **(3)** protect respondents' privacy and **<u>ensure that disclosure policies fully honor pledges of confidentiality</u>**; and, **(4)** **<u>observe Federal standards and</u>***

practices for data collection, analysis, documentation, sharing, and dissemination of information."

XIII. THE ORDER DISPLAYS THE FAMILIAR PATTERN OF THE GOVERNMENT CO-DEFENDANTS, "*CORRUPTLY MISLEADING THE PUBLIC*" BY LIBEL, SLANDER AND BY TRESPASSING UPON PLAINTIFF'S PERSONAL AND PROFESSIONAL REPUTATION

A. **FACT** – By definition of several federal statutes, the "*Answer*" by Judge Denise Page Hood constitutes "*Misleading Conduct*", "*Libel/Slander*", and "*Corruption*".

1. As it pertains to the "*Obstruction of Justice*", Title 18, U.S.C. §1515 defines "***Misleading Conduct***" as:
   "*(**A**) knowingly making a **false statement**; (**B**) intentionally **omitting information from a statement** and thereby causing a portion of such statement to be misleading, or intentionally **concealing a material fact**, and thereby creating a **false impression** by such statement; (**C**) with intent to mislead, knowingly submitting or **inviting reliance on a writing or recording that is false**, forged, altered, or otherwise lacking in authenticity;(**D**) with intent to mislead, knowingly submitting or inviting reliance on a sample, specimen, map, photograph, boundary mark, or other object that is misleading in a material respect; or (**E**) knowingly using a trick, scheme, or device with intent to mislead.*"
2. MCL 600.2911 (*Action for Libel or Slander*) of the Revised Judicature Act of 1961 describes a ***libelous act*** as by an action such as, "*the uttering or publishing of words imputing the commission of a criminal offense*"; which is actionable in a court of law with an entitlement by the plaintiff to "*actual damages which he or she has suffered in respect to his or her property, business, trade, profession, occupation, or feelings*".
3. One legal definition of "*trespassing*" is "*Any unauthorized intrusion or invasion of the private premises of another*". *Antkiewicz v. Motorists Mut. Ins. Co.*, 91 Mich.App. 389, 283 N.W.2d 749, 753.
   a) The term, "*Trespass*" comprehends any misfeasance, transgression or offense which damages another person's health, ***reputation*** or property. *King v. Citizens Bank of De Kalb*, 88 Ga.App. 40, 76 S.E.2d 86, 91.
   b) To "*trespass*" is to do an unlawful act, or to do a lawful act in unlawful manner, causing injury of another's person or property. *Waco Cotton Oil Mill of Waco v. Walker*, Tex.Civ.App., 103 S.W.2d 1071, 1072.
   c) "*Trespassing*" comprehends not only forcible wrongs, but also acts the consequences of which make them *tortious*. *Mawson v. Vess Beverage Co.*, Mo.App., 173 S.W.2d 606, 612, 613, 614.
   d) To "*trespass on the* case" is by form of action resulting to a party from the wrongful act of another, unaccompanied by direct or immediate force; or action which is the "*indirect or secondary consequence of defendant's act*". Such action is "*the ancestor of the present day action for negligence where problems of legal and factual cause arise*". *Mueller v. Brunn*, 105 Wis.2d 171, 313 N.W.2d 790, 794.
4. According to Title 18, U.S.C. §1505 (*Obstruction of Proceedings Before Departments, Agencies, and Committees*) **Misleading conduct becomes "*corrupt*" when the action "*impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States*".**

a) Title 18, U.S.C. §1515 (*Obstruction of Justice*) interprets "***corruptly***" (as it pertains to §1505) to mean, "*acting with an improper purpose, personally or by influencing another, including making a false or misleading statement, **or withholding, concealing, altering, or destroying a document or other information.***"

B. **FACT** – The "*contempt*" by Judge Hood of other State laws, as reflected in Mr. Schied's Texas court orders of clemency, is not only "*prejudicial*", it demonstrates the willingness of Judge Hood and her "*case manager*" William Lewis to participate in a continuum of a "*conspiracy*" to further the Co-Defendants' fraudulent assertions about the Plaintiff.

1. Title 18, U.S.C. §1038 describes "*False Information and Hoaxes*" as "*conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute a* ...("*Crime*" by)... *violation of...Chapter 44*" *of federal firearms laws.*"
2. Title 18, Chapter 44 includes §922, which makes any attempted purchase, transport, or sale of a firearm by the Plaintiff a federal criminal offense were authorities to take seriously the ***false*** information being proffered by the Sixth Circuit Court of Appeals indicating that Mr. Schied has a "*conviction*", and that co-defendants are sanctioned to continue disseminating such "*proof*" of that conviction even though the offense was *set aside* and *pardoned* three decades ago and with even the remaining arrest record having been "*expunged*" over four years ago.
3. Title 18, U.S.C. §922(d) also makes clear that problems can arise for the Plaintiff by Judge Hood's' *Order* by the FACT that, "*It shall be unlawful for any person to sell...to deliver, cause to be delivered, or otherwise dispose of ...any firearm or ammunition ...to any person while knowing or having reasonable cause to believe that such person.... has been **convicted** in any court...*
4. Title 28,U.S.C. §16.34 prescribes the proper "*Procedure*" for challenging and correcting official "*Identification Records*" by presenting such challenge "*directly to the agency which contributed the questioned information*". **Those procedures mandate that the "*agency*" then communicate directly with the FBI to notify that federal agency of any final determination of that agency.** (Emphasis added)

C. **FACT** – Judge Hood "*planted*" a false assertion in the form of a fraudulent proclamation by way of inclusion in an authoritative written document. **Knowingly, she issued that court *Order* to the public through means of electronic communications devices enabling that Order to be "*republished*" at will by anyone with access to Westlaw or having an account with Pacer. That action alone constitutes a "*Major Fraud on the United States*".**

1. As an "*agency*" of the United States government, the U.S. District Court for the Eastern District of Michigan judges are under a "*contract*" for their judiciary services to the United States of America. That contract is inclusive of the "*duty*" to provide reliable information and documentation regarding the determination of "*facts*" in both civil and criminal matters.
2. Judge Hood relied on the FACT that the contents of any court *Order* she delivers, as are the contents of the legal transcripts of all oral proceedings, are meant to be construed by the public as matters of founding FACT.
3. Those so-called "*facts*" are *supposed* to be based upon the "*litigation*" of "*merits*" by the Sixth Circuit Court of Appeals. In this case those FACTS were NOT LITIGATED for some reason; and that reason has everything to do with a "*pattern*" of State and Federal judges denying Mr. Schied his right to "*due process*" of law, and a *pattern* of

prejudicially ruling in favor of the government co-defendants' unjustified and unreasonable argument that a "*conviction*" should currently "*exists*" to validate their illegitimate reasons for continually disseminating information about Mr. Schied's set aside, pardon, and expunction of a single first-time teenage offense that occurred a third of a century ago. [9]

4. Judge Denise Hood clearly understood by the pleadings and Evidence that Mr. Schied was alleging himself to be the victim of a long history of civil and criminal injustice, and giving notice to the Court that he has exhausted all remaining resources on fighting to save his personal and professional reputation, on his family's behalf to save his ability to support the needs of his dependent wife and child.
   a) Judge Hood knew by his "forma pauperis" status that Mr. Schied was claiming to have recently lost his public schoolteacher job;
   b) Judge Hood also knew that Mr. Schied was stating that his job loss was due, at least in part, to his persistent fight against public school administrators, and by the fact that in the proceedings of the U.S. District Court case, the co-defendants had solicited a legal affidavit from his most recent school district employer, thus notifying his employer that he was pursuing civil and criminal charges against his other previous school district employers.
5. **The action taken by Judge Hood, given the circumstances and facts listed above, was calculated and intentional; and as such, constitutes a violation of Title 28,U.S.C. §1031, a "*major fraud on the United States*"**; and a violation of Title 18 U.S.C., §371, a "***conspiracy to defraud the U.S. government***".
   a) Title 18 U.S.C., §371 states, "*If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.*"

D. **FACT** – The "*miscarriage of justice*" undertaken by Judge Hood, given the circumstances and facts listed above, was calculated and intentional; and as such, constitutes "*contempt*", a violation of "*victim/witness tampering*" and "*extortion*", which warrants a penalty of imprisonment for up to 20 years.
   1. Title 18 U.S.C. §402 (*Contempts Constituting Crimes*) holds: "*Any person...willfully disobeying any lawful writ, process, **order**, rule, decree, or command of any district court of the United States or any court of the District of Columbia, by doing any act or thing therein, or thereby forbidden, **if the act or thing so done be of such character as to constitute also a criminal offense under any statute of the United States or under the laws of any State in which the act was committed**, SHALL be prosecuted for such contempt, ...and SHALL be punished by a fine under this title or imprisonment, or both.*"
      a) In Michigan, where Plaintiff was resident at the time this crime was committed, the Set Aside Laws (MCL 780.623) of that state reads as follow:

         "***Upon the entry of an order...setting aside a conviction, the applicant, for purposes of law, shall be considered NOT to have been previously convicted...A***

[9] Mr. Schied's argument has been all along, and continues to be still, that the co-defendants continue to make this argument to detract from the FACT that they started this whole matter by civilly and criminally violating Mr. Schied's Constitutional and Civil Rights; and by then feeling the need to cover all of that up (by using "civil" court decisions ruled in their favor) to keep from being held "criminally" accountable after the State courts ruled in their favor on the "civil" matters and **without "*litigating*" the criminal matters.**

person...who knows or should have known that a conviction was set aside... and who divulges, uses, or publishes information concerning a conviction set aside....is guilty of a misdemeanor punishable by imprisonment."

2. Title 28,U.S.C. §1512 (*Tampering with a Witness, Victim, or an Informant*) states:
   a) *"(c) Whoever corruptly (1) alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or (2) otherwise* ***obstructs, influences, or impedes any official proceeding****, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.*"
   b) "***(b)*** *Whoever ... corruptly persuades another person... or engages in misleading conduct toward another person, with intent to* ***(1)*** *influence,* ***delay****, or prevent the testimony of any person in an official proceeding;* ***(2) cause*** *or induce* ***any person to (A)*** *withhold testimony, or* ***withhold a record, document****, or other object,* ***from an official proceeding****;* ***(B)*** *alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;* ***(C)*** *evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding;* ***or (3)****hinder,* ***delay****, or prevent the* ***communication to a law enforcement officer*** *or judge of the United States of information* ***relating to the commission or possible commission of a Federal offense****...*"
3. MCL 750.462(a) of Michigan's Penal Code defines "*Extortion*" as:
   "***Conduct...including but not limited to a threat to expose any secret tending to subject a person to hatred, contempt, or ridicule.***"
4. Title 18, U.S.C. §891 defines "*extortionate*" as:
   "*(7) Any means which involves the use, or an express or implicit threat of use, of violence* ***or other criminal means to cause harm to the*** *person,* ***reputation****, or property* ***of any person****.*"[10]
5. Title 18, U.S.C. §891 (Interstate Communications) holds:
   "***(b)*** *Whoever,* ***with intent to extort from any person****, firm,* ***association****, or corporation, any money or* ***other thing of value****, transmits in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined under this title or imprisoned not more than twenty years, or both.....*"

And...

"***(c)*** *Whoever transmits in* ***interstate*** *or foreign* ***commerce*** *any communication containing any threat ... to injure the person of another, shall be fined under this title or imprisoned not more than five years, or both.*" [11]

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[10] **Mr. Schied, as the Plaintiff in this case, maintains that a primary objective of the co-defendants is to provide continued delays of Plaintiff being "*heard*" by a jury by "*burning*" Mr. Schied's "*candle of livelihood*" from both ends.** On one hand, the co-defendants follow through with their threats to "*expose*" Mr. Schied's "*nonpublic*" clemency documents to keep him from being able to secure professional employment in an area where he is fully trained and qualified. On the other hand, the longer there is a "*delay*" in the processing of Mr. Schied's CRIMINAL COMPLAINTS against the co-defendants, the better the chances that the co-defendants may be able to rely upon time and erroneous documents to distance themselves from these accusations by either statutory limits in prosecuting the crimes, by the accumulation of additional fraudulent "*official*" documents to support their claims, or by Mr. Schied simply succumbing to *financial* and *emotion* defeat by a sustained *corrupt* government resistance effort backed by "*unlimited*" public financing.

[11] Personal injury claims do not require a plaintiff to prove that they have suffered an injury to their person or property. Some personal injury claims could be based on a variety of nonphysical losses and harms such as when

XIV. THE ACTIONS OF JUDGE DENISE HOOD AND HER CASE MANAGER WILLIAM LEWIS DEMONSTRATE THEIR ROLE IN A CONTINUUM OF "*GOVERNMENT RACKETEERING AND CORRUPTION*"

A. **FACT** – The "*Answer*" of Judge Hood fits the criminal *pattern* described in plaintiff-appellant's "*Petition*" by their failure to specifically address the elements of the written petition or the itemized articles of Evidence submitted to the Court along with that petition. The pattern is described as the following:

1. Being a "*criminal 'pattern of conspiracy', by government officials (including the Michigan judiciary), to re-establish Mr. Schied's 'guilt' and 'conviction' as matters of FACT, and to punish Mr. Schied a second time for the same offense, by denying him numerous inalienable rights otherwise provided by the Constitution of the United States as purportedly reinstated by Texas Governor Mark White a quarter-century ago in 1983.*"
2. Being a "*'chain conspiracy' characterized by a PATTERN of incompetence, intentional oversight, gross negligence, abuse of discretion, and malfeasance of ministerial DUTIES of government offices*"; *and being "perpetrated by those who are otherwise charged with enforcing the civil and criminal statutes of this State, of other States, and of the United States*".
   a) Under Title 18, U.S.C. §2384, a "*Seditious Conspiracy*" is defined as when "*two or more persons... conspire to overthrow, put down, or to destroy... or...to prevent, hinder, or delay the execution of any law of the United States... contrary to the authority thereof, they shall each be fined under this title or imprisoned not more than twenty years, or both.*"
3. Being a "*pattern of incompetent performance, malfeasance of official duties, and gross negligence of the public's interest, committed in obvious violation of a plethora of state and federal statutes*". As such, the judges' actions constitute a criminal violation of the "*Racketeering Influenced and Corrupt Organizations Act*" (RICO) under Title 18, U.S.C. §1961.
   a) Title 18, U.S.C. §1961 also defines "*Racketeering activity*" as "***(A)*** *any act or threat... which is chargeable under State law and punishable by imprisonment for more than one year...* ***(B)*** *any act which is indictable under any of the following provisions of Title 18, United States Code: (relating to) ...fraud and related activity in connection with identification documents...obstruction of justice...obstruction of criminal investigations... tampering with a witness, victim, or an informant... relating to retaliating against a witness, victim, or an informant... relating to fraud and misuse of visas, permits, and other documents...peonage...interference with commerce...extortion...*" [12]

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someone has attacked another's reputation, as has occurred repeatedly with this instant case. Moreover, "*electronic information*" is considered "*electronic commerce*". (The Department of Justice has already acknowledged a number of problems exist in the electronic marketplace of information trading.) Since government agencies are allowed to charge a fee and private companies are allowed to make a profit – nationally and even internationally – on the information they receive from "public" court documents, the Order of Judge Hood may also be considered as an article of "*interstate commerce*".

[12] **The term "*peonage*" is generally known to be defined as: a) "the condition of service of a peon"; and, b) "*the practice of holding persons to servitude or partial slavery, as to work off a debt or to serve a penal***

"Any act or threat involving....extortion....which is chargeable under State law and punishable by imprisonment of more than one year..."

b) Title 18, U.S.C. §1961 refers to "*Racketeering*" as related to the following:

1) **"*(b)*** *... any person, through a* ***pattern of racketeering activity*** *or through* ***collection of an unlawful debt*** *to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce."*

2) "***(c)*** *...any person employed by or associated with any enterprise engaged in, or the activities of which affect,* ***interstate*** *or foreign* ***commerce,*** *to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a* ***pattern of racketeering activity or collection of unlawful debt.***"

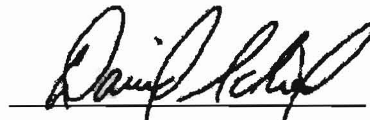
And....

"***(d)****...any person* ***conspiring*** *to violate any of the provisions of ...this section."*

B. FACT – Under the legal definitions and pattern descriptions, as articulated throughout this Complaint to the Judicial Council, a reasonable person may conclude the following:

1. **That Judge Hood's action, by the constitution of *Order* she recently presented to the public, exhibits a "*course of conduct*" that has the effect of "*retaliating*" against Mr. Schied for raising civil and criminal claims against executive government officials, including her "*peer group*" of other judges.**
2. **That Judge Hood has exhibited a "*course of conduct*" already defined by the Plaintiff's allegations against other government co-defendants as "*Racketeering*" by the perpetuation of *FRAUD*, and a "*Conspiracy Against Rights*".**

I declare, under penalty of perjury, that I have read rules 1 and 2 of the Rules of the Sixth Circuit governing Complaint of the Judicial Misconduct of Disability. The statements made in this complaint, as also articulated in the 2 pages designated as a concise "*Complaint Form*", the 3 pages of "*Statement of Facts*", and as provided in these pages of "*Interpretation of Statement of Facts*" as seen above, are true and correct to the best of my knowledge.



Executed on: 8/6/2010

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sentence. **" (See definition provided by "Dictionary.com" located at http://dictionary.reference.com/browse/peonage?r=14**

Exhibit
1-C

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan Northern Division

Patricia Kraus in behalf of David Schied

Petitioner

v.

Case No. _

Case: 2:12-cv-12791
Judge: Hood, Denise Page
MJ: Randon, Mark A.
Filed: 06-26-2012 At 10:51 AM
HC Kraus v. Nielsen (krk)

MIDLAND COUNTY SHERIFF JERRY NIELSEN

Respondent
(name of warden or authorized person having custody of petitioner)

2012 JUN 28 P

CATHY M. GARRETT
WAYNE COUNTY CLERK

Returned to

APPLICATION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2242

Personal Information

1. (a) Your full name: **NOW COMES Patricia Kraus as Petitioner on behalf of David Schied. I aver, that at all times herein, David Schied was a quiet person, merely observing within the courtroom, having no matters of his own pending as proof of their lacking any authority and in clear absence of all jurisdiction.**

2. Place of confinement:

(a) Name of institution: **Midland County Correctional Facility**

(b) Address: **101 Fast Ice Drive Midland, MI 48642**

(c) Identification number: **548643**

3. David Schied is currently being held on orders by:

(a) State authorities: **Yes**

(b) Other - explain: **Orders have never obtained and have been denied & not provided**

4. David Schied is currently:

(a) Serving a sentence of incarceration after having been **allegedly** convicted of a crime

David Schied is currently serving a sentence:

(a) the court of **allegedly** sentenced of David Schied:

Redford Charter Township - 17th District Court 15111 Beech Daly Road Redford, Mi. 48239

Clinton County Court - UNKNOWN

(b) Docket number of criminal case: **Unknown**

Never provided even upon several attempts & requests

(c) Date of **alleged** sentencing: **Assumed to be Friday - June 8, 2012**

FILED
JUN 26 2012
CLERK'S OFFICE
BAY CITY

Decision or Action You Are Challenging

5. What are you challenging in this petition:

* The validity of David Schied's conviction & sentence as imposed & disciplinary proceedings:

1. Communicate presumably on the record with any person within her court room wherein her authority AND jurisdiction had not been obtained;

2. There after illegally restraining any person wherein her authority AND jurisdiction had not been obtained;

3. Finding any person within her courtroom in contempt contrary to the protections of the 6th Amendment, to wit:

   (a) Failing to inform of the nature and cause of her action;
   (b) denying rights to confront witnesses against him,
   (c) denying assistance of counsel, much less effective assistance of counsel.

4. Violating David Schied's 4th Amendment rights to be secure in his person illegally detaining him without probable cause.

5. Violating David Schied's 5th Amendment rights by depriving Mr. Schied of liberty and property without due process of law.

6. Violating David Schied's 8th Amendment by inflicting cruel and unusual punishment and denying bail;

7. Violating David Schied's 1st Amendment right to peaceably assemble and to petition for redress of Khalil's unlawful actions;

8. Violating David Schied's 14th Amendment rights to due process of reasonable notice and denying a speedy and public jury trial.

6. Provide more information about the decision or action you are challenging in behalf of David Schied:

(a) Name and location of the court:
Midland County 42nd Circuit Court 301 W Main Midland, Mi. 48640
Redford Charter Township 17th District Court 15111 Beech Daly Road Redford, Mi. 48239

(b) Docket number, case number, or opinion number: Unknown
Mr. David Schied has acted with due diligence to obtain information into his illegal restraint there being no answer to in response to a writ pursuant to MCR 303(N)(1)(2), when on Thursday June 21, 2012, I, Mrs. Patricia Kraus attempted to acquire any and all orders, judgments, and court records; i.e. Record of Action, transcripts, digital video, audio/visual, hearing records. Witnesses, as well as David Schied and I, Patricia Kraus have used exhaustive efforts to acquire hearing, sentencing notices and transcripts, to show that David Schied has committed no act that precipitated this horrific experience, where alleged contempt does not exist. Any order that may exist, is hidden from view, is void ab initio and is extrinsic fraud on the court.
(see attached)

(c) Decision or action you are challenging on behalf of David Schied *(for disciplinary proceedings, specify the penalties imposed)*:
There is no valid court order to restrain David Schied, but if one exists said order is void ab initio; having been entered by a judge lacking not only the authority, but in clear absence of all jurisdiction.

(d) Date of the alleged decision or action: Assumed to be Friday - June 8, 2012

Your Earlier Challenges of the Decision or Action

7. **Petition for a Writ of Habeas Corpus**

Did you appeal the decision, file a grievance, or seek an administrative remedy? Yes

Request for Entry of a written order granting a Writ of Habeas Corpus based on MCR 3.303(D); MCR 3.303(Q)(1)

(1) Name of the court: County of Midland 42nd Judicial Circuit Court

(2) Date of filing: Tuesday - ~~July~~ June 12, 2012

(3) Case number: 12-8792-AH

(4) Result: Denied

(5) Date of result: Tuesday - ~~July~~ June 12, 2012

(6) Issues raised: Immediately after the above illegal restraining, on Tuesday June 12, 2012, (Exhibit attached) Cornell Squires, petitioned for a Writ of Habeas Corpus on behalf of David Schied in Midland Circuit Court assigned to Chief Judge Jonathan Lauderbach. Julie Moe Clerk of Midland County Circuit Court told Mr. Squires he would receive call with a date for a Show Cause. Subsequently Mr. Squire received a call from Ms. Moe with the date of Show Cause, set for--34 days after his filing of the petition, and 38 days after his illegal detention--July 16, 2012. Mr. Squires notified Ms. Moe that Mr. Schied will be released on the 8th of July, continued to state to her that this denies Mr. Schied due process. Julie Moe told Mr. Squires they would mail confirmation of the Show Cause date to Cornell Squires.

8. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy? Yes

Claim of Appeal as of Right Request for Immediate Consideration pursuant to Michigan Court Rules: MCR 7.101(B)(1)(a); MCR 7.101(C)(1) MCR 7.101(C)(2)

Emergency Motion Requesting Bond Pending Appeal as of Right and Request for Entry of and Order Granting a Stay of Proceedings of the 30 Day Criminal Sentence for Contempt of Court pursuant to Michigan Court Rules MCR 7.101(H)(4) ; MCR 7.101(H5) and the applicable Michigan and U.S. Law Forthwith

(1) Name of court: Wayne County 3rd Circuit Court Frank Murphy Hall of Justice 1441 St. Antoine St., Detroit, Michigan

(2) Case number: Refused to Accept David Schied's Claim of Appeal & Motion for Emergency Bond Hearing Pending Appeal

(3) Date of filing: Thursday – June 21, 2012

(4) Result: Betty Jackson – Appeals Clerk Manager. Went into her office and called the Redford Court for the Case/Order number. She made Cornell Squires wait over 45 minutes. Returned agitated and told Squires only a Lawyer can file and appeal.

(5) Date of result: Thursday – June 21, 2012

(6) Issues raised: Betty Jackson Manager of Appeals Clerk & Redford Court
- (a) conducted herself unprofessional,
- (b) gave false statements,
- (c) blocking David Schied's appeal
- (d) Appeals Clerk Manager in consort with Redford Court.
- (d) Obstruction of justice
- (e) Abuse of power and authority

9. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court? – Yes

Claim of Appeal as of Right Request for Immediate Consideration pursuant to Michigan Court Rules: MCR 7.101(B)(1)(a); MCR 7.101(C)(1) MCR 7.101(C)(2)

Emergency Motion Requesting Bond Pending Appeal as of Right and Request for Entry of and Order Granting a Stay of Proceedings of the 30 Day Criminal Sentence for Contempt of Court pursuant to Michigan Court Rules MCR 7.101(H)(4) ; MCR 7.101(H5) and the applicable Michigan and U.S. Law Forthwith

(1) Name of court: Wayne County 3rd Circuit Court Frank Murphy Hall of Justice 1441 St. Antoine St., Detroit, Michigan

(2) Case number: Blocked Claim of Appeal & Motion for Emergency Bond Hearing Pending Appeal

(3) Date of filing: Friday – June 22, 2012

(3) Docket number, case number, or opinion number: Unsuccessful in person & written attempt on 06/21/12 told none are available only video that is court property.

(4) Result: Refused to Accept David Schied's Appeal - Filed Ex Parte Complaint for Issuance of a Writ of Habeas Corpus in Midland 42nd Circuit Court. – Mailed the Case

(5) Date of result: None

(6) Issues raised: Same as 1st Appeal attempt. Squires went to Wayne County Chief Criminal Judge Timothy Kenny, bailiff told Squires to go to Redford and handed him a Judge Kenny's card. File complaint with current Judicial Tenure Commission complaint of David Schied's & Region 1 Court Administrators Office complaint by Squire's.

8. Ex Parte Complaint for Issuance of a Writ of Habeas Corpus
Did you appeal the decision, file a grievance, or seek an administrative remedy? Yes

Petitioner Patricia Kraus in behalf of David Schied pursuant to MCR 3.303(B), and for her Complaint for Writ of Habeas Corpus, pursuant to MCR 3.303 (F)(I)(a), states:

(2) Name of the court: County of Midland 42nd Judicial Circuit Court

(2) Date of filing: Tuesday - ~~July 12~~ June 22, 2012

(3) Case number: 12-8792-AH

(4) Result: Denied

(5) Date of result: Tuesday - ~~July 12~~ June 22, 2012

(6) Issues raised:
(a) Same as 7. (6)
(b) File - Application For a Writ of Habeas Corpus Under 28 U.S.C. § **2242**
(c) On Friday June 22, 2012, I, Patricia Kraus petitioned the Midland District Court with an ex parte complaint for issuance of Writ of Habeas Corpus on behalf of David Schied assigned to presiding Judge Michael Beale. Julie Moe, Clerk of Midland County Court filed the complaint demanding a $150.00 filing fee and informed me that Judge Beale would be returning to the building shortly. (Exhibit Attached)
(d) I, Mrs. Kraus was thereafter threatened, humiliated and harassed and was in fear for her safety and well being, when off the record by instructions from Judge Beale upon Ms. Moe's return, Julie Moe slanderously accused of me of committing criminal acts, of practicing law without a license and that was an instigator. All of which Caused extreme emotional distress, humiliation I was in fear for My own safety and well-being.
(e) I, Mrs. Kraus and was taken into the courtroom, of Judge Beale who "on the record" denied the ex parte complaint for issuance of a writ of habeas corpus, incorrectly identifying it as a "motion". (Exhibit attached)
(f) I, Mrs. Kraus DID NOT want the prior Writ associate with this filing. I told (off the record) Ms. Moe and also told (on the record) Judge Beale.

11. **Appeals of immigration proceedings – No**

12. **Other appeals – No**

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE:

(a) Supporting facts – David Schied's Affidavit (Exhibit attached)

(b) Did you present Ground One in all appeals that were available to you? – No ALL except the filing of the Writ of Habeas Corpus based on MCR 3.303(D); MCR 3.303(Q)(1)

GROUND TWO:

(a) Supporting facts – Petition for a Writ of Habeas Corpus

(b) Did you present Ground Two in all appeals that were available to you? – Yes

GROUND THREE:

(a) Supporting facts – Ex Parte Complaint for Issuance of a Writ of Habeas Corpus

(b) Did you present Ground Three in all appeals that were available to you? – Yes

GROUND FOUR:

(a) Supporting facts – Affidavit's

1. Brent Mohlman
2. David Lonier
3. Michael Liss
4. Ron Keller
5. Anna Janek

(b) Did you present Ground Four in all appeals that were available to you? Yes

GROUND FOUR:

(a) Supporting facts –

1. Michigan Judicial Tenure Commission Request for Investigation Form
2. Request for Expedited "Record of Actions" and "transcripts and digital video recording and/or copy of audio/visual hearing record – David Schied
3. Request for Expedited "Record of Actions" and "transcripts and digital video recording and/or copy of audio/visual hearing record – Brent Mohlman
4. Inmate/Captive Request Form 6/19/2012 – David Schied
5. Sworn Affidavit of indigency – David Schied
6. Wayne County indigency and waiver – David Schied
6. 17th District Court File/Copy Request Form – Patricia Kraus
7. St of Mi Supreme Court Case – 144456 – Schied v Khalil & Redford
8. Mi Court of Appeals to Supreme Court
   – 144263 & 042512 Schied v Khalil & Redford

(b)Did you present Ground Four in all appeals that were available to you? No, above and Schied's Affidavit (Exhibit attached) No ALL except the filing of the Petition Writ of Habeas Corpus 06/12/12 based on MCR 3.303(D); MCR 3.303(Q)(1) David Schied was inaccessible to anyone.

Request for Relief

15. State exactly what you want the court to do:

At all times herein Karen Khalil, a judge of the 17th Judicial District (Redford) did in arbitrary, capricious and in unreasonable fashion, abused her discretion, without proper consideration of law, as shown by illustration and not limitation per: 5. What are you challenging in this petition In addition to, Mr. David Schied's right under the Americans with Disabilities Act (ADA) was also denied.

Karen Khalil, a judge of the 17th Judicial District (Redford) has exhibited clear retaliation against Mr. Schied as he has 1 case pending in the Michigan Supreme Court with Demand for Criminal Grand Jury Investigation. Judge Khalil was also aware that Mr. Schied had two other cases "on appeal" that needed to be filed in the Michigan Supreme Court in a timely manner (between 6-15days). She was also aware of another (4th) pending case scheduled for June 28, 2012 against Redford Township in Wayne County Circuit Court.

David Schied is being illegally restrained within this United States District Court for the Eastern District of Michigan Northern Division's Jurisdiction, i.e., in custody of Defendant Sheriff within the Midland County Jail, and as such, this court has the authority to immediately grant said writ.

Article VI, Clause 2 of the United States Constitution, It assures that the Constitution and federal laws and treaties take precedence over state law and binds all judges to adhere to that principle in their courts.

Although, there apparently has been scheduled an inopportune show cause, no answer has been received, no records exist, and no valid order exists, to continue the illegal restraint of David Schied, which grants to this Honorable Court immediate consideration to grant said writ.

As of this writing, an answer to the show cause has NOT been made pursuant to MCR 3.303(N)(1); No exhibits to the answer pursuant to MCR 3.303 (N)(2) has been received. There is no valid written authority to illegally detain David Schied and no transcript of the record proceedings exist as described above.

The structure and manner of the application for Writ presented before this Honorable Court requires an **immediate and through** consideration especially in light of the illegally restrained person in the county's custody.

This Honorable Court has the authority and jurisdiction to show-cause all state actors, who have participated in the illegal restraint of David Schied, and show cause why they should not be held in contempt of this court for the intentional, malicious, arbitrary and capricious constitutional violations of David Schied's substantive and procedural due process rights.

WHEREFORE, I, Mrs. Patricia Kraus, prays this Honorable Court grant this Application for Writ of Habeas Corpus, by immediately releasing Mr. David Schied from the Midland County Jail and grant such other and further relief as this Court deems fair, just and equitable.

Declaration Under Penalty Of Perjury

I, Patricia Kraus declare under penalty of perjury that I am the petitioner in behalf of David Schied, I have read this petition, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 6-26-12

Signature of Petitioner Patricia Kraus - Petitioner - Pro Se

Signature of Attorney or other authorized person, if any

FILED
JUN 26 2012
CLERK'S OFFICE
BAY CITY

Judge Hood
~~H-12316-AV~~

Approved, SCAO

12-CV-12791 JIS CODE: PSV

STATE OF MICHIGAN PROBATE COURT COUNTY OF	PROOF OF SERVICE	FILE NO. 2:12-CV-12791

In the matter of Patricia Kraus - In behalf of DAVID Schied

1. Titles of the papers served or mailed: Application for Writ of Habeas Corpus - UNDER - 28 U.S.C. 2242 - plus Sworn Affidavits Exhibits -

☐ 2. According to court rule, I served by ☐ first-class mail ☐ registered mail (copy of return receipt attached) ☐ certified mail (copy of return receipt attached) the papers described above on:

Name	Complete address of service	Date
Sheriff Jerry Nielsen	2727 Rodd St	6-28-2012
Midland County Jail	Midland, MI 48640	

☐ 3. According to court rule, I served by **personal service** the papers described above on:

Name	Complete address of service	Date and Time

☐ 4. After diligent search and inquiry, I have been unable to find and serve the following interested persons. I have served these persons by publication. Attached are copies of form PC 617.

FILED 2012 JUN 29 P 3:38 U.S. DIST. COURT CLERK EAST. DIST. MICHIGAN DETROIT

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
$		$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
$		$	$ 0.00

Date: 06-28-2012

Signature: Cornell Squire

Name (type or print): Cornell Squires

USE NOTE: If this form is being filed in the circuit court family division, please enter the court name and county in the upper left-hand corner of the form.

Do not write below this line - For court use only

EXHIBIT #2A

Exhibit 2A1

EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PATRICIA KRAUS on behalf of DAVID SCHIED,

Petitioner,

v.

CASE NO. 2:12-CV-12791
HONORABLE DENISE PAGE HOOD

JERRY NIELSEN,

Respondent.
_______________________________________/

ORDER DENYING MOTION FOR WAIVER OF FEES AND COSTS

Michigan prisoner David Schied through a woman named Patricia Kraus, has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2242 challenging the validity of state contempt proceedings and his current confinement. Kraus and/or Schied paid the $5.00 filing fee for this action, but also submitted a motion for waiver of fees and costs. Given that the filing fee has been paid and there are no other required fees for a habeas proceeding, the request to proceed *in forma pauperis* is unnecessary. Accordingly, the Court **DENIES** the motion for waiver of fees and costs as moot.

IT IS ORDERED.

s/ R. StevenWhalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: July 2, 2012

Exhibit 2A2

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID SCHIED,

Plaintiff,

Case: 2:08-cv-10005
Judge: Borman, Paul D
Referral MJ: Whalen, R. Steven
Filed: 01-02-2008 At 11:22 AM
cmp SCHIED V. DAVIS, ET AL (TAM)

vs.

THOMAS A. DAVIS, JR., in his Official Capacity as Director of Texas Department of Public Safety,

JENNIFER GRANHOLM, in her Official Capacity as Chairperson of the State of Michigan Administrative Board,

LEONARD REZMIERSKI, in his Official Capacity as Northville Public Schools Superintendent,

SANDRA HARRIS, in her Official Capacity as former Lincoln Consolidated Public Schools Superintendent, and,

FRED J. WILLIAMS, in his Official Capacity as Lincoln Consolidated Public Schools Superintendent,

Defendants.

______________________________________/

DARYLE SALISBURY P 19852
Attorney for Plaintiff
42400 Grand River Avenue
Suite 106
Novi, MI 48375
248/348-6820

______________________________________/

42 U.S.C. § 1983 COMPLAINT
REGARDING DEPRIVATION OF RIGHTS
<u>AND REQUEST FOR INJUNCTIVE RELIEF</u>

Exhibit 2A3

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID SCHIED,

Plaintiff,

CASE NO. 08-CV-10005

-vs-

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

THOMAS A. DAVIS, Jr., in his Official Capacity as the Director of Texas Department of Public Safety, et al.,

Defendants.
_______________________________/

OPINION AND ORDER
(1) GRANTING DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT; AND (2) HOLDING IN ABEYANCE DEFENDANTS' MOTIONS FOR SANCTIONS

Before the Court are the following motions: (1) Defendant Leonard Rezmierski's February 25, 2008 Motion to Dismiss (Doc. No. 9); (2) Rezmierski's February 25, 2008 Motion for Sanctions (Doc. No. 10); (3) Defendant Governor Jennifer Granholm's March 13, 2008 Motion to Dismiss and/or for Summary Judgment (Doc. No. 15); (4) Defendants Sandra Harris and Fred J. William's April 7, 2008 Motion for Summary Judgment (Doc. No. 26); and (5) Harris and William's April 7, 2008 Motion for Sanctions (Doc. No. 27). Plaintiff David Schied ("Plaintiff") filed Responses to all motions. The Court held a motion hearing on May 16, 2008. Having considered the entire record, and for the reasons that follow, the Court GRANTS Defendants' motions for summary judgment, and HOLDS IN ABEYANCE Defendants' motions for sanctions.

This case arises from Plaintiff's allegations that Defendants have refused to remove records pertaining to Plaintiff's 1977 Texas criminal record from their personnel files. Plaintiff's instant federal case is the fourth lawsuit that he has brought in connection with these same issues.[1]

The Michigan Court of Appeals has summarized the background facts of the instant case:

> In December 1977, plaintiff pleaded guilty and was convicted of [redacted] in Texas. Two years later, the sentencing court entered an order discharging plaintiff from the term of probation it had imposed, setting aside plaintiff's guilty plea and conviction, and dismissing the indictment against him (1979 early termination order). In June 1983, the Governor of Texas granted plaintiff a "pardon and restoration of full civil rights of citizenship."
>
> Plaintiff subsequently obtained a teaching certificate and, after moving to Michigan in 2003, sought employment with Lincoln Consolidated Schools. In September 2003, the school district hired plaintiff as a conditional employee. In November 2003, however, defendants terminated plaintiff's employment after they learned from an FBI criminal background report that plaintiff was convicted of [redacted] in Texas in 1977, contrary to his representation on a September 2003 disclosure form. The FBI background report contained no indication that the conviction had been set aside.

Schied v. Lincoln Consol. Schs., No. 267023, 2006 WL 1789035, *1 (Mich. Ct. App. June 29, 2006) (unpublished).

In 2004, Plaintiff, through counsel, filed a case in Washtenaw County Circuit Court against Lincoln Consolidated Schools, Lincoln Consolidated Schools Board of Education, and Dr. Sandra Harris (superintendent of the school district), arising from his termination. (Defs Harris & Williams Br. Ex. A, First Amended State Complaint). Plaintiff claimed: (1) breach of contract for being terminated without just cause; (2) discharge in violation of public policy; (3)

---

[1] Despite having knowledge of the other two state proceedings, 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.

violation of 28 C.F.R. § 50.12; and (4) defamation. (*Id.*). In particular, Plaintiff complained that the defendants refused to restore his employment rights, disseminated the criminal conviction, and would be obligated to send the criminal conviction information to future employers. (*Id.*).

On November 10, 2005, the Washtenaw County Circuit Court granted summary disposition to the defendants on all claims. (Defs. Harris & Williams Br. Ex. B, Order).

Plaintiff subsequently appealed the circuit court decision. The Michigan Court of Appeals rejected his appeal on the merits, stating in relevant part:

> Plaintiff primarily contends on appeal that the circuit court incorrectly interpreted Texas law in finding that the 1979 early termination order and the 1983 gubernatorial pardon did not wipe out the existence of his 1977 conviction.
>
> . . . .
>
> Near the time that plaintiff commenced his employment with the school district, he completed a disclosure form that the district presented to him. On the disclosure form, plaintiff placed a check mark next to the statement, "Pursuant to 1993 Public Act 68 and Public Act 83 of 1995, I, represent that . . . . *I have not been convicted of, or pled guilty or nolo contendere (no contest) to any crimes*" (emphasis added).
>
> . . . .
>
> The clear and unambiguous language of the disclosure form, which plaintiff signed on September 11, 2003, thus authorizes defendants to void plaintiff's conditional employment should he misrepresent that he "ha[s] not been convicted of, or pled guilty . . . . to any crimes." The analysis of this issue therefore depends on whether plaintiff had pleaded guilty or been convicted of any crimes under Texas law at the time he signed the disclosure form on September 11, 2003.
>
> The parties do not dispute the following events concerning plaintiff's criminal history. On December 14, 1977, plaintiff "was convicted in the 183rd District Court of Harris County, Texas . . . . and was sentenced to serve [redacted] in the Texas Department of Corrections for the offense of [redacted] . . . . (Penitentiary Sentence Probated)." On December 20, 1979, the 183rd Criminal District Court entered an "Early termination order of the court dismissing the cause" against plaintiff, which provided in its entirety as follows:
>
>> It appears to the Court, after considering the recommendation of the defendant's probation officer, and other matters and evidence to the effect [sic] that the defendant has satisfactorily fulfilled the conditions of probation during a period of over one third of the

> original probationary period to which he was sentenced. Therefore, the period of probation is terminated.
>
> It is therefore the order of the Court that the defendant be and he is hereby permitted to withdraw his plea of guilty, the indictment against defendant be and the same is hereby dismissed and the Judgment of Conviction be hereby set aside as provided by law.

On June 1, 1983, plaintiff received an executive order from the Governor of Texas that stated, in relevant part:

> Subject has been represented as being worthy of being restored full civil rights.
>
> NOW, THEREFORE, I, MARK WHITE, Governor of the State of Texas, by virtue of authority vested in me under the Constitution and laws of this State, and acting upon and because of the recommendation of the Board of Pardons and Paroles dated April 28, 1983 do hereby grant unto the said DAVID SCHIED, AKA, DAVID EUGENE SCHIED A FULL PARDON AND RESTORATION OF FULL CIVIL RIGHTS OF CITIZENSHIP THAT MAY HAVE HERETOFORE BEEN LOST AS A RESULT OF HIS CONVICTION OF THE OFFENSE ABOVE SET OUR [SIC] IN CAUSE NO. 266491.

The parties dispute only the effect under Texas law of the 1979 early termination.

. . . .

We find unpersuasive plaintiff's claim that the 1979 early termination order pursuant to article 42.12, § 20(a), eliminated his prior conviction to the extent that he could truthfully deny its existence on the September 2003 disclosure form.

. . . .

Consequently, we conclude that while the 1979 early termination order relieved plaintiff from the order of conviction and the legal liabilities arising therefrom, the early termination order did not erase the existence of the 1977 conviction such that plaintiff could deny truthfully in September 2003 that any conviction ever existed. We also find unpersuasive plaintiff's suggestion that the 1983 gubernatorial pardon effectively obliterated his 1977 conviction. Similar to article 42.12, § 20(a), the 1983 pardon had no effect on the existence of the 1977 order of conviction, but the pardon by its terms only restored plaintiff's "full civil rights of citizenship that may have . . . . been lost as a result of" the 1977 conviction.

We conclude that the circuit court correctly interpreted and applied Texas law, and properly granted defendants' motion for summary disposition pursuant to MCR 2.116(C)(10) regarding the effect of the 1979 early termination order and the 1983

> gubernatorial pardon.
>
> . . . .
>
> With respect to plaintiff's contention that the circuit court erroneously dismissed his claim that his discharge violated Michigan public policy, plaintiff's public policy arguments rest on the mistaken premise that he did not misrepresent his criminal history on the September 2003 disclosure form. Similarly, regarding plaintiff's argument on appeal that the circuit court erred by failing to address his defamation claim, we observe that because as a matter of law plaintiff mischaracterized his criminal history on the disclosure form, **Dr. Harris did not defame him in her November 2003 letters** when she stated that plaintiff had misrepresented his criminal history.

Schied, 2006 WL 1789035, *1-5 (footnotes and internal citations omitted) (emphases in original).

On November 29, 2006, the Michigan Supreme Court subsequently denied Plaintiff's application for leave to appeal. *See Schied v. Lincoln Consol. Schs.*, 477 Mich. 943 (2006).

For a period of time in 2005, Plaintiff worked for the Northville Public Schools System as a substitute teacher. After finishing with Northville Public Schools, Plaintiff applied for a teacher position at the Brighton Schools. As part of his application, Plaintiff signed a Release on August 16, 2005, authorizing his former employers to disclose to Brighton any previous unprofessional conduct. (Def. Rezmierski Br. Ex. F, Release). The Release also contained a provision releasing former employers from any liability for providing the information. (*Id.*). Northville responded to Brighton's request and turned over Plaintiff's employee personnel file, which included his 2004 Agreed Order of Expunction for the [redacted] in Texas.

On December 4, 2006, Plaintiff, through counsel, filed a lawsuit in Wayne County Circuit Court against Northville Public Schools District. (Def. Rezmierski Br. Ex. A, Complaint). Plaintiff sought: (1) an injunction directing Northville to remove from his personnel

file all information concerning his Texas conviction; (2) an injunction preventing Northville from disseminating said information; and (3) money damages due to libel/slander. (*Id.*).

Northville Public Schools moved for summary disposition. On April 19, 2007, the state trial court granted the motion on the basis that: (1) Plaintiff signed a release authorizing Northville Schools to disseminate the information when required by law; (2) Michigan law required Northville to release the information; and (3) the information disseminated by Northville Schools was true. (Def. Rezmierski Br. Ex. B, Order). Plaintiff did not appeal that decision.

On September 13, 2007, Plaintiff filed a 405-page, 180-exhibit *pro se* Complaint in Ingham County Circuit Court. (Def. Rezmierski Br. Ex. C, Complaint). Plaintiff styled it as a criminal complaint. Plaintiff alleged a variety of causes of action against the following defendants: (1) State of Michigan; (2) Governor Jennifer Granholm; (3) Kelly Keenan; (4) Michelle Rich; (5) Michigan State Administrative Board; (6) Attorney General Mike Cox; (7) Commissioner Laura Cox; (8) Wayne County Commission; (9) Wayne County Office of the Prosecutor; (10) Washtenaw County Office of the Prosecutor; (11) Michigan State Police; (12) Northville City Police; (13) Michigan Department of Civil Rights; (14) Michigan Department of Education; (15) Wayne County RESA; (16) Northville Public Schools Board of Education; (17) Scott Snyder; (18) Katy Parker; (19) David Bolitho; (20) Leonard Rezmierski; (21) Keller Thoma Law Firm; (22) Sandra Harris; (23) Lincoln Consolidated Schools Board of Education; (24) Michigan Supreme Court; and (25) DOES 1-30.

The Ingham County Circuit Court Judge dismissed Plaintiff's complaint for failure to abide by the Michigan Court Rules pertaining to pleadings. (Def. Rezmierski Br. Ex. D, Order).

After holding a hearing on November 7, 2007, the judge provided Plaintiff twenty-eight days from the date of the order to file a compliant complaint. (Def. Granholm Br. Ex. F, Hearing Tr.). Plaintiff failed to do so; and the judge dismissed Plaintiff's case without prejudice. (Def. Rezmierski Br. Ex. E, Order).

On December 26, 2007, Plaintiff appealed that decision. As of the date of the instant Order, the Michigan Court of Appeals has not yet reached a decision on the case. *See Schied v. State of Michigan*, No. 282204 (Mich. Ct. App. filed Dec. 26, 2007).

On January 2, 2008, Plaintiff, through the same counsel as in the Wayne County Circuit Court action, filed the instant federal case against the following defendants: (1) Thomas A. Davis, Jr., in his official capacity as the Director of Texas Department of Public Safety; (2) Jennifer Granholm, in her official capacity as Chairperson of the State of Michigan Administrative Board; (3) Leonard Rezmierski, in his official capacity as Northville Public Schools Superintendent; (4) Sandra Harris, in her official capacity as former Lincoln Consolidated Public Schools Superintendent; and (5) Fred J. Williams, in his official capacity as Lincoln Consolidated Schools Superintendent. Plaintiff's federal Complaint asserts claims under 42 U.S.C. § 1983 for injunctive relief and monetary damages arising out of the dissemination of his Texas criminal record.

On February 15, 2008, Baerbel Cleveland, Section Supervisor at the Texas Department of Public Safety signed an affidavit certifying that Plaintiff had no criminal record on file. (Def. Davis Br. Ex. I, Baerbel Aff.). On February 21, 2008, a Texas Assistant Attorney General sent the affidavit to Plaintiff. (Def. Davis Br. Ex. J, Letter).

To date, Plaintiff has not sought to reopen the Washtenaw or Wayne County actions. The

Ingham County action is on appeal.

All Defendants have filed dispositive motions in the instant case.[2] Defendant Rezmierski contends that Plaintiff's claims are barred by preclusion doctrines and/or the Rooker-Feldman doctrine. Defendant Granholm argues that: (1) Plaintiff's claims are barred by the Eleventh Amendment; (2) Plaintiff has not identified a colorable constitutional claim against the Governor of Michigan; (3) the Court should abstain from exercising jurisdiction over the case under *Younger*, since there are related ongoing state proceedings; and (4) Plaintiff's claims are barred under preclusion doctrines. Finally, Defendants Harris and Williams maintain that Plaintiff's claims are barred by preclusion doctrines.

Rezmierski, Harris, and Williams also move for sanctions against Plaintiff.

II. ANALYSIS

A. Standard for Motions to Dismiss and for Summary Judgment

The United States Court of Appeals for the Sixth Circuit has summarized the relevant legal standard for a motion to dismiss under Fed. R. Civ. P. 12(b)(6):

> In reviewing a Rule 12(b)(6) motion to dismiss, which is based on the failure to state a claim upon which relief can be granted, "[f]actual allegations must be enough to raise a right of relief above the speculative level, ... on the assumption that all the allegations in the complaint are true (even if doubtful in fact)." The court need not, however, accept as true legal conclusions or unwarranted factual inferences.

Michigan Division-Monument Builders of North America v. Michigan Cemetery Ass'n, 524 F.3d 724, 2008 WL 1901246, *3 (6th Cir. 2008) (internal citations omitted).

Summary judgment motions are governed by the following standard:

[2] On March 24, 2008, the parties agreed to dismiss with prejudice Texas Defendant Thomas A. Davis, Jr.

> Summary judgment is proper if "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." In reviewing a motion for summary judgment, we view the evidence, all facts, and any inferences in the light most favorable to the nonmoving party. "To withstand summary judgment, the non-movant must show sufficient evidence to create a genuine issue of material fact." A mere scintilla of evidence is insufficient; "there must be evidence on which the jury could reasonably find for the [non-movant]."

Thomas v. Speedway SuperAmerica, LLC, 506 F.3d 496, 500-01 (6th Cir. 2007) (internal citations omitted).

B. Res Judicata & Collateral Estoppel as to Defendants Rezmierski, Harris & Williams

Rezmierski contends that res judicata and collateral estoppel bar Plaintiff's instant claims through the Wayne County Circuit Court action. Harris and Williams similarly contend that res judicata and collateral estoppel bar Plaintiff's instant claims arising out of his Washtenaw County Circuit Court action.

The Michigan Court of Appeals has recently summarized Michigan's preclusion doctrines:

> The doctrine of res judicata (also known as claim preclusion) is employed to prevent multiple suits litigating the same cause of action. The doctrine bars a second, subsequent action when (1) the first action was decided on the merits, (2) the matter in the second case was, or could have been, resolved in the first, and (3) both actions involve the same parties or their privies. This Court has taken a broad approach to the doctrine of res judicata, holding that it bars not only claims already litigated, but also every claim arising from the same transaction that the parties, exercising reasonable diligence, could have raised but did not.
>
> . . . .
>
> Collateral estoppel, also known as "issue preclusion," applies when three elements have been met: (1) 'a question of fact essential to the judgment must have been actually litigated and determined by a valid and final judgment'; (2) 'the same parties must have had a full [and fair] opportunity to litigate the issue'; and (3) 'there must be mutuality of estoppel.' In contrast to res judicata, "[c]ollateral estoppel conclusively bars only issues 'actually litigated' in the first action." "A question has

> not been actually litigated until put into issue by the pleadings, submitted to the trier of fact for a determination, and thereafter determined."
>
> . . . .
>
> [M]utuality of estoppel is not required [when] collateral estoppel is being asserted defensively.

Michigan Dep't. of Transp. v. North Cent. Co-op. LLC, 277 Mich. App. 633, 2008 WL 204117, *6-7 (2008) (internal citations omitted), *rev'd on other grounds, Dep't of Transp. v. Initial Transp., Inc.*, – Mich –, 2008 WL 2066578, *1 (2008).

1. Rezmierski

As to Rezmierski, it is clear that res judicata bars Plaintiff's instant claims.

Plaintiff's Wayne County Circuit Court action was decided on the merits – e.g., the state trial court granted Northville Public Schools' motion for summary disposition. *See Capital Mortg. Corp. v. Coopers & Lybrand*, 142 Mich. App. 531, 536 (1985) (holding that summary disposition constitutes a decision on the merits for the purposes of res judicata). Furthermore, Plaintiff's instant federal and state claims could have been resolved in the Wayne County action – as Plaintiff was aware of the facts supporting both claims at the time of the state case. *See Dep't of Treasury v. Campbell*, 161 Mich. App. 526, 529 (1987) (recognizing that Michigan state courts have concurrent jurisdiction over federal § 1983 claims). Both actions contained the same parties or their privies. Although the Wayne County action named Northville Public Schools, instant Defendant Rezmierski, as Northville Public Schools Superintendent, is in privity with the school district. *See Engle v. City of Livonia*, No. 272618, 2007 WL 1206833, *2 (Mich. Ct. App. Apr. 24, 2007) (unpublished) (recognizing generally that for the purposes of res judicata governmental employees are in privity with their agency). Finally, any claims that

Plaintiff could have brought through reasonable diligence at the time of the state court case are also barred.

Plaintiff attempts to avoid the res judicata bar by arguing that he has suffered "new" injuries since the conclusion of his state court proceeding: (1) Rezmierski's "stubborn insistence to maintain inaccurate and untrue personnel records and information about plaintiff's criminal history"; (2) refusing Plaintiff's request to destroy Plaintiff's criminal history records; and (3) Rezmierski's dissemination of Plaintiff's criminal history pursuant to a FOIA request from the State Administrative Board. (Pl. Br. 6-7). Finally, Plaintiff points to the February 15, 2008 Texas affidavit demonstrating that his criminal record had been cleared as "new" evidence that substantiates his instant claims.

None of these contentions is availing. The first two "new" occurrences could have been brought in Plaintiff's Wayne County Circuit Court action. Plaintiff offers no documentary evidence of a purported FOIA request from a "State Administrative Board." On the other hand, Rezmierski submits a sworn affidavit that he has never received such a request. (Def. Reply Ex. 1, Rezmierski Aff. ¶¶ 5-6). The instant issue is the same as in the previous state court action – Plaintiff's complaint in the Wayne County case clearly requested the court to grant an injunction to remove his criminal history information from his personnel file and to prevent Northville Public Schools from disseminating the information. Finally, his Texas affidavit, revealing that a name check did not reveal any criminal record in Texas, does not bring to light any new information not known in the Wayne County Circuit Court action – the court was aware that Plaintiff's criminal record had been expunged.

Accordingly, the Court finds that res judicata bars Plaintiff's instant federal claims

against Rezmierski.

2. Harris & Williams

Similarly, res judicata also bars Plaintiff's instant claims against Defendants Harris and Williams.

First, the Washtenaw County Circuit Court action was decided on the merits, and the Michigan Supreme Court ultimately denied leave to appeal. Second, Plaintiff's instant claims against Harris and Williams could have been resolved in the state court forum. Finally, Harris was named as a defendant in the state court case. Harris' successor as superintendent, Williams, is in privity with the previous state court defendants.

Plaintiff again attempts to show that his instant federal lawsuit, claiming that the Washtenaw County case was "limited" to Plaintiff's employment issues. Plaintiff's contention is not an accurate characterization of the Washtenaw County action. In fact, Plaintiff's complaint in that case explicitly alleged that:

> 38. The Defendants, however, have violated the state's public policy in wrongfully terminating [Plaintiff] by 1) failing or refusing to treat the set aside conviction as a nullity; 2) failing or refusing, after being informed of the set aside and Governor's Pardon, to restore [Plaintiff's] employment with full rights and benefits; and 3) divulging, using and publishing information concerning the conviction when they knew or should have known that the conviction was set aside and the (sic) [Plaintiff] had been granted a Governor's Pardon.
>
> . . . .
>
> 51. Defendant Harris' publication of the false and defamatory statements included placing the letters in [Plaintiff's] personnel file and orally telling unnecessary school employees the claimed reasons for [Plaintiff's] termination.
>
> 52. Because the false and defamatory accusations are contained in his personnel file, each time [Plaintiff] applies for a job the statements are re-published, [Plaintiff's] professional reputation is further damaged and he must endure continuing embarrassment and humiliation.

(Def. Harris & Williams Br. Ex. A).

Plaintiff's instant claims revolve around his allegations that Harris and Williams "ignored" his requests involving his criminal history, and seeks the Court to enjoin further dissemination of his criminal record. These issues either were, or could have been, resolved in the Washtenaw County Circuit Court action.

Therefore, the Court finds that res judicata bars Plaintiff's instant federal claims against Harris and Williams.

C. Granholm

Defendant Granholm, as Chairperson of the State of Michigan Administrative Board, moves for dismissal in part on the basis that Plaintiff has failed to state a claim upon which relief can be granted. Plaintiff alleges that Granholm has refused to apply the Full Faith and Credit Clause to the Texas expungement order and to order the school districts to remove the criminal record from Plaintiff's file and to refrain from disseminating said information.

Initially, Plaintiff does not make any coherent argument, nor cite any authority, that Granholm's refusal to comply with Plaintiff's requests constitutes a cognizable cause of action under § 1983. Even if he had, the Wayne County Circuit Court already determined that the fact that Plaintiff's record had been expunged in 2004 did not create an obligation on behalf of the Northville defendants to remove the criminal history information from the file, nor to stop disseminating the records when requested.

Plaintiff's sole response is that he did not attempt to contact Granholm to request the removal of the criminal history information until after the conclusion of the state court proceedings. The Court finds that Plaintiff should not be allowed to keep bringing new lawsuits

arising out of the same facts every time he "discovers" another party whom he can allege causes of action based upon the criminal history records. Res judicata bars "not only claims already litigated, but also every claim arising from the same transaction that the parties, exercising reasonable diligence, could have raised but did not." There is no doubt that allegations involving Granholm could have been made in the state court proceedings. The Michigan courts have already decided that the school districts are not in violation of Michigan law pertaining to the keeping and the disclosure of Plaintiff's employment file. If Plaintiff believed that Defendants violated his constitutional rights, those claims could have been asserted throughout the various state court proceedings. Plaintiff pursued the Washtenaw County Circuit Court action to the Michigan Supreme Court, failed to appeal the decision of the Wayne County Circuit Court, and is currently pursuing a *pro se* case in the Michigan Court of Appeals.

Therefore, the Court finds that res judicata bars Plaintiff's claims against Granholm.

D. Motion for Sanctions

Defendants Rezmierski, Harris, and Williams move for sanctions under Fed. R. Civ. P. 11 and 28 U.S.C. § 1927. Defendants contend that: (1) preclusion principles clearly bar Plaintiff's instant case; and (2) counsel for Rezmierski advised Plaintiff's counsel to that extent. Defendants cite several cases from the Eastern District of Michigan where plaintiffs have been sanctioned where their cases were clearly barred by res judicata. Additionally, the Court notes that Plaintiff's counsel failed to indicate on the Civil Cover sheet for this case that companion cases existed. Rezmierski requests reasonable attorney fees and costs as sanction against Plaintiff's counsel. Harris and Williams generally request sanctions against Plaintiff and his counsel.

Having considered the parties' arguments, the Court HOLDS IN ABEYANCE Defendants' motions for sanctions.

III. CONCLUSION

For the foregoing reasons, the Court hereby:

(1) **GRANTS** summary judgment to Defendants Rezmierski, Harris, and Williams (Doc. Nos. 9 & 26);

(2) **GRANTS** Defendant Granholm's Motion to Dismiss (Doc. No. 15); and

(3) **HOLDS IN ABEYANCE** the motions for sanctions filed by Defendants Rezmierski, Harris, and Williams. (Doc. Nos. 10 & 27).

SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: May 30, 2008

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on May 30, 2008.

s/Denise Goodine
Case Manager

EXHIBIT #2B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PATRICIA KRAUS on behalf of DAVID SCHIED,

Petitioner,

v.

CASE NO. 2:12-CV-12791
HONORABLE DENISE PAGE HOOD

JERRY NIELSEN,

Respondent.
_______________________________/

JUDGMENT

The above-entitled matter having come before the Court on a Petition for a Writ of Habeas Corpus, the Honorable Denise Page Hood, United States District Judge, presiding, and in accordance with the Opinion and Order entered on this date;

IT IS ORDERED AND ADJUDGED that the Petition for a Writ of Habeas Corpus is **DISMISSED WITHOUT PREJUDICE.**

S/Denise Page Hood
DENISE PAGE HOOD
UNITED STATES DISTRICT JUDGE

Dated: July 6, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 6, 2012, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PATRICIA KRAUS on behalf of DAVID SCHIED,

Petitioner,

v.

CASE NO. 2:12-CV-12791
HONORABLE DENISE PAGE HOOD

JERRY NIELSEN,

Respondent.

________________________________/

OPINION AND ORDER DISMISSING THE PETITION FOR A WRIT OF HABEAS CORPUS, DISMISSING THE PETITION FOR IMMEDIATE CONSIDERATION AND WRIT OF HABEAS CORPUS, DENYING THE MOTION FOR SHOW CAUSE ORDER OR IMMEDIATE RELEASE, DENYING A CERTIFICATE OF APPEALABILITY, AND DENYING LEAVE TO PROCEED IN FORMA PAUPERIS ON APPEAL

I. Introduction

On June 26, 2012, Patricia Kraus filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2242 on behalf of David Schied challenging his state court contempt proceedings arising out of the 17th District Court in Redford Township and his current confinement (30 days) at the Midland County Jail. On June 28, 2012, David Schied filed a "Petition for Immediate Consideration and Writ of Habeas Corpus and Accompanying Motion for Show Cause Order or Immediate Release from Unlawful Captivity" with a demand for a criminal grand jury investigation. For the reasons stated herein, the Court dismisses without prejudice both petitions, denies the motion for show cause order or immediate release (including the demand for a criminal grand jury investigation), denies a certificate of appealability, and denies leave to proceed *in forma pauperis* on appeal.

II. Discussion

An application for a writ of habeas corpus may be filed by one person on behalf of another. *See* 28 U.S.C. § 2242 ("Application for writ of habeas corpus shall be in writing signed and verified by the person for whose relief it is intended or by someone acting in his behalf."). However, "next friend" status is not conferred automatically. *Whitmore v. Arkansas*, 495 U.S. 149, 163 (1990). Two "firmly rooted prerequisites" must be satisfied before "next friend" status will be granted. *Id.* First, "a 'next friend' must provide an adequate explanation – such as inaccessibility, mental incompetence, or other disability – why the real party in interest cannot appear on his own behalf to prosecute the action." *Id.* Second, "the 'next friend' must be truly dedicated to the best interests of the person on whose behalf he seeks to litigate." *Id*; *see also* *Tate v. United States*, 72 F. App'x 265, 266 (6th Cir. 2003) (citing *Whitmore, supra*; *West v. Bell*, 242 F.3d 338, 341 (6th Cir. 2001); *Franklin v. Francis*, 144 F.3d 429, 432 (6th Cir. 1998)). "The putative next friend must clearly establish 'the propriety of his status' in order to 'justify the jurisdiction of the court.'" *Tate*, 72 F. App'x at 266 (citing *Whitmore*, 495 U.S. at 164).

In this case, Patricia Kraus has failed to satisfy the first prerequisite. She has neither alleged nor established that David Schied is incompetent or otherwise unable to pursue a federal habeas action on his own behalf. To be sure, Schied has since filed pleadings on his own behalf with this Court. Even assuming that Kraus is acting in Schied's best interests, her failure to demonstrate his inaccessibility, incompetence, or other disability, precludes the Court from considering her petition. Her petition must be dismissed.

Moreover, to the extent that Schied has filed a petition for a writ of habeas corpus on his own behalf pursuant to 28 U.S.C. § 2254, it is also subject to dismissal. A prisoner filing a petition for a writ of habeas corpus under 28 U.S.C. §2254 must first exhaust all state remedies.

See O'Sullivan v. Boerckel, 526 U.S. 838, 845 (1999) ("state prisoners must give the state courts one full fair opportunity to resolve any constitutional issues by invoking one complete round of the State's established appellate review process"); *Rust v. Zent*, 17 F.3d 155, 160 (6th Cir. 1994). To satisfy the exhaustion requirement, the claims must be "fairly presented" to the state courts, meaning that the petitioner must have asserted both the factual and legal bases for the claims in the state courts. *See McMeans v. Brigano*, 228 F.3d 674, 681 (6th Cir. 2000); *see also Williams v. Anderson*, 460 F.3d 789, 806 (6th Cir. 2006) (citing *McMeans*). The claims must also be presented to the state courts as federal constitutional issues. *See Koontz v. Glossa*, 731 F.2d 365, 368 (6th Cir. 1984). Each issue must be presented to both the Michigan Court of Appeals and the Michigan Supreme Court to satisfy the exhaustion requirement. *See Welch v. Burke*, 49 F. Supp. 2d 992, 998 (E.D. Mich. 1999); *see also Hafley v. Sowders*, 902 F.2d 480, 483 (6th Cir. 1990). The burden is on the prisoner to prove exhaustion. *Rust*, 17 F.3d at 160.

Schied has not met his burden of demonstrating exhaustion of state court remedies. It appears from the pleadings before this Court that he is seeking relief through the state administrative process and/or in the state courts, but has not completed those procedures. Schied has failed to properly exhaust all of his claims in the state courts before proceeding on federal habeas review. His petition must therefore be dismissed. Given this determination, Schied's motion for show cause order or immediate release must be denied as moot.

Lastly, as to the demand for investigation, the Court notes that Schied does not have standing to file a criminal complaint. A private citizen "lacks a judicially cognizable interest in the prosecution or nonprosecution of another." *Diamond v. Charles*, 476 U.S. 54, 63 (1986). Private citizens, whether or not they are incarcerated, cannot compel the criminal prosecution of

another. *Id.* at 64–65. Decisions regarding who to criminally prosecute and what charges to bring rest within a prosecutor's discretion. *Bordenkircher v. Hayes*, 434 U.S. 357, 364 (1978). Moreover, a private citizen has no constitutional, statutory, or common law right to require a public official to investigate or prosecute a crime. *See, e.g., White v. City of Toledo*, 217 F. Supp. 2d 838, 841 (N.D. Ohio 2002); *Walker v. Schmoke*, 962 F. Supp. 732, 733 (D. Md. 1997); *Fulson v. City of Columbus*, 801 F. Supp. 1, 6 (S.D. Ohio 1992) ("A public official charged with the duty to investigate or prosecute a crime does not owe that duty to any one member of the public, and thus no one member of the public has a right to compel a public official to act."). Schied's demand for a criminal grand jury investigation must thus be denied.

III. Conclusion

For the reasons stated, the Court concludes that Patricia Kraus has failed to establish that she is entitled to bring a habeas action on behalf of David Schied and that David Schied has not fully exhausted state court remedies as to any petition brought on his own behalf. Accordingly, the Court **DISMISSES WITHOUT PREJUDICE** both petitions. The Court also **DENIES** the motion for show cause order or immediate release, including the demand for a criminal grand jury investigation (Doc. #2).

Before Kraus or Schied may appeal this decision, a certificate of appealability must issue. *See* 28 U.S.C. § 2253(c)(1)(a); Fed. R. App. P. 22(b). A certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). When a federal district court dismisses a habeas action on procedural grounds without addressing the merits, a certificate of appealability should issue if it is shown that jurists of reason would find it debatable whether the petitioner states a valid claim of the

denial of a constitutional right, and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling. *See Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000). The Court concludes that reasonable jurists could not debate the correctness of the Court's procedural ruling. Accordingly, the Court **DENIES** a certificate of appealability. The Court also **DENIES** leave to proceed *in forma pauperis* on appeal because any appeal would be frivolous and cannot be taken in good faith. *See* Fed. R. App. P. 24(a).

IT IS SO ORDERED.

S/Denise Page Hood
DENISE PAGE HOOD
UNITED STATES DISTRICT JUDGE

Dated: July 6, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 6, 2012, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager

EXHIBIT #2C

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DEC 29 2011

LEONARD GREEN, Clerk

Court original

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

David Schied,
Plaintiff-Appellant

No. 10-10105 (U.S. District Court)
09-1474-NO (Wash Cir Crt)

V.

Lynn Cleary in her individual and official capacity as Lincoln Consolidated Schools Superintendent;
Cathy Secor in her individual and official capacity as Lincoln Consolidated Schools business office manager;
Sandra Harris in her individual and official capacity as former Lincoln Consolidated Schools Superintendent
Diane Russell in her individual and official capacity as Lincoln Consolidated Schools FOIA Coordinator and Admin. Assistant;
Sherry Gerlofs in her individual and official capacity as Lincoln Consolidated Schools the Human Resources Admin. Assistant
Lincoln Consolidated Schools Board of Ed et. al
& DOES 1-30,

Defendants-Appellees

In Admiralty

"*APPLICATION FOR DELAYED LEAVE OF APPEAL*" WITH GROUNDS BASED UPON RULE 60 ("*RELIEF FROM JUDGMENT*") INVOLVING "*FRAUD UPON THE COURT*" BY STATE BAR OF MICHIGAN'S PLUNKETT-COONEY ATTORNEY MICHAEL WEAVER AND INVOLVING "*JUDICIAL MISCONDUCT*" BY STATE BAR OF MICHIGAN'S EASTERN DISTRICT OF MICHIGAN JUDGE DENISE PAGE HOOD AND OTHER "*GOOD CAUSE*" REASONS

On Appeal from the United States District Court
Eastern District of Michigan, Southern Division No. 10-10105

December 27, 2011

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DEC 29 2011

LEONARD GREEN, Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

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Plaintiff-Appellant

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TABLE OF CONTENTS

Cited Authorities..ii
Jurisdictional Statement..ii
There is a package of rulings in demand of a "*due process appeal*" under "*Rule 60*" based on "*newly discovered evidence*" [(b)(2)], "*fraud*" [(b)(3)], "*timing*" [(c)], "other powers to grant relief" [(d)], and "*duty*" ["*Code of Conduct for United States Judges*"], and by which this "Petition for Application to Appeal" is justified by filing within the one year guideline under Rule 60..1
Case history of felony "*fraud*" by attorney Michael Weaver and felony "*accessory*" by Judge Hood throughout 2010 with "*color of law*" used to deprive Petitioner David Schied of due process and to cover up earlier criminal "*dereliction*" of Judge Paul D. Borman...............2
Judge Hood's criminal "*guilt*" is only too obvious given the circumstances of her previous malfeasant rulings and the FACT that she "*dismissed*" this case after Petitioner had filed an "*Interlocutory Appeal*", had filed a "*Judicial Misconduct Complaint*", and had filed formal complaints with the U.S. District Court Administrator on Judge Hood and her case manager, all in 2010...5
Relief Sought...18

CITED AUTHORITIES

United States Statutes Codes, Rules, and Codes of Judicial Conduct:

18 U.S.C. §3..5
18 U.S.C. §§1961-1962 (Racketeering and Corrupt Organizations)...........20
18 U.S.C. §3332..20
42 U.S.C. §1983..8-9
28 CFR §50.12...9-10
28 U.S.C. §1691...17
6th Circuit Criminal Pattern Jury Instructions Ch. 4.0 and 4.02.................5
Federal Rules of Civil Procedure, Rule 55(c).....................................18
Federal Rules of Civil Procedure, Rule 60 (b2, b3, c, and d)................1, 18
Freedom of Information Act......................................9, 11, 17, 20
National Crime Prevention and Privacy Rights Compact.......................18

United States Court Cases:

David Schied v. Thomas A. Davis, Jr., Jennifer Granholm, Leonard Rezmierski, Sandra Harris, Fred J. Williams
U.S. District Court Case No. 08-cv-10005 (42 USC §1983 action) 3, 6, 8-12
David Schied v. Thomas A. Davis, Jr., Jennifer Granholm, Leonard Rezmierski, Sandra Harris, Fred J. Williams
U.S. Court of Appeals for the Sixth Circuit No. 08-1895....................3
In Re: David Schied
U.S. Court of Appeals for the Sixth Circuit No. 08-1879....................3

Michigan Court Cases:

David Schied v. Sandra Harris and the Lincoln Consolidated Schools, et al
LC No. 04-000577-CL; Michigan COA: 267023...................9, 17, 19
David Schied v. Northville Pubic Schools
LC No. 06-633604-NO..9
David Schied v. State of Michigan, Jennifer Granholm, et. al

Plaintiff-Appellant David Schied is here now *again* before the judges of the 6th Circuit Court of Appeals reiterating that which he had already proven to the federal Courts in 2008 through an attorney, and between 2008 and 2010 through numerous previous cases...that he has been and continues to be a crime victim of Michigan government corruption and a grand scale felony "*conspiracy to cover up*" these multi-level State crimes by the executive and judicial branches of both State and United States "*actors*". This latest set of rulings by U.S. District Court judge Denise Hood simply adds this federal judge to many others being "*accessories after the fact*" on a long list of those "*aiding and abetting*" in the many years of multi-tiered RICO crimes being continually committed and whitewashed with fraudulent published "*official*" rulings of the Court compounding the actual harm.

THERE IS A PACKAGE OF RULINGS IN DEMAND OF A "*DUE PROCESS APPEAL*" UNDER "*RULE 60*" BASED ON "*NEWLY DISCOVERED EVIDENCE*" [(b)(2)], "*FRAUD*" [(b)(3)], "*TIMING*" [(c)], "*OTHER POWERS TO GRANT RELIEF*" [(d)], AND "*DUTY*" ["*CODE OF CONDUCT FOR UNITED STATES JUDGES*"], AND BY WHICH THIS "*PETITION FOR APPLICATION TO APPEAL*" IS JUSTIFIED BY FILING WITHIN THE ONE YEAR GUIDELINE UNDER *RULE 60*

"EXHIBIT A" consists of the two most recent rulings by Judge Denise Page in December 28, 2010 and September 7, 2011 respectively. Even a cursory glance at the Judgment issued on 9/7/11 reveals fraudulence by "*officiating*" the claim that the Order dismissing the action was issue "*on*

this date (9/7/11)" when the Evidence "*on its face*" demonstrates that the "*Order dismissing the action*" was actually issued on 12/28/10.

This was no inadvertent error or innocent mistake. It is a constructive effort to hide the FACT that Appellant David Schied had only discovered in September 2011 that what he had believed was a "*pending*" case was actually "*dismissed*" nine months prior and without his being properly "*served*" by the Court's "*new*" case manager with notice of this dismissal. Notice that the final page of the 12/28/10 "*dismissal Order*" reflects that only the "*counsel of record*" was served. It fails to reflect that "*pro per*" Appellant was – without question – served properly by mail as otherwise required. In FACT, Petitioner David Schied was **NOT** served at all with this Order until after he had called the U.S. District Court in September 2011 to discover that the previous case manager for this case had been replaced just prior to this December 2010 "*order*" and that the case he had thought to be still "*pending*" had been long ago dismissed without his knowing about it.

CASE HISTORY OF FELONY "*FRAUD*" BY ATTORNEY MICHAEL WEAVER AND FELONY "*ACCESSORY*" BY JUDGE HOOD THROUGHOUT 2010 WITH"*COLOR OF LAW*" USED TO DEPRIVE PETITIONER DAVID SCHIED OF DUE PROCESS AND TO COVER UP EARLIER CRIMINAL "*DERELICTION*" OF JUDGE PAUL D. BORMAN

This case on Appeal has been enveloped in criminal fraud and official malfeasance since its inception. The case was initially filed in Washtenaw

County Circuit Court in report of "*the same*" type of crimes that had been earlier reported to Judge Paul Borman in 2008 in case **<u>2:08-CV-10005</u>** through Appellant's former attorney Daryle Salisbury from Michigan. (***See*** **"<u>EXHIBIT B</u>" as a copy of the cover page of that 82-page complaint alleging *<u>criminal conspiracy</u>*, *<u>theft</u>* and *<u>conversion of government property</u>*, *<u>racketeering and corruption</u>*, and which included an accompanying "*<u>Motion for Writ of Mandamus for Superintending Control</u>*" that was targeted again toward the Michigan Attorney General who was involved in Borman's federal case which David Schied filed "*pro per*" and without an attorney in the Sixth Circuit, leading to cases <u>No. 08-1879</u> and <u>No. 08-1895</u> for which sample cover pages from those two Sixth Circuit Court cases are also included in "*<u>Exhibit B</u>*".)**

As indicated by the cover pages of filings in the Sixth Circuit Court of Appeals on 7/5/08 and 5/4/09, these previous federal cases alleged similar criminal racketeering and corruption by government and deprivation of Appellant's due process rights by federal judges. **"*<u>Exhibit B</u>*"** makes clear that these prior cases were brought by request for a "*<u>Writ of Mandamus</u>*" and a "*<u>Criminal Grand Jury Investigation</u>*" of alleged "*fraud upon the Court*" by attorney Michael Weaver, and by motion for "…*<u>Judges to Rule for All Public Officers of This Court to Uphold Said (Constitutional) Rights</u>*".

The Evidence makes amply clear that on 1/12/10, Plunkett-Cooney *"partner"* attorney Michael Weaver committed FELONY FRAUD and PERJURY upon both the Washtenaw County Circuit Court and the U.S. District Court when he tortuously justified his *"removal"* of the State case to federal jurisdiction by intentionally *"misrepresenting"* that *"Plaintiff initiated a prior cause of action 'ARISING OUT OF THE SAME TRANSACTION AND OCCURRENCE'"* as this instant case. (*See* "EXHIBIT C" as Weaver's "*Notice of Filing Removal*" to Washtenaw County Circuit Court and accompanying "*Notice of Removal to United States District Court*...." in the context of "*Exhibit A*" which acknowledges at the bottom of p. 4, top of p. 6 and bottom of p. 5 that *"[I]t CANNOT be said that they arise out of the 'same transaction and occurrence'"*) (Bold emphasis)

The Ruling(s) of Judge Denise Page Hood therefore – on its face – demonstrates FRAUD UPON THE COURT by attorney Michael Weaver. Moreover, by the FACT that Judge Hood was fully aware of the basis for Weaver's "*Removal*" from State to Federal jurisdiction as being by such fraud and yet failing to honor Appellant/Petitioner's RIGHT to have this case remanded back to the Washtenaw County Circuit Court and with SANCTIONS applied against attorney Weaver, demonstrates a clear intent

on the part of Judge Hood to perpetuate this FELONY "*conspiracy*" between the co-Defendants/Appellees to "*deprive*" Mr. Schied of his Rights using "*color of law*" as the instrument. This constitutes "*aiding and abetting*" by definition of 6th Circuit Criminal Pattern Jury Instructions Ch. 4.0 and/or "*accessory after the fact*" by definition of Ch. 4.02 as found at http://www.ca6.uscourts.gov/internet/crim_jury_insts/pdf/10_Chapter_4.pdf which also references Title 18 U.S.C. § 3. (Bold emphasis added)

JUDGE HOOD'S CRIMINAL "*GUILT*" IS ONLY TOO OBVIOUS GIVEN THE CIRCUMSTANCES OF HER PREVIOUS HISTORY OF MALFEASANT RULINGS AND THE FACT THAT SHE "*DISMISSED*" THIS CASE AFTER PETITIONER HAD FILED AN "*INTERLOCUTORY APPEAL*", HAD FILED A "*JUDICIAL MISCONDUCT COMPLAINT*", AND HAD FILED FORMAL COMPLAINTS WITH THE U.S. DISTRICT COURT ADMINISTRATOR ON JUDGE HOOD AND HER CASE MANAGER, ALL IN 2010

"EXHIBIT D" is copy of Appellant's "*Plaintiff's Response to Defendants' 'Notice of Removal' with 'Plaintiff's Demand for Remand of Case Back to Washtenaw County Circuit Court' and Accompanying 'Motion for Sanctions Against Defendants and Their Attorney Michael Weaver for Fraud and Contempt Upon State and Federal Courts*'". This document not only brings direct attention to Weaver's CRIMINAL INTENT TO DEFRAUD State and United States courts in this instant case, but it also outlines Weaver's "*fraud upon the Court*" in numerous previous State and

United States court cases, including those directly referenced by Judge Hood's 12-page Ruling dated 12/28/11.

"***Exhibit D***" demonstrates that Judge Hood knew at the very onset of this case in January 2010 that the following claims were of significant issue in this instant case, as provided by the following subheadings in this filing:

1) "*Defendants and their attorney Michael Weaver have a long history of swaying judges by perpetuating 'fraud upon the court'*" (p. 5);
2) "*[Attorney Weaver lied to the federal Court in] the case of 'Schied v. Thomas A. Davis, Jr. et al' held before Judge Paul D. Borman*" (p.7);
3) "*The 'miscarriage of justice' resulting from attorney Weaver's 'fraud' upon Judge Paul D. Borman and the U.S. District Court [underscored Judge Borman's own gross negligence and malfeasance in refusing to 'litigate the merits' of that case while determining that 'res judicata' should apply]*" (p.10);
4) "*Attorney Weaver's 'fraud' as an 'Officer of the Court' has been brought to the attention of his 'peers' and to State and Federal judges*" (p. 21);
5) "*The illegal 'precedence' set by the Michigan Court of Appeals led to two other lawsuits brought by the Plaintiff in the cases of 'Schied v. Northville Public Schools' in Wayne County Circuit Court (2007) and 'Schied v. State of Michigan, Jennifer Granholm, et. al' in Ingham County Circuit Court (2008)*" (p. 32);
6) "*Plunkett-Cooney attorney Michael Weaver defrauded the Ingham County Circuit Court*" (p. 35);
7) "*[Petitioner asserted his] 'Motion for Sanctions against Defendant and their attorney Michael Weaver for 'fraud' and 'contempt' upon State and Federal Courts*" (p.42).

Note that the U.S. District Court file for this instant case demonstrates that all of the above claims were well supported by Plaintiff/Appellant's "*Exhibits A through Z*" (i.e., literally A-Z as being 26 comprehensive "*Exhibits*" of Evidence) and that on 7/29/10 Judge Denise Hood disregarded

all that and issued seven (7) simultaneous "*Orders*", all disregarding Petitioner's "*Request for Oral Argument*", Petitioner's "*Demand for Jury*", and Petitioner's "*Demand for Criminal Grand Jury Investigation*", while prejudicially DENYING all of Petitioner's pending "*motions*" and GRANTING all of Defendants' pending "*motions*" as Judge Hood had negligently allowed them to collect and mount between January and July 2010.

"EXHIBIT E" underscores and gives "*reasonable cause*" for a CRIMINAL INTENT behind the delays that took place between February and July 2010, as well as the criminal intent behind Judge Hood NEVER remanding this case back to the Washtenaw County Circuit Court despite clearly seeing that Michael Weaver had perpetrated numerous Counts of FRAUD upon the United States court(s). ***"Exhibit E"*** demonstrates that, as a matter of official record, Judge Hood had gone back on her previous assurance that she would provide Mr. Schied with a timely address of the "*merits*" Mr. Schied's "*Demand for Remand*", which she issued at a 2/2/10 "*scheduling hearing*" in which Mr. Schied had held up Evidence of Weaver's "*FRAUD*" by pointing to the ***"Sworn (and Notarized) Affdavit of Earl Hocquard"*** as the "*witness*" to the crimes of Weaver' clients – the co-Defendants/Appellees in 2009.

That 2/2/10 hearing was one in which Judge Hood had promised to consider Petitioner's "*Demand for Remand*" as a properly-filed "*motion*" to the Court but who afterward had done nothing with that "*motion*". Instead, Judge Hood moved forward with the *Scheduling Order* while otherwise placing the case into the hands of "*magistrate judge*" R. Steven Whalen for the scheduling of a "*Settlement Conference*", and while having Whalen determine whether or not this instant case was actually affiliated with Judge Paul Borman's previous case (i.e., **No. 08-CV-10005**). **Significantly, MJ R. Steven Whalen presided over that previous case alongside Judge Borman, placing him in a strategic position of "*aiding and abetting*" in the cover-up of Judge Borman's being an "*accessory after the fact*" in that previous case. (*See* "EXHIBIT F" as the UNPUBLISHED "*Order and Opinion*" of Judge Borman on 5/30/08, and with this Evidence including a cover page of the Complaint stamped by the U.S. District Court showing R. Steven Whalen presiding along with Borman.)**

The obvious implication of this "*new*" evidence of "*new*" crimes clearly reflected upon the FACT that in 2008 Judge Paul Borman had acted in GROSS MALFEASANCE of his DUTY when failing altogether to "*litigate the merits*" of the **42 U.S.C. §1983** "*Deprivation of Rights Under Color of Law*" claims brought by Mr. Schied's attorney in 2008. This was a

case reporting how BOTH the Lincoln Consolidated Schools administrators and the Northville Public Schools administrators were repeatedly disseminating – in 2003, 2005, and in 2006 (at minimum) under the Freedom of Information Act – lawfully "*protected*" and "*nonpublic*" **ERRONEOUS** criminal history and clemency information in the form of a **2003 FBI identification record** and a 2004 Texas court "*Agreed Order of Expunction*" otherwise PROHIBITED from disclosure.

Moreover, the Evidence of the "*Sworn and Notarized Affidavit of Earl Hocquard*" underscored that by "*publishing*" THREE TIMES the erroneous 2003 criminal history information in his "*Order and Opinion*" **(i.e., see pages 2-3 and p.5)** – which Mr. Schied had otherwise successfully "*challenged and corrected*" in 2004 under 28 CFR §50.12 by obtaining the nonpublic "*expunction*" document which PROHIBITED the "*use and dissemination*" of the information referenced by that expunction document – Judge Borman had himself committed the CRIME of publicly disseminating the nonpublic information when issuing his "*Order of Dismissal*" in 2008. Borman did this while failing to "*litigate the merits*" of the §1983 claims and while following the PATTERN OF CRIMES demonstrated by numerous Michigan judges who had in 2005 through 2008 criminally denied "*due*

process" to Petitioner by also refusing to "*litigate the ACTUAL merits*" of Mr. Schied's actual claims against the government co-Defendants.[1]

Like his "*peer group*" of other judges – as all being members of the same State BAR of Michigan – Judge Borman unlawfully "*cherry picked*" what facts, claims, and laws he would "*litigate*" while selectively OMITTING the significant basis for attorney Salisbury having named the Michigan Governor (as the State Administrative Board "*chairperson*") for her refusal to hold the Michigan Attorney General Mike Cox to his DUTY to prosecute the crimes being committed by a "*conspiracy*" between the executive and judicial branches of Michigan government. He dismissed that earlier case while also harming Petitioner even further when PUBLISHING the name of the crime listed on the face of the erroneous 2003 FBI identification record, and without "*litigating*" the FACT that Mr. Schied had been denied by Sandra Harris the opportunity to "*challenge and correct*" that FBI report even as he was otherwise entitled to do so under 28 CFR 50.12 while keeping his job; and without "*litigating*" the FACT that the

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[1] Those claims have included the FACT that Dr. Sandra Harris and all her administrative successors and business office staff have been disseminating the 2003 FBI identification record from the District's public personnel files under FOIA, and while Leonard Rezmierski and others at the Northville Public Schools have been doing the same with the Texas "*Agreed Order of Expunction*", disseminating those "*nonpublic*" documents from their *public* personnel files "*under color of law*". b

Michigan Court of Appeals and other Courts had also failed to properly "*litigate*" the issue of repeated dissemination of the 2003 FBI report under the Freedom of Information Act. Borman also clearly refused to acknowledge that the expunction document itself demonstrated that Mr. Schied had successfully "*challenged*" and eventually got "*corrected*" anyway – choosing instead to hold "*Sanctions in Abeyance*" over Petitioner's attorney (Salisbury) to dissuade him from taking the case to the Sixth Circuit Court of Appeals with proper "*representation*" – and he did so **"*without litigating the significant merits*"** of that 2008 Civil Rights case.

Even AFTER dismissing the case when Mr. Schied offered Judge Borman another opportunity to "*correct the official record*" that he had FRAUDULENTLY issued, Judge Borman DENIED Petitioner's "*Motion to Expand/Enlarge the Record On Appeal*" and "*Motion for Sanctions*" against the Appellees for their collective FRAUD UPON THE COURT. Again, he issued such denial using "*color of law*" to deprive Petitioner of his "*Right*" to have the "*merits*" of his claims "*litigated*" and while again providing the co-Defendants/Appellees with yet another open "*door*" for continuing their CRIMES against Mr. Schied. (***See*** **"EXHIBIT G" as two separate *Orders* from Judge Borman dated 8/6/08 and 8/18/08 in denial of Petitioner's "*motions*", citing "*no basis for support for sanctions*" and while refusing**

to even take a closer look at the State of Michigan court cases in which Borman had WRONGLY ruled that "*res judicata*" properly applied when that was actually NOT the case.)

The first letter **(i.e., "*Exhibit E*")** tactfully challenged William Lewis to defend Mr. Schied's position that Judge Hood's refusal to remand the case back to State court and to instead set the case for "*Settlement Conference*" with Borman's "*sidekick*" Whalen offered the appearance that this was otherwise a constructive "*set up*" for Judge Whalen to conveniently use attorney Michael Weaver's FRAUD UPON THE COURT as yet another basis for establishing an erroneous ruling and reason why the case should be dismissing "*under color of law*".... **so to "*cover up*" the FACT that – under the new light of Evidence – Judge Borman (as well as the Sixth Circuit Court of Appeals afterwards in 2009 and 2010) had actually ruled unlawfully and while delivering unto the criminal government officials even more "*fraudulent public records*" that they could continue using along with the fraudulent records of the State judges, to justify the continuance of these ongoing crimes against Mr. Schied and his family, despite the new FACTS of this instant case.**

The second letter of **"EXHIBIT E"** is a letter Mr. Schied wrote to the U.S. District Court Administrator (who was **David Weaver**) and Senior

Court Clerk, with a separate Complaint about how case manager William Lewis' own actions "*off the record*" had the effect of compounding these injustices by intentionally stalling Mr. Schied's efforts to get Judge Hood to honor her word to hold a "*motion hearing*" on the "*Demand for Remand*" that Mr. Schied filed in February. It was shortly after that complaint was filed that Judge Hood issued her *Order* denying "*oral argument*" to Petitioner (7/28/10) and then issuing seven more prejudicial rulings against Mr. Schied, all at once on the following day (7/29/10), including an *Order* denying Petitioner's "*Demand for Remand*" as **"*Exhibit D*"**. ***(See the last page of* "EXHIBIT H" *for a copy of Hood's previous "Order" dated 7/28/10 denying "oral argument"* as served then upon Petitioner by case manager William Lewis.*)***

Immediately after the July rulings of Judge Denise Hood, Petitioner David Schied filed two sets of very similar documents with the U.S. District Court for the Eastern District of Michigan and with the Sixth Circuit Court of Appeals. The first of these documents, submitted by Mr. Schied to BOTH the lower and higher federal courts was Petitioner David Schied' "*Plaintiff's 'Motion' and 'Brief in Support' for Application for Leave of Interlocutory Appeal of this Court's July 29, 2010 Seven (7) Judgment Orders*". Because the document was 75 pages in length, only the Cover page and Table of

Contents are provided herein as **"EXHIBIT I"** to outline the breakdown of the arguments that were presented to Judge Denise Hood as filed on 8/9/10.

The second document, filed with the Sixth Circuit Court's Judicial Council but furnished by the Judicial Council to Denise Page Hood, was a "*Judicial Misconduct*" Complaint. **("EXHIBIT J")** This judicial misconduct complaint issued No. 06-10-90087 was essentially a reiteration of everything received directly by Judge Hood in the "*Plaintiff's 'Motion' and 'Brief in Support' for Application for Leave of Interlocutory Appeal...*" except it was single spaced and provided along with a separate "*FACT*" set of pages, the Judicial Council's formal "*Complaint of Judicial Conduct or Disability*" form, and a cover letter dated 8/6/10 **which additionally presented an inquiry about twenty eight (28) previously filed *"judicial misconduct"* complaints that had not yet been resolved despite being filed a year prior in 2009.....and which ARE STILL NOT RESOLVED YET TODAY BY *ANY* SORT OF ADDRESS.** (Bold emphasis added)

"EXHIBIT K" is a CRIME REPORT also filed shortly afterwards – on 9/23/10 – against Michael Weaver outlining the many ways in which this Michigan attorney had defrauded numerous State and United States courts using electronic filings and the U.S. Mail, which are all felony crimes and federal offenses. As shown in the subject line of this crime report, it was

Oakland County Circuit Court judge Michael Warren who was the one to make the suggestion for Mr. Schied to report these crimes directly to Prosecutor Cooper after recognizing that these were prosecutable offenses.

In recognition of the FACT that JUDGES ARE SETTING WRONGFUL PRECEDENCE BY REFUSING TO PROPERLY "*LITIGATE THE MERITS*" of these criminal offenses of the executive branch of Michigan government, Judge Warren himself sought to assist Mr. Schied in calling recognition to the gross "*miscarriage of justice*" being committed by the executive and judiciary branches operating here in Michigan by writing a cover letter – dated 3/19/10 – addressed to Hollywood television star Greg Mathis. Mathis is a former Michigan judge who continues to frequent the Detroit area and to issue erroneous public assertions and assurances to prison inmates that all they need to do is stay "*clean*" for five (5) years and to get their offense "*expunged*" like he did, so that they too might "*move on*" to make something constructive with their life like he did. **(*See* "EXHIBIT L" as copies of Judge Warren's cover letter to "*Judge Mathis*", Petitioner's complaint letter to Mathis, and sections of articles showing what Mathis is wrongfully publicizing about the judiciary in America actually honoring "*expungement*" laws.)**

Subsequent to Mr. Schied filing his "*Motion and Brief in Support for Interlocutory Appeal...*" in August 2010, Mr. Schied received NOTHING back from the U.S. District Court in regard to this instant case until 9/1/11 in response to Mr. Schied telephoning the U.S. District Court on that day for a status update on this case. (Bold emphasis)

It was only at that time of his phone call on 9/1/11 did Mr. Schied become aware that subsequent to filing for "*interlocutory appeal*" the former case manager William Lewis was replaced by Judge Hood, that Judge Hood had dismissed the case in December 2010, and that the new case manager had improperly "*served*" documents "*electronically*" and ONLY to the "*counsel*" of record, preventing Petitioner David Schied from receiving such notice and knowing anything about this case being dismissed; thus depriving Mr. Schied of his due process right to a timely "*Claim of Appeal*". **(*See* "EXHIBIT A" for the Order sent to Mr. Schied 9 months after the fact.)**

Moreover, upon Mr. Schied requesting on 9/1/11 that the U.S. District Court then send him a copy of the December 2010 final "*Order*" by Judge Hood, the Clerk delayed sending that document for several days and then stuck a NEW JUDGMENT in the back of all that older 2010 "*Order*" without providing a cover letter to Mr. Schied informing him that a new "*Judgment*" action had taken place on this case by the former Court

Administrator – David Weaver – that Mr. Schied had written to in 2010 with complaints about William Lewis (and who thereafter wrote back claiming "*no violation*" by Lewis). (***See* "EXHIBIT A" as the single-page "*Judgment*" which – like the previous *Order* from December – also is "*invalid*" because it fails to contain the official "*seal*" of the Court as otherwise required under 28 U.S.C. §1691 and references a NONEXISTENT *Order* purportedly issued "*this date*" of 9/7/11.)**

Furthermore, no "*Certificate of Service*" was provided with this new "*Judgment*" either. Therefore, Mr. Schied set this document aside for a period while he tended to other more pressing Michigan state courts where he continues to assert that since 2006 when the Michigan Court of Appeals publicly "*published*" (in a so-called "*unpublished*" ruling) the name of the criminal offense listed in the 2003 FBI identification record – that has been disseminated since 2003 by attorney Weaver's clients, the Appellees – these Michigan judges have continually set the UNLAWFUL PRECEDENCE for other (federal) judges to follow the SAME PATTERN. They are ALL refusing to "*litigate the merits*" of Mr. Schied's claim that the republishing of the erroneous contents of the 2003 FBI report by State and United States judges, and the repeated dissemination of the "*nonpublic*" 2003 FBI report by attorney Weaver's clients under FOIA are CRIMINAL violations of Mr.

Schied's "*right to privacy*" as well as violations of the *National Crime Prevention and Privacy Rights Compact*, as well as violations of a plethora of other Texas, Michigan, and Untied States statutes and codes governing clemency, full faith and credit, double jeopardy, due process, etc.

Relief Sought

Based on the above stated FACTS, I hereby move for the Court to:

- **Issue an *Order* GRANTING Petitioner "*relief from judgment*"** by a "*set aside*" of Judge Hood's "*Judgment*" dated 9/7/11 and the "*Order Granting Motion for Summary Disposition and Dismissing Action*" dated 12/28/10 based upon "*fraud*" and by application of Rule 55(c) and Rule 60 of the Federal Rules of Civ. P. or in the alternative, REMAND this case back to the Washtenaw County Circuit Court where this case was initially properly filed on 12/9/09 based on it pertaining to a "*NEW transaction or occurrence*".
- **Issue an *Order* for SANCTIONS** against the co-Defendants/Appellees based on the two year delay in this case cause by the unlawful "*removal*" of this case from the State court to the U.S. District Court based on "*fraud*" attorney Michael Weaver and the determination by Judge Hood that this instant case was NOT affiliated with a previous case ruled upon by Judge Paul Borman as otherwise asserted by attorney Weaver, and based on her accompanying determination that "*[I]t CANNOT be said that they arise out*

of the 'same transaction and occurrence'" as otherwise fraudulently asserted by attorney Weaver and the co-Defendants/Appellees.

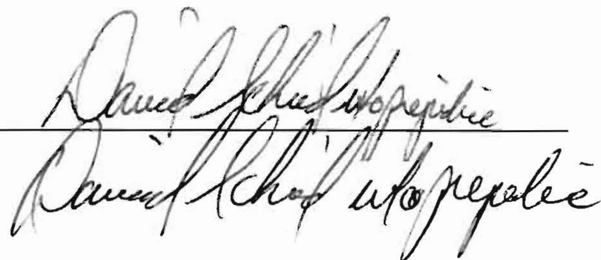
- **Issue a *Declaratory Order* proclaiming that there is sufficient Evidence to show "*reasonable cause to believe*" that the 2006 Michigan Court of Appeals ruling in *David Schied v. Sandra Harris and the Lincoln Consolidated Schools, et al* was unlawful and violated Mr. Schied's right to "*due process*" and to "*privacy*"**, and because that ruling also failed to provide constitutional "*full faith and credit*" to the Texas court "*Agreed Order of Expunction*" acknowledged by the Court of Appeals in that ruling, which otherwise held it to be "*prohibited*" to "*use or disseminate*" the information "*expunged*" by under Texas laws.
- **Issue a *Declaratory Order* proclaiming that there is sufficient Evidence to show "*reasonable cause to believe*" that the 2006 Michigan Court of Appeals ruling in the *Schied v. Sandra Harris and Lincoln….* case failed altogether to properly "*litigate the merits*" of Mr. Schied's claim** that in 2003 Sandra Harris had violated "*public policies*" when denying him his statutory RIGHT to "*challenge and correct*" that 2003 FBI identification record while instead firing him, unlawfully disseminating the erroneous information contained in that FBI report, and by thereafter placing the 2003 FBI report into the District's "*public*" personnel file and distributing it under

the FOIA; **and that based on the unlawfulness of that 2006 ruling, Mr. Schied is entitled to a "*set aside*" of that unlawful "*precedence*".**

- **Issue an "*Order*" determining that the actions of attorney Michael Weaver and the government co-Defendants/Appellees constitute felony crimes,** that the Michigan and United States judiciary appears not to have properly "*litigated the merits*" of Mr. Schied's crime victim claims, **and that Petitioner David Schied is entitled to crime victims' relief and – by his stated demand – access to a federal "*special grand jury*"** (under **18 U.S.C. §3332**) for reporting his crimes and prompting a Grand Jury Investigation of his Evidence and Allegations of criminal Racketeering and Corruption of the government in Michigan under State and Federal RICO statutes.
- **Issue an *Order* for an immediate address of ALL of the "*Judicial Misconduct*" complaints Mr. Schied has filed in 2009 and 2010** which remain pending by reference to the individual complaint case numbers found in "***Exhibit J***".
- Provide any and all other relief, including crime victims' relief, to Mr. Schied as deemed available and necessary.

Respectfully submitted,

By:



DATED: December 27, 2011

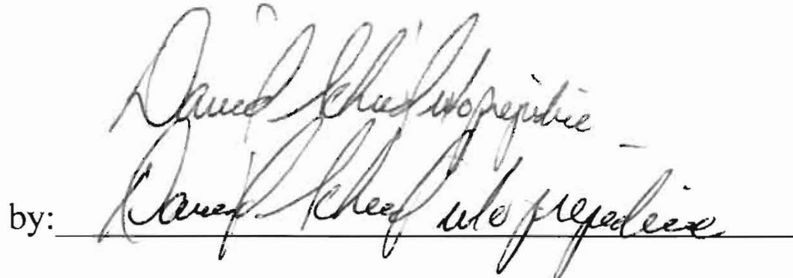
Proof of Service

PROOF OF SERVICE: I affirm that all of the below-listed documents were mailed in the proper quantity (1 original and 3 copies) via prepaid CERTIFIED postal delivery to the judges of the Court of Appeals for the Sixth Circuit. Documents marked with asterisks (*) were provided to the "*criminals*" as the co-Defendants/Appellees through their corrupt State BAR of Michigan attorney Michael Weaver, at the criminal racketeering operation of the Plunkett-Cooney law firm address appearing on the face of the Appeal:

1) Cover letter addressed to Leonard Green as the Clerk of the U.S. Court of Appeals for the Sixth Circuit;
* 2) *Affidavit of Notary Presentment Certification of Mailing*;
3) Signed "*Motion to Proceed on Appeal in Forma Pauperis" and "Motion for Waiver of Fees" on case filed timely in 'Application for Delayed Leave of Appeal' with grounds based upon Rule 60 ('Relief From Judgment') involving 'Fraud Upon the Court' by State BAR of Michigan's Plunkett-Cooney Attorney Michael Weaver and involving 'Judicial Misconduct' by State BAR of Michigan's Eastern District of Michigan Denise Page Hood and other 'Good Cause' Reasons*";
4) Signed "*Motion for Pauper Status*";
5) Sworn and signed "*FORM 4: Affidavit Accompanying Motion for Permission to Appeal in Forma Pauperis*"; *NOTE: This document was not provided to the criminals, the Plunkett-Cooney attorney Michael Weaver or his co-Defendants;
6) "*Sworn and Notarized Statement of Indigency and Claim of Criminal Victimization*";
7) Copy of "*Affidavit and Order Suspension of Fees/Costs*" dated 12/11/09 of the lower Washtenaw County Circuit Court where this instant case originated;
* 8) 6-page, 26-numbered paragraphed "*Statute Staple Securities Instrument – Legal Notice and Demand*" and accompanying 7-page 73-numbered paragraphed "*Legal Notice and Demand Definitions*";
9) Signed and notarized "*Notice to Clerk for the United States Court of Appeals of the Sixth Circuit*";
* 10) "*Application for Delayed Leave of Appeal' with grounds based upon Rule 60 ('Relief From Judgment') involving 'Fraud Upon the Court' by State BAR of Michigan's Plunkett-Cooney Attorney Michael Weaver and involving 'Judicial Misconduct' by State BAR of Michigan's Eastern*

District of Michigan Denise Page Hood and other 'Good Cause' Reasons";

* 11) Copy of the 1-page "*Judgment*" on Appeal dated 9/7/11;
* 12) Copy of the "*Order Granting Motion for Summary Judgment and Dismissing Action*" dated 12/28/10;
* 13) Proof of Service for all the above;



by:____________________________________

12/27/11

David Schied – Pro Per
P.O. Box 1378
Novi, Michigan [48376]
248-946-4016
deschied@yahoo.com

Exhibit 3A

STATE OF MICHIGAN
17TH JUDICIAL DISTRICT

MOTION AND ORDER TO SHOW CAUSE

CASE NO. 10B020893 01

Court Address 15111 BEECH DALY
REDFORD, MI 48239

Court Telephone
(313) 387-2790

People of TOWNSHIP OF REDFORD

v

Defendant/Probationer
SCHIED/DAVID/EUGENE

CASH ONLY

MOTION AND AFFIDAVIT

1. I am interested in this matter as ______________________
2. SCHIED/DAVID/EUGENE
has not complied with an order dated MAY 13, 2011 by failing to:
(State with particularity admissible facts establishing this motion.)
FAILED TO PAY FINES AND COSTS

***IF PAYMENT IS RECEIVED IN FULL BEFORE THE COURT DATE,
NO COURT APPEARANCE IS NECESSARY***

3. I request an order directing SCHIED/DAVID/EUGENE to show cause why:
{X}a. s/he should not be found in {X} civil {_} criminal contempt of court.
{_}b. judgment should not be entered against him/her (as surety/agent) for the full amount of recognizance.
{_}c. judgment should not be entered against him/her for failure to file a garnishee disclosure.
4. This affidavit is made on my personal knowledge and, if sworn as a witness, I can testify competently to the facts in this motion and affidavit.

Signature Donna Lemieux

Subscribed and sworn to before me on ______________ , ______________
County, Michigan. Date
My commission expires: ______________ Signature: ______________
Notary public, State of Michigan, County of ______________

ORDER

TO: SCHIED/DAVID/EUGENE
PO BOX 1378
NOVI MI 48376

CHARGE: LMT AC 16-20

AMOUNT DUE: 312.00

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

IT IS ORDERED:

5. You are ordered to appear before this court on SEPT. 16, 2011 at 8:30 AM.
at {X} the court address above
{_} courtroom number ______
{_} ______________________
to show cause why
{X} you should not be held in {X} civil {_} criminal contempt for failure to comply with the order of this court
{_} a judgment should not be entered against you
{_} your case should not be dismissed
{_} other: ______________________
for the reasons stated in the motion.
6. Failure to appear for a contempt hearing may result in a bench warrant being issued for your arrest.
7. A copy of this must be served {_} personally {X} by mail on the person ordered to appear at least 7 days before the hearing.

AUG. 3, 2011 — Karen Khalil — P-41981
Date — Judge KAREN KHALIL — Bar no.

MC 230 (3/09) MOTION AND ORDER TO SHOW CAUSE MCR 2.108(D),MCR 3.606(A),MCR 5.108

Exhibit 3B

STATE OF MICHIGAN NOTICE TO APPEAR CASE NO. 10B020893 01
17TH JUDICIAL DISTRICT

Court Address 15111 BEECH DALY
REDFORD, MI 48239

Court Telephone
(313) 387-2790

Plaintiff {_}Personal service
TOWNSHIP OF REDFORD

V

Defendant {_}Personal service
SCHIED/DAVID/EUGENE
APT 3120
20075 NORTHVILLE PLACE DR
NORTHVILLE, MI 48167

Pltf Atty/People {_}Personal service

Defendant's Atty {_}Personal service

YOU ARE DIRECTED TO APPEAR AT:

{X}The court address above,courtroom____

{_}

Magis. REPRESENTATIVE POLICE P-04444

FOR THE FOLLOWING PURPOSE:

	DAY	DATE	TIME
{_}Pre-trial Conf.			
{_}Prelim Exam.			
{_}Jury Selection			
{_}Jury Trial			
{_}Non-Jury Trial			
{_}Sentencing			
{_}Motion			
{_}Arraignment			
{_}Informal Hrg.			
{_}Formal Hearing			
{X}CONFERENCE	**THU**	**12/02/10**	**10:00 AM**
{_}The above matter is adjourned from			

PER COURT RULE FINES & COSTS MUST BE PAID IN FULL AT SENTENCING

Offense:
1)SPEED 16-20

Officer: GREGG, D

IMPORTANT: READ THIS CAREFULLY

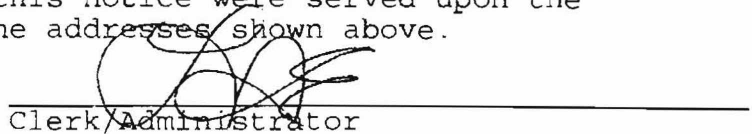
1. Bring this notice with you.
2. No case may be adjourned except by authority of the judge for good cause shown.
3. FAILURE OF THE DEFENDANT TO APPEAR in a civil case may cause a default judgment to be entered. FAILURE OF THE PLAINTIFF TO APPEAR may result in a dismissal of the case.
4. FAILURE TO APPEAR in a criminal case may subject you to the penalty for contempt of court, and a bench warrant may be issued for your arrest.
5. If you intend to employ a lawyer,s/he should be notified of the date at once.
6. If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

LAE
Clerk/Administrator

CERTIFICATE OF MAILING

I certify that on this date, copies of this notice were served upon the parties/attorneys by ordinary mail at the addresses shown above.

11.8.10
Date


Clerk/Administrator

MC 06 (6/96) **NOTICE TO APPEAR**

STATE OF MICHIGAN
17TH JUDICIAL DISTRICT

NOTICE TO APPEAR

CASE NO. **10B020893** OI

Court Address 15111 BEECH DALY
REDFORD, MI 48239

Court Telephone
(313) 387-2790

Plaintiff {_}Personal service
TOWNSHIP OF REDFORD

V

Defendant {_}Personal service
SCHIED/DAVID/EUGENE
PO BOX 1378
NOVI, MI 48376

Pltf Atty/People {_}Personal service

Defendant's Atty {_}Personal service

YOU ARE DIRECTED TO APPEAR AT:

{X}The court address above,courtroom ____

{_}

Judge KAREN KHALIL P-41981

FOR THE FOLLOWING PURPOSE:

	DAY	DATE	TIME
{_}Pre-trial Conf.			
{_}Prelim Exam.			
{_}Jury Selection			
{_}Jury Trial			
{_}Non-Jury Trial			
{_}Sentencing			
{_}Motion			
{_}Arraignment			
{X}Informal Hrg.	**FRI**	**5/13/11**	**8:45 AM**
{_}Formal Hearing			
{_}			
{_}The above matter is adjourned from			

PER COURT RULE FINES & COSTS MUST BE PAID IN FULL AT SENTENCING

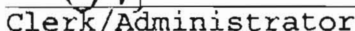
Offense:
1)LMT AC 16-20

Officer: GREGG, D

IMPORTANT: READ THIS CAREFULLY

1. Bring this notice with you.
2. No case may be adjourned except by authority of the judge for good cause shown.
3. FAILURE OF THE DEFENDANT TO APPEAR in a civil case may cause a default judgment to be entered. FAILURE OF THE PLAINTIFF TO APPEAR may result in a dismissal of the case.
4. FAILURE TO APPEAR in a criminal case may subject you to the penalty for contempt of court, and a bench warrant may be issued for your arrest.
5. If you intend to employ a lawyer,s/he should be notified of the date at once.
6. If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

LJF
Clerk/Administrator


CERTIFICATE OF MAILING

I certify that on this date, copies of this notice were served upon the parties/attorneys by ordinary mail at the addresses shown above.

4/6/11
Date

Clerk/Administrator

MC 06 (6/96) **NOTICE TO APPEAR**

State Bar of Michigan: Member Directory - Windows Internet Explorer

michbar.org

File Edit View Favorites Tools Help

Go Ask a Question Disabled

Favorites State Bar of Michigan: Member Directory Page Safety

print this page

for members

- SBM general information
- member directory
- admissions, ethics, and regulation
- justice initiatives
- member services
- practice management resource center
- public policy resource center
- publications and advertising
- research and links
- sections

from the courts

- opinion searching
- virtual court

for the public

- public resources
- media resources

giving opportunities

- a lawyer helps
- access to justice campaign

Note: If searching within the state of Michigan, City is required.

State: All

City:

Search | Clear Form

or

Foreign Country Search

Country: Select Country

Search | Clear Form

or

Member Number Search:

To search for a member using their member number simply fill in the number below.

Member Number: p 04444

Search | Clear Form

How to Change Your Contact Information

State Bar of Michigan: Results - Windows Internet Explorer

michbar.org

File Edit View Favorites Tools Help

Go Ask a Question Disabled

Favorites State Bar of Michigan: Results Page

SBM STATE BAR OF MICHIGAN

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Entire Site

member directory

awards

board of commissioners

dispute resolution

foreign consular offices

lawyer referral

legal services

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litigator's list

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No members found.

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Approved Partner

MyBlue My Life, My Health Plan

Blue Cross Blue Shield of Michigan

A nonprofit corporation and independent licensee of the Blue Cross and Blue Shield Association

Approved, SCAO | Original - Court | Copy - Defendant

STATE OF MICHIGAN 17TH JUDICIAL DISTRICT	DEFAULT JUDGMENT Civil Infraction	Court Telephone No. (313) 387-2790

The ☐ State ☒ Twp. ☐ City ☐ Village of: REDFORD

v Defendant (name and address printed on other side)

DEFAULT ENTRY I certify that the

1. defendant has not made a scheduled appearance or answered a citation within time allowed by statute.
2. defendant is not in the military service, or is in the military service but received notice and adequate time and opportunity to appear and defend.
3. default is entered against the defendant.

DEFAULT JUDGMENT is entered in the amount stated on the other side.

Return this notice with a certified check or money order in the amount of the judgment stated on the other side of this form. Fines, costs, and other financial obligations imposed by the court must be paid at the time of assessment. If you fail to pay, the court will notify the Secretary of State to take action against your driving privileges. **Fines, costs, and fees not paid within 56 days of the appearance date are subject to a 20% late penalty on the amount owed.**

CERTIFICATE OF SERVICE

I certify that on this date I served a copy of this judgment on the defendant by first-class mail addressed to his/her last-known address as defined in MCR 2.107(C)(3).

Date of Default/Judgment*
Date of entry and mailing

JUDITH A. TIMPNER
Clerk/Deputy clerk/Magistrate

NOTICE: You may have the right to set aside a default by requesting a hearing within 14 days of the mailing date. You must post a bond equal to the total fine and costs noted when requesting a hearing to set aside a default.

CIA 07-JIS (3/08) DEFAULT JUDGMENT, Civil Infraction MCR 1.110, MCR 4.101(B)

STATE OF MICHIGAN 17TH DISTRICT COURT	14 DAY NOTICE Civil Infraction	Telephone no.: (313) 387-2790

Court address: 15111 BEECH DALY, REDFORD, MICHIGAN 48239

The ☐ State ☒ Twp. ☐ City ☐ Village of: REDFORD

If you fail to comply with the judgment rendered in this case within 14 days;

1. the Secretary of State will immediately suspend your driving privileges for most driving offenses.
2. a bench warrant may be issued for your arrest.
3. the cost to compel appearance may be added to the amount of your judgment.
4. your operator's license will not be issued or renewed if this notice is for multiple parking violations or a nontraffic state civil infraction.

Payment may be made in person, or by mail. If you make payment by mail, it must be in the form of a certified check or money order only, and received by this court no later than the due date on the reverse side of this notice. Return this notice with your payment.
Payment made after due date must include a $45.00 re-instatement fee in addition to amount due.

I hereby certify that on this date, copies of this notice were served upon the party indicated on the reverse side by ordinary mail addressed to the address shown, unless otherwise indicated.

*DATE OF NOTICE
Date

JUDITH A. TIMPNER
Court Administrator

CIA 03 (3/09) 14 DAY NOTICE, Civil Infraction

ORIGINAL - COURT COPY- DEFENDANT

Exhibit 3C

STATE OF MICHIGAN
17th District COURT

Township of Redford,
Plaintiff,

Vs.

Case #: 10B020893 OI

David Schied
Defendant/Petitioner.

AFFIDAVIT OF FACTS;
Along With
MOTION TO SET ASIDE DEFAULT JUDGMENT
And
MOTION FOR NEW TRIAL
DUE TO "*EXTENUATING CIRCUMSTANCES*"
AND UNRESOLVED REPORT OF
CRIMINAL RACKETEERING

REQUEST FOR CRIMINAL GRAND JURY INVESTIGATION

_______________________________________/

David Schied – Petitioner
In Pro Per
P.O. Box 1378
Novi, MI 48167
248/946-4016

_______________________________________/

Here comes the Defendant/Petitioner David Schied, filing with accompanying "*Motion for Waiver of Fees*" and as a crime victim, as noticed to the "*agents*" of this Court when initially filing a separate civil case in the Wayne County Circuit Court (case No. 11-004881CP). That circuit court case was filed also as a crime report in that, as Plaintiff in that case Mr. Schied was reporting himself to be the victim of many alleged crimes being perpetrated by numerous individuals who are running corrupt organizations and racketeering operations within Wayne County.

BACKGROUND HISTORY OF THE FACTS

1. On 4/21/11, Petitioner was compelled to file an action in the Wayne County Circuit Court after being cited by Redford Township police officer "*D. Gregg*" for speeding in the course of yielding to emergency vehicles and being engaged by another driver in "*road rage*" who was unwilling to surrender the lane adjacent to the inside "*fast lane*" from which Petitioner was attempting to yield.

2. In short, upon receipt of the traffic citation – in which Petitioner sped up and attempted to yield the fast lane of traffic to emergency vehicles parked on the center divider onto be engaged at the last minute by another driver in the adjacent lane refusing to allow Petitioner to get in front of him – Petitioner telephoned and wrote to the Redford Township police department only to be responded to with disdain and, without addressing Petitioner's complaint about the officer "*D. Gregg*" who wrote the traffic citation, abruptly informed that if Petitioner complied with the *Notice of Hearing* that he would find a resolve of his complaint about the officer with a judicial officer of the Court (i.e., a magistrate or judge). **(See "EXHIBIT #1" as Mr. Schied's written complaint to the Redford police chief and the written response sent back to Mr. Schied by the chief's "*Operations Bureau*" captain.)**

3. Subsequently, the Redford Township courts sent Petitioner a fraudulent "*Notice of Hearing*" indicating that Petitioner (and all other called to court that day) would be entitled to challenge their ticket before a "*magistrate*", and a "*representative police*" officer from the agency issuing the ticket. As discovered only after that scheduled hearing day, the "*Notice of Hearing*" included a nonexistent Michigan State Bar number (P-04444) as a bogus reference for the "*magistrate*" who was supposed to appear that day in court but failed altogether to

appear. (*See* "**EXHIBIT #2**" as the Notice to Appear stamped with a note indicating that judicial "sentencing" might be expected at this court event......"*per court rule*".)

4. **When Petitioner (and all others) arrived in court that day, Petitioner (and all other private citizens called to court that day) was confronted by an empty judicial bench and the same police officer who wrote the ticket, stationed in the prosecutor's office adjacent to the courtroom in plain clothes "*impersonating*" a judicial officer of the court. While clearly acting outside his own "*executive branch*" of government, this Redford Township police officer "*D. Gregg*" was left alone in the courtroom with a list of citizens who were all issued a similar "*notice*" to report to court that day, each under threat of having a judicial ruling made against them if they failed to show.**
5. **The officer called each person (including Petitioner) on the list one at a time and brought them into the office designated by a sign above the door for the "*Prosecutor*". This police officer "*D. Gregg*" then used "*color of law*' to "*extort*" money from each of these citizens, under threat that if they (and Petitioner) did not accept a reduced fine as offered by this police officer, they would be cited with the full amount of the alleged offense, to include "*points*" added to their driving record for an added cost in insurance premiums, and they would have to come back again to the court on a different day to argue their case before one of the two judges for the Redford Township. [1]**

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[1] **Note that the "*judicial misconduct*" complaints were filed and the Judicial Tenure Commission has discretionarily "*denied and dismissed*" the complaints against these two judges, Wirth and Khalil, without any supporting reasoning.**

6. In Petitioner's case, when the patrol officer "*D. Gregg*" initially asked Petitioner to explain why he was there that day, Petitioner answered that he was there to file a cross-complaint on the police officer ("D. Gregg"). [2]

7. Later in the discussion about the Mr. Schied's challenge of the ticket and Mr. Schied's desire to file a cross-complaint on that ticket, Petitioner pointed out that this police officer had been conducting himself in the courtroom in an offensive and illegal manner after the officer denied Mr. Schied the opportunity to bring a cross-complaint by claim – on behalf of the Plaintiff "*17th District Court*" that the Court would not allow that to happen. This police officer then also retorted by threatening Petitioner with "*contempt of court*" as well as a stiffer fine on the ticket when Petitioner elected to question the colored document that the officer was demanding that Petitioner sign stating that he was declining to accept a lower (extortion) settlement and would return a different day to argue the matter again before a judge.

8. Petitioner understood the police officer's extortionist actions to be a threat against Petitioner's physical freedoms. The officer acted this way on Plaintiff "*17th District Court's*" behalf despite Petitioner's good faith presence at the court that day, in accordance with the "*Notice of Hearing*", to exercise his right to challenge the basis of this officer's speeding citation by a proper address <u>to the "*magistrate*" referenced at the top the hearing notice</u> (which Petitioner only realized later contained reference to a fraudulent BAR number published on the face of that notice).

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[2] It should be noted that when arriving to the courtroom and told to "*sign in*" on a sheet at the front of the courtroom, from which Officer "*D. Gregg*" called the names of the people he brought into the prosecutor's office to threaten, Petitioner David Schied wrote that he was appearing as BOTH Defendant <u>and</u> Plaintiff, and that he was there to file a "cross-complaint", to reinforce his subsequent statement directly to D. Gregg as to the purpose of his appearance.

9. Petitioner subsequently wrote two letters of follow-up complaint about the events that took place in the courtroom. One of those letters was written to Redford Chief of Police Brian Greenstein and the other was written to Judge Karen Kahlil. (*See* "**EXHIBIT #3**" for copies of both letters.)

10. Thereafter, on 4/21/11, Petitioner filed a separate civil case in the Wayne County Circuit Court while providing clear notice to the Township police and judges that *pro se* Petitioner was attempting to "*remove*" the "*speeding ticket*" to the higher circuit court. Upon delivery of such notice, Petitioner resolved to not subject himself to any further illegal threats and/or the possibility of being illegally issued another false charged by the police officer "*D. Gregg*" were Petitioner to appear at the 17th District Court again in response to another "*Notice to Appear*" to deal with that ticket through an "*INFORMAL HEARING*" scheduled for 5/13/11 before the same Judge Karen Khalil that had refused to respond to Petitioner's previous letter of complaint. Mr. Schied's resolve to not appear in response to that second notice was plainly out of fear of being confronted by the lone officer and threatened again with extortion. **("EXHIBIT #4")**

11. Subsequently, filed a civil Complaint against numerous individuals now referred to as the "*Redford Township Defendants*". Petitioner "*served*" each of the Defendants named by the lawsuit, being the Redford Township, the supervisor of the township Tracey Schultz-Kobylarz, the police officer "*D. Gregg*", his supervisory police officers Brian Greenstein and James Foldi, and both judges operating the 17th District Court being Karen Kahlil and Charlotte Wirth. Yet the judges of this 17th District Court seemingly ignored Petitioner's proper service of the Wayne County Circuit Court case "*Summons and Complaint*", as well

as the Petitioner's **good faith** "*Notice of Removal*" of the traffic citation. (*See* **"EXHIBIT #5"** as the cover page of the Complaint.)

12. Moreover, these Defendants in the circuit court case, being named as those representing the instant Plaintiff – the 17th District Court – also ignored that they all had represented to Defendant/Petitioner that they had an attorney representing them. This notice or representation, dated 5/23/11, was sent by mail to Petitioner AT THE WRONG ADDRESS by the attorney representing the "*agents*" of the 17th District Court when also providing Petitioner David Schied with Defendants' Charlotte Wirth and Karen Kahlil's (and the other Defendants') "*Answer to the Complaint*". **("EXHIBIT #6")** [3]

13. That "*Answer*" by the Defendants, which was not only substantially delayed in reaching Petitioner but also consisted entirely of unspecific, vague, and uninformative statements, was written to repeatedly "*deny as untrue*" or to "*deny knowledge*" about the events as cited in the Complaint. Such types of answers by the "*Redford Township Defendants*" were delivered in "*bad faith*" and with the intent of maliciously undermining Petitioner's "*good faith*" attempt to remove the traffic citation to the Wayne County Circuit Court for a proper resolve of the 17th District Court's previous denial of Mr. Schied's request to file a cross-complaint.

14. Similarly, the "*Redford Township Defendants*'" answers were purposely meant to DELAY JUSTICE by refusing to admit the truths outlined by Mr. Schied's citizen complaints about what was transpiring between the judicial and executive branches of Redford Township, and the fact that the 17th District Court had constructed an oppressive "*setup*" to extort money

[3] Petitioner notes that either out of spiteful maliciousness or out of sheer incompetence, the Redford Township Defendants' attorney Jeffrey R. Clark of the Cummings, McClorey, Davis and Acho, PLC law firm provided "*service*" of their "*Answers to Complaint*" at the wrong address for Petitioner. Despite that Petitioner had clearly provided the Redford Township judges, the police, and the township supervisor with "*P.O. Box 1378*" in Novi, the Defendants nevertheless sent their filing to "*P.O. Box 1738*" instead, causing the delivery to be delayed for a substantial number of days.

from citizens of the community while placing Petitioner David Schied under threat of his freedom to mobility and under threat of arrest and criminal prosecution. These acts of peonage, oppression, and deprivation of Mr. Schied's constitutional right to "*due process*", as well as the theft of his right to "*honest government services*", was carried out against Petitioner David Schied simply because Petitioner had challenged the illegality of what the 17th District Court was doing against ALL the people of the community called to the court..... by sending out fraudulent "*Notice(s) of Hearing*" stating that individuals would be entitled to argue their cases before a "*magistrate*", and then having the police officer who wrote the traffic citations there instead impersonating the district attorney, so to deprive these citizens of their due process rights.

15. The Redford Township Defendants' "*Answer to Complaint*" also provided Mr. Schied with the perceived notice by the judges representing the instant Plaintiff "*17th District Court*" that – as in regards to the speeding ticket that Petitioner had believed he had "*removed*" to the Wayne County Circuit Court – all further correspondence in regards to the combined "*traffic citation/cross-complaint*" would be handled through Plaintiff "*17th District Court's*" legal counsel. Based on the Petitioner's justified perception that the attorney for the judges and the other Defendants was intentionally vague and deceptive with his "*Answers to Complaint*", reinforcing Petitioner's belief that these Defendants have been and continue to be acting in a "*shady*", deceptive, and underhanded fashion, Petitioner believed he was justified therefore in not appearing at the hearing for the traffic citation that had been re-scheduled for 5/13/11.

16. Defendants Redford Township, its police officers, its judges, and its township supervisor were on clear notice that *pro se* Petitioner was attempting to "*Remove*" the "*speeding ticket*" case to the Wayne County Circuit Court. This meant that, as judges held to the DUTY of

upholding the law, they knew that as Defendants in that circuit county case they needed to work through their own legal counsel – Jeffrey Clark – rather than to communicate with Petitioner David Schied directly. Likewise, these judges should have expected that Petitioner would never directly address these Defendants other than through their registered counsel.

17. Nevertheless, despite being barred from communicating directly with Petitioner, these 17th District Court judges held an ex-parte hearing amongst themselves and/or with other of the named "*Redford Township Defendants*". At that hearing, allegedly on 5/13/11, at least one of the two judges named by Mr. Schied's circuit court complaint unilaterally determined that Mr. Schied was "*guilty*" of the traffic citation – without either their attorney or Mr. Schied being present, and while completely disregarding that Mr. Schied had fully believed that he had "*removed*" the traffic citation to the higher circuit court. (*See* **"EXHIBIT #7"** as that the notice sent to Petitioner on 5/16/11 about that "*default*" judgment.

18. Petitioner was subjected to further extortion in the form of a notice, dated 5/16/11, that if he did not pay Redford Township right away on the default judgment they would assign a compounded fine and "*notify the Secretary of State to take action against [Petitioner's] driving 'privileges'*". [4]

19. Subsequently, Petitioner received a notice dated 5/17/11 from the Secretary of State stating that some unidentified "*court*" had "*provided the Department of State with ticket information*"; and that the three (3) points referenced at the top of the Secretary of State's letter would NOT be added to Petitioner's driving record if he successfully completed a "*Basic Driver Improvement Course*" on or before 7/21/11. **("EXHIBIT #8")**

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[4] It is petitioner's position that it is his constitutional "*right*" to travel anywhere he wishes, and by whatever means he wishes, not a "privilege" for which the State has the authority to grant or deny as such an authority is not an enumerated right under the U.S. Constitution, and if it is enumerated under the latest version of the State constitution it is a violation of the Petitioner's constitutional rights under the 10th Amendment which hold precedence as to Petitioner's right to the "*pursuit of happiness*".

20. Understanding that Petitioner would not be subject to further damages in the form of having "*points*" added to his driving record if he took the driver's training course, Petitioner acted in good faith to "*mitigate*" that threat of further damages caused to him by the criminal racketeering and corruption of the 17th District Court. Petitioner paid the cost of taking the driver's training course and promptly PASSED the course. His "Certificate of Completion" is identified as **"EXHIBIT #9"** DATED 7/1/11.

21. Nevertheless, shortly after passing that exam and receiving his certificate, Petitioner received another notice from the Secretary of State Ruth Johnson. That notice stated that the Plaintiff "*17th District Court*", the agents of whom have been named as the "*Redford Township Defendants*" in the Wayne County Circuit Court, had notified the Secretary of State that Petitioner had "*failed to answer a citation or to comply with a court judgment*"; and so the Secretary of State was suspending "*indefinitely*" Mr. Schied's driver's license effective prior to Petitioner's receipt of the notice, on 7/1/11. **"EXHIBIT #10"**

22. **The information provided to the Secretary of State by the "*Redford Township Defendants*" operating under the auspice of being the "*17th District Court*" was fraudulent in that it did NOT provide the Secretary of State with full disclosure of the other circumstances surrounding their actions to include:**

    a) **That Petitioner's complaint to the police about the demeanor of the officer issuing the traffic citation had been disregarded or otherwise deferred to the 17th District Court for a resolved of only the traffic citation, and with the intent to have that resolve be by a railroading of the citizen into an admission of guilt under duress;**

    b) **That Petitioner had caught the 17th District Court sending out fraudulent "*Notices of Appearance*" to citizens with a bogus Michigan State Bar membership number**

identifying a "magistrate" which was supposed to ensure that "due process" takes place, but with no magistrate actually intending to appear in accordance with the representations made to the public by the 17th District Court;

c) That upon his own arrival to the District court Petitioner was denied access to a judicial official and forced instead to contend with the police officer who had written the traffic citation, which was the very police officer Petitioner stated he wished to file a cross-complaint against;

d) That the Redford Township and judges were allowing this police officer to be left alone in that 17th District Court while fraudulently impersonating a judicial official, and while allowing him to extort money from citizens responding to "*notices*" of mandatory appearance to that court;

e) That the police officer, on behalf of the 17th District Court, denied Petitioner his right to challenge the traffic citation by stating that the Court would not allow Petitioner to initiate a "*cross-complaint*" on the officer in regards to Petitioner's dispute with the conditions under which the ticket had been issued; and that the police officer went even further beyond the scope of his authority when he threatened Petitioner with "*contempt of court*" for not signing a document thrust before him by the officer, which stated something to the effect that Petitioner was refusing the officer's extortion offer of lower payment in return for an admission of guilt regarding the traffic citation;

f) That when faced with the deprivation of his right to challenge the traffic citation and his right to file a cross-complaint on the police officer that issued the citation and impersonated a judicial official, Petitioner filed his cross complaint as a circuit

court case while attempting to "*remove*" the traffic citation to the higher court, <u>in good faith effort to keep all the facts about the case together</u>.

g) **That the "*default judgment*" issued against Petitioner was based only upon Petitioner's failure to "*appear*" alone to the 17th District Court for a second time, by the logical fear that he would be subject to further reprisal and threat of arrest by the same police officer acting again on behalf of the Plaintiff "17th District Court";**

h) **That the information provided to the Secretary of State was provided by the 17th District Court and/or by the Redford police as <u>knowingly</u> fraudulent, being characterized by gross misstatements and/or omissions of the above-referenced significant facts about this instant traffic citation and civil court joint case;**

23. **Petitioner construed the actions of "*Redford Township Defendants*" as using "*color of law*" to defraud the Secretary of State Ruth Johnson into acting as a "*tool*" for the Redford Township Defendants to further "*extort*" money from Petitioner while depriving Petitioner David Schied of his constitutional "*due process*" rights to challenge the corrupt racketeering activities of these "*state actors*".** (Bold emphasis added)

24. About the time the Secretary of State was preparing to suspend Petitioner's driver's license and Petitioner was attempting to mitigate his damages by taking the Basic Driver's Training Course, the "*17th District Court*" issued a "*14 Day Notice*" of "*Civil Infraction*" instructing Petitioner to make payment of the default amount to the "*Redford Township Defendants*" operating as the 17th District Court, and informing Petitioner that if no such payment was made as demanded a bench warrant would be issued for Petitioner's arrest.. **("<u>EXHIBIT #11</u>")**

25. Attempting to "*mitigate*" the potential for further personal and financial damage which might be caused as a result of the "*Redford Township Defendants*" carrying on under the auspice of the 17th District Court without taking any actions of their own to "*mitigate*" the damages caused to Petitioner David Schied in EITHER of the circuit court or the traffic court cases, Petitioner prepared to file "*emergency motion for injunction*" with the circuit court against the judges and the police named as the "*Redford Township Defendants*". On 6/23/11 and prior to filing this emergency motion with the circuit court, Petitioner sent a copy of the motion to the Defendants' attorney Jeffrey Clark by email in notice also of his intent to file this motion right away with the circuit court. In a show of bad faith, attorney Clark NEVER responded back to Petitioner on the Defendants' behalf. (*See* **"EXHIBIT #12"** as the cover page for the circuit court motion and a copy of the email sent to the "*Redford Township Defendants*'" attorney Jeffrey Clark.)

26. **The caption of Petitioner's motion to the circuit court presented as the basis of the motion read as:**

> ***"[The] Failure of Defendants to Heed 'Notice of Removal' of Citation Case By Issuance of Illegitimate Fine, Threat of Arrest, and Intent to Have Plaintiff's Driver's License Suspended by Intent to Defraud the Secretary of State"***. (Bold and underlined emphasis added)

27. **Petitioner's assertion, placed in the form of a sworn Affidavit, that the "*Redford Township Defendants*" were defrauding the Secretary of State and using this State Department official as a tool of extortion has never been refuted.** (Bold emphasis added)

28. On 6/27/11, Judge Wayne County Circuit Court Robert Colombo, Jr. denied Petitioner's circuit court motion giving Petitioner David Schied his FIRST and ONLY notice that "*There*

is no legal authority to remove a traffic ticket case from the Redford District Court to the Wayne County Circuit Court." (**"EXHIBIT #13"**) [5]

29. Having finally been informed – ONLY AFTER THE 14-DAY NOTICE HAD EXPIRED – that the traffic citation was never actually "*removed*" from the 17th District Court to the Wayne County Circuit Court, Petitioner now files this "*Motion to Set Aside Default Judgment and Motion for New Trial Due to Extenuating Circumstances*".

ARGUMENT

30. The facts, based upon the evidence, are clear: Petitioner has done everything in his power to mitigate his personal damages while acting under constant threat of retaliatory action by the Redford Township police officer "*D. Gregg*" and the judges of the 17th District Court, if Petitioner continued to balk at the racketeering operation and the fraud being perpetrated upon the public by the "*Redford Township Defendants*" as government "*actors*" depriving citizens of their substantive right to due process when they otherwise properly respond in good faith to initial "*Notice(s) of Appearance*" being issued by the 17th District Court in regard to traffic citations being issued by "*D. Gregg*" and possibly other police officers of the executive branch of government.

31. Equally clear is that the streamlined process by which the 17th District Court operates, even as it is fashioned as a racketeering operation that employs strong-arm tactics and threats to

[5] **Petitioner finds confusion with this ruling when considering that MCR 4.002 ("*Transfer of Actions From District Court to Circuit Court*") otherwise states: "*(A) Counterclaim or Cross-Claim in Excess of Jurisdiction. (If a defendant asserts a counterclaim or cross-claim seeing relief of an amount or nature beyond the jurisdiction of power of the district court in which the action is pending, and accompanies the notice of the claim with an affidavit stating that the defendant is justly entitled to the relief demanded, the clerk shall record the pleading and affidavit and present them to the judge to whom the action is assigned. The judge shall either order the action transferred to the circuit court to which appeal of the action would ordinarily lie or inform the Defendant that transfer will not be ordered without a motion and notice to the other parties.*" (*See* page of Chapter 4 of Michigan Court Rules as provided in evidence alongside WCCC judge Colombo's ruling and assertion that there is no legal authority for removal.)**

extort money from citizens while defrauding them, fails to actually provide "*due process*" to anyone that wishes to instantly challenge those strong-arm tactics and threats from the moment they are issued under "*color of law*".

32. In spite of filing formal letters of complaint – first to the police department in complaint of the demeanor of the officer "*D. Gregg*" while on patrol, and then to the judges themselves to inform them about the extortionist tactics of "*D. Gregg*" impersonating a district attorney and threatening Petitioner with judicial "*contempt of court*" in their courtrooms – and subsequently filing his Petitioner's "*cross-complaint*" in a circuit court, the "*agents*" of the 17th District Court, also known as the "*Redford Township Defendants*" in that circuit court case, have doggedly pursued Petitioner as if this is a "*criminal*" matter as opposed to a "*civil infraction*" or civil court case. Moreover, "*Redford Township Defendants*" have done so while completely disregarding the relevant FACTS in this case **and while MISREPRESENTING those facts to the Office of the Secretary of State and Ruth Johnson through significant misstatements and/or gross omissions in their reports to the Secretary of State's office in Lansing, effectively punishing Petitioner further by compelling the Secretary of State to issue "*points*" against Petitioner's state-required auto insurance, to have Petitioner's driver's license suspended, and by ordering the on-the-spot arrest of Petitioner by any law enforcement official making contact with Petitioner.**

33. These scare tactics and policies of forced compliance are characteristic of a cruel and "*unconstitutional*" Police State, and they will not be tolerated by Petitioner as a law-abiding citizen **demanding his day in court, before a judge – not the officer that wrote the ticket** – and by which Petitioner is otherwise owed proper "*due process*" and the administration of

"*justice*" in regard to determining the validity of Petitioner's dispute with Officer "*D. Gregg's*" unprofessional demeanor, the basis for his stopping Petitioner rather than the other vehicle, and for "*D. Gregg*" having issued Petitioner a traffic citation rather than issuing it to the driver that attempting to prevent Petitioner from surrendering the fast lane to the emergency vehicles in the center divider of traffic. [6]

34. In trying to legitimately address officer "*D. Gregg's*" traffic citation, Petitioner made an initial appearance in response to the Court's notice proffering the written assurance that Petitioner would otherwise be provided the opportunity to dispute the officer before a "*magistrate*".

35. Based upon these extenuating facts as described above in paragraphs 1-30, Petitioner should be GRANTED both a set aside of the previous default judgment from 5/13/11 and the opportunity to present these justified arguments in the presence of the 17th District Court at a newly scheduled trial hearing.

REQUEST FOR EMERGENCY RELIEF BY "*SET ASIDE OF THE DEFAULT JUDGMENT*" AND SETTING A NEW TRIAL DATE FOR REHEARING THIS MATTER IN THE 17TH DISTRICT COURT

36. The evidence presented in factual Exhibits listed a 1-13 above demonstrates "*extenuating circumstances*" about this case that are beyond Petitioner's control, namely by being the alleged victim of criminal extortion and corrupt government activity being perpetrated upon the public in the form of an oppressive racketeering operation being carried out in the Redford Township of Wayne County and by fraud upon the Michigan Secretary of State Ruth Johnson.

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[6] NOTE that the police officer ("*D. Gregg*") had otherwise acknowledged the night of the ticket both that Petitioner was actively surrendering the fast lane of traffic to the emergency vehicles parked in the center divider and that there was a second vehicle in the lane next to Plaintiff that was going just as fast as Plaintiff was going as the two vehicles were nearly side-by-side when passing the emergency vehicles nearly a full lane away from the center divider.

37. Petitioner, as a citizen and taxpayer, is entitled to "honest government services", and as "*The Accused*", both Petitioner and the "*Redford Township Defendants*" have the right – as well as the obligation – to defend against the allegations levied against them. Petitioner has the right to show that he should have never been issued a ticket in the first place since he was using his best judgment to comply with the law stating that he needed to surrender the fast lane of traffic to emergency vehicles in the center divider of freeway traffic. The "*Redford Township Defendants*", as government officials have the legal DUTY to provide an "*AFFIRMATIVE DEFENSE*" that can be supported by substantive facts and evidence, not mere conclusory statements. [7]

38. Petitioner asserts that he was constructively denied his day in court on this "*speeding ticket*" by means of extortionist threats, which continue to this day.

39. In effort to find out the District Court policy on going before the Court in motion for a "*set aside*", Petitioner called the Court by phone and attempted unsuccessfully to get answers to a few questions in regard to filing his motion for set aside with a "*Motion for Waiver of Fees*" as a "*forma pauperis*" litigant. Petitioner also tried unsuccessfully to ascertain an amount owed on a bond that may be required by the Court pending the scheduling of a new hearing on the traffic citation matter. [8]

40. Being unable to get the full cooperation of the Court in answering these questions, even in a general manner without divulging Petitioner's identity as one issued an arrest warrant and by identification of his phone number with electronic identification of his exact location for an

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[7] The "*Comment*" adjoined to Rule §108.64 regarding "*Judgments, post-judgment proceedings*" states, "***Mere denial of the facts asserted by plaintiff may be treated as being conclusory in nature and insufficient, unless the answer also sets forth an affirmative showing of facts in support of defendant's contentions****....The author would also like to draw counsel's attention to the* ***fact that the rule requires that the facts be verified****.*" (See "*Exhibit #13*")

[8] See details of this effort in Petitioner's "*Motion for Immediate Consideration*" and accompanying letter to the 17th District Court clerks and Court Administrator Judy Tempner.

immediate arrest, Petitioner has resolved to submit a bond amount that he has calculated in good faith to be what Petitioner expects is being demanded/extorted from him by the 17th District Court in accordance with the notice of default judgment that was sent to him.

41. Therefore, accompanying this "*Affidavit of Facts long with Motion to Set Aside Default Judgment and Motion for New Trial Due to 'Extenuating Circumstances' and Unresolved Report of Criminal Racketeering*", Petitioner is sending – in good faith a cash money order to this 17th District Court in the amount of $303, made out to "*Bondholder*" to cover the costs broken down as follows:

    a) Default Fine - $125
    b) Default Costs - $50
    c) Default State Costs – 40
    d) 20% "late fee" on $215 total of the above – $43
    e) Reinstatement fee - $45

42. The money order amount states right on its face that the bond being issued UNDER PROTEST, and has been provided as purchased, in entirety or in part by this $303 payment, as also subject to possible return to Petitioner by connection with a final ruling in the Circuit Court case No. 11-004881-CP by Judge Colombo, as Petitioner maintains that this other circuit court case is "*inextricably intertwined*" with this instant District Court case.

43. Petitioner understands that any denial of this instant "*Motion*" and any claim by the 17th District Court to the money order amount set forth by Petitioner in good faith on a bond purchase for the purpose of a "*set aside*" of the default judgment and a rehearing on the traffic citation, will set forth the conditions on which the Appeal of such action to the Wayne County Circuit Court. Petitioner also asserts that this bond amount is being surrendered on the condition that the 17th District Court will notify Petitioner in writing and in detail their

judicial decision in regard to this motion before them; and will similarly inform Petitioner of their intentions for the bond money paid by Petitioner. [9]

44. The money Order for $303 for the bond is attached to the Original of this motion as "**EXHIBIT #14**", along with a photocopy of that money order.

45. Petitioner request relief in the form of a set aside of the default judgment on the traffic citation in case No. 10B020893, and a rescheduling of the hearing on that traffic citation.

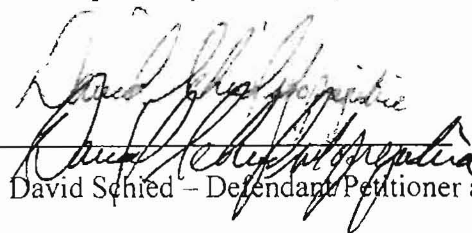
AFFIDAVIT

Pursuant to MCR 2.114(A)(2)(b), I declare the above statements are submitted as true to the best of my information, knowledge and belief, and hereby attest that I can and will testify to the truthfulness of these statements in any court of law.

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.

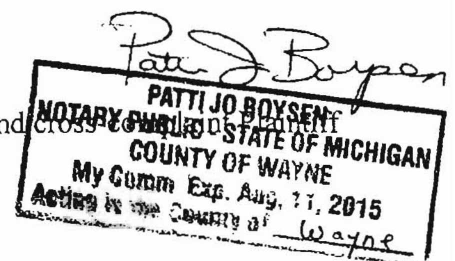
This AFFIDAVIT, is subject to postal statutes and under the jurisdiction of the Universal Postal Union. No portion of this affidavit is intended to harass, offend, conspire, intimidate, blackmail, coerce, or cause anxiety, alarm, distress or slander any homo-sapiens or impede any public procedures, All 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 officiate of this colorable court oath of office to uphold the constitution, and is hereby accepted for value.

Respectively submitted,



Dated: July 25, 2011

David Schied – Defendant/Petitioner and cross-complainant/Plaintiff



[9] Petitioner additionally reasserts that this bond amount is being supplied in "*good faith*" as the amount owed on the bond. If the amount is insufficient to cover the actual bond amount, Petitioner will provide any outstanding amount of the bond upon arrival to the Court for the re-hearing of the traffic citation once notified that the 17th District Court has granted this motion, has issued a set aside on the default judgment, and has scheduled a date for that rehearing.

Exhibit 4

IN THE SUPREME COURT
FOR THE STATE OF MICHIGAN

David Schied,
Sui Juris/pro per Appellant/Crime Victim,
Vs.
Charter Township of Redford; Tracey Schultz-Kobylarz, Township Supervisor – in her official as well as individual capacity; Brian Greenstein, Redford Police Chief – in his official as well as individual capacity; James Foldi, Redford Police Sergeant – in his official as well as individual capacity; DOE known only as Redford Police Sergeant "D." Gregg – in his official and individual capacity; Karen Khalil, 17th District Court judge – in her official as well as individual capacity; Charlotte L. Wirth, 17th District Court judge – in her official as well as individual capacity; and, DOES 1-10
Defendants/Appellees,

Court of Appeals No. 306542
Wayne County Circuit Court
Case No. 11-004881-CP

DEMAND FOR CRIMINAL GRAND JURY INVESTIGATION

IN ADMIRALTY

PETITION FOR LEAVE OF APPEAL AND "ORIGINAL COMPLAINT" OF CASE INVOLVING THE ALLEGATIONS OF A "*CRIMINAL CONSPIRACY TO DEPRIVE OF RIGHTS*" BETWEEN THE JUDICIAL AND EXECUTIVE BRANCHES OF REDFORD TOWNSHIP, THE 17TH DISTRICT COURT, THE WAYNE COUNTY CIRCUIT COURT, THE MICHIGAN SECRETARY OF STATE, THE MICHIGAN ATTORNEY GENERAL, AND THE MICHIGAN COURT OF APPEALS AS WELL-DOCUMENTED IN RECENT AND IN A DISTANT HISTORYALREADY FAMILIAR TO THE MICHIGAN SUPREME COURT IN REPORT OF GOVERNMENT "*RACKETEERING AND CORRUPTION*"; AND WITH PREVIOUS "*MISCARRIAGES OF JUSTICE*" RESULTING IN NEW "*ROUNDS*" OF CRIMINAL OFFENSES ALSO BEING "*DISMISSED*" FROM EVERY COURT THROUGHOUT 2011 WITHOUT "*LITIGATION OF THE MERITS*" OF THE FACTS AND EVIDENCE, WHILE DEPRIVING PETITIONER DAVID SCHIED OF HIS NATURAL RIGHTS GUARANTEED UNDER STATE AND UNITED STATES CONSTITUTIONS TO DUE PROCESS AND A JURY, AND WHILE CONTINUALLY DENYING PETITIONER ACCESS TO A GRAND JURY INVESTIGATION OF THE CRIMINAL ALLEGATIONS

AND

COMPLAINT OF "*FRAUDULENT OFFICIAL FINDINGS*" AND RESULTING "*DISMISSAL OF COMPLAINTS*" OF THE JUDICIAL TENURE COMMISSION IN THE FACE OF CLEAR EVIDENCE OF GROSS OMISSIONS, MISSTATEMENTS, AND OTHER "*FRAUD UPON THE COURT*" BY ATTORNEYS AND JUDGES AS ALL CORPORATE MEMBERS OF THE CORRUPTED STATE BAR OF MICHIGAN

"THE APPEAL INVOLVES A RULING THAT A PROVISION OF THE CONSTITUTION, A STATUTE, RULE OR REGULATION, OR OTHER STATE GOVERNMENTAL ACTION IS INVALID"

PARTIES:

David Schied – *Pro per; Sui Juris*
Petitioner/Crime Victim
In *Sui Juris* and
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Here comes the *sui juris* Petitioner, filing with a "*forma pauperis*" status that was approved by the lower Wayne County Circuit Court based on sworn and notarized Affidavits ascertaining that years of government crimes, corruption, racketeering, and other abuses have resulted in the complete financial devastation of Petitioner David Schied and the rest of his family as CRIME VICTIMS. As previously noticed to the lower Wayne County Circuit Court – and subsequently in the Michigan Court of Appeals when filing and appealing this case as also formalized **crime reports**, Mr. Schied has long been reporting himself to be the victim of many alleged crimes perpetrated by numerous individuals who are running corrupt government organizations and racketeering operations within Wayne County and the State of Michigan.

Petitioner David Schied now files this "*Petitioner for Leave to Appeal and 'Original Complaint'*...." after reporting a series of corrupt actions taking place to criminally deprive Mr. Schied, a free man on the land, of his many rights, including his right to travel the highways and byways, his right to due process, and to his right to be protected against the criminally "*accused*".

Mr. Schied has well-documented his own responsibility in attempting to "*mitigate*" his damages in this matter. He has, as well, documented the Defendants/Appellees' actions and the actions of judges and other State "*law enforcement*" agencies who have otherwise intentionally compounded the damages occurring against Mr. Schied. These Appellees and others are named

county and state government officials operating as corporate "*agents*" of tyranny and oppression who attempt to also rely upon "*judicial immunity*" and other "*government immunity*" to alleviate their having any personal accountability, responsibility and liability for their tortuously and criminally EXTORTING money from Mr. Schied while subjecting him to ever-more "*peonage*". This "*extortion*" is for money the Respondents and their counterparts in corporate government persistently claimed Mr. Schied owed to them and their "*co-conspirators in government*". The Evidence shows however that these "*state actors*" secured such a claim on Petitioner by instituting a system that deprives local private persons of their rights to file counterclaims, to execute proper "*discovery*", to fair trials, and by depriving these same citizens of their entitlement to have their criminal complaints investigated and their civil claims "*litigated on the merits*", respectively by a grand jury or a petit jury.

STATEMENT IDENTIFYING THE JUDGMENT OR ORDER APPEALED FROM AND INDICATING THE RELIEF SOUGHT [Rule 7.302(A)(1)(a)]

There are five sets of "*Decisions*" currently on appeal and in protest that are "*inextricably intertwined*". (*See* "APPENDIX A")

The first and "*final decision*" is provided herein by attachment in **"*Appendix A*"** as the ruling of Court of Appeals Judge Christopher Murray dated 12/7/11 dismissing case No. 306542 on the premise that "*appellant failed to secure the timely filing of the stenographer's certificate*".

The second "*decision*" currently on Appeal is an "*Order*" that was delivered on 10/25/11 in DENIAL of Petitioner's "*Motion for Waiver of Fees*", delivered previously by Judge Christopher Murray under the "*abusive discretionary*" premise that despite Petitioner having filed numerous documents and sworn Affidavits that have in the past sufficed to present a long history of indigency and a status of being a single parent in a full-time university graduate program supporting a dependent child solely on federally guaranteed student loans, such documentation "*fails to persuade the Court* (i.e., Judge Murray acting individually using "*the Court*" as his alter-ego) *that appellant is unable to pay the filing fees*". **(*See* also "Appendix A")**

The third "*decision*" currently on Appeal is that of the Court of Appeals to REFUSE to respond appropriately and in timely fashion to a responsive "*motion*" filed by Petitioner on 11/8/11 in response to the 10/25/11 ruling to deny Mr. Schied his right to due process proceedings on his "*Claim of Appeal*" by denying his "*motion for waiver of fees*". **(*See* the "*Cover Page*" to that motion provided in "*Appendix A*".)** That motion filed on 11/8/11 was essentially captioned as follows:

"Motion for Immediate Reconsideration and Reversal of Judge Christopher Murray's 10/25/11 'Denial' of Appellant's Previously Filed 'Motion for Waiver of Fees' and [Accompanying] Motion for (That) Previously Filed 'Motion for Waiver of Fees' to be Additionally Applied to Appellant's Accompanying Complaint for Writ of Mandamus for Appellant with 'Forma Pauperis' Status Already Approved by [the] Lower Court for Additional Waiver of Fees on Transcripts and Grant of Other Accompanying 'Motions' on Case Involving Allegations of Judicial Corruption, Treason, and a Conspiracy of Government Racketeering..."

This above motion was submitted to the Michigan Court of Appeals along with Evidence that Mr. Schied had already submitted a previous "*Motion for Waiver of Fees on Transcripts*" to Judge Virgil Smith, the "*chief*" judge of the lower Wayne County Circuit Court, which Judge Smith promptly DENIED without explanation or supportive reason.

The fourth "*decision*" being brought before this Michigan Supreme Court on this instant "*Petition for Leave....*", as also included in **"*Appendix A*"**, is that "*DENIAL*" of Petitioner's "*motion for waiver of fees on transcripts*" by Judge Virgil Smith as referenced in the above paragraph. That denial was issued on 4/29/11.

These above events were part of a more expansive series of such "*denials of motions for waiver of fees*" issued by the judges of the Court of Appeals in response to Petitioner having multiple cases in the Michigan Court of Appeals with claims of a felony "*conspiracy of corruption*" between the executive and judicial branches of Michigan's government. These events also began immediately after Petitioner David Schied had appeared at a "*public hearing*" before the Michigan Supreme Court on 9/28/2011 pertaining to proposed changes to the Rules of attorney ethics, whereby Petitioner confronted the Michigan Supreme Court "*on the public record*" while revealing Evidence of corruption by the Supreme Court Clerk and the Supreme Court Justices in 2009. At that public hearing Petitioner also named judges Donald Owens, Richard Bandstra, and Pat Donofrio as having committed federal crimes of suppressing Evidence and refusing to "*litigate the merits*" of Petitioner's previous case against the "*State of Michigan*", and while using "*color of law to deprive of rights*" to dismantle and dismiss the entirety of Petitioner's previous case of "*government racketeering and corruption*" as Ingham County Circuit Court judge William Collette had previously done "*under color of law*" in 2007, "*without hearing on numerous motions*" (including "*Motion for Disqualification and Removal of Judge for Judicial Misconduct*") in the lower court case.

Since then, besides Judge Christopher Murray denying Mr. Schied's "*Motion for Waiver of Fees*" and constructively dismissing Mr. Schied's case, Court of Appeals judge Donald Owens has also unjustifiably issuing other such "*orders*" DENYING Petitioner's numerous "*Motion(s) for Waiver of Fees*" in other cases currently working their way up through the Court of Appeals. He and Judge Christopher Murray have been issuing such DENIALS despite Petitioner demonstrating a long history of being a CRIME VICTIM and being relegated to a "*pauper*" status by the unobstructed repeated occurrences of government crimes.

Moreover, **these denials come at the same time that Judge Richard Bandstra has passed through the "*revolving door*" from the judiciary to cover up his crimes against Petitioner in 2009, by becoming the "*lead counsel*" for the Michigan Attorney General.** He has done this clearly seeing that Petitioner is on a life mission to clear his good name and reputation by continuing to rely upon his *rights* to fight corrupt government with the ONLY system (albeit a thoroughly corrupt one) available to him.

Currently, Petitioner David Schied has one other case filed and pending in the Michigan Supreme Court. It is case **SC#144426**; and it has named the State Court Administrator as a government co-Defendant/Respondent because of his/her failure to address criminal complaints about Michigan judges. Further, the original Complaint in that case outlines the CRIMES of judges Owens, Bandstra, and Donofrio with Evidence to support the criminal allegations. Yet Judge Bandstra's recent strategic maneuver away from the judicial to join the executive branch of Michigan government places him in a tactical position for presenting his "*peer group*" of other judges with a strong "*conflict of interest*" and a deterrence in ruling against the co-defendants named in the case of David Schied versus the "*State of Michigan*". (*Schied v. State Court Administrator, et al*)

Bandstra has done this while keenly aware that not only is the Michigan Attorney General and his staff of "*assistant attorneys*" also being named as civil AND CRIMINAL "*co-defendants*" in that other case, but also because **Bandstra is aware that the Office of the Attorney General is the ONLY entity the Michigan Supreme Court has determined has the power and authority to issue criminal proceedings against a judge like Bandstra himself who, along with Donald Owens and Christopher Murray, is the basis of the civil and criminal allegations against the Michigan State Court Administrator who, thus far, has – along with the Judicial Tenure Commission and the Attorney Grievance Commission – acted in unison by following the very SAME PATTERN of refusing to address the obvious FACTS and EVIDENCE.** [1]

The fifth (set of) "*decision(s)*" on Appeal was collectively issued on 4/18/2011 and 5/10/2011 by the Judicial Tenure Commission by Executive Director and General Counsel (i.e., another "*member*" of the State Bar of Michigan) Paul J. Fischer in criminal protection of judges Jeanne Stempien (the former "*chair*" of the Judicial Tenure Commission), Virgil Smith ("*chief judge*" of the Wayne County Circuit Court), **Karen Kahlil, Charlotte Wirth**, and Muriel Hughes. These rejected complaints by the Judicial Tenure Commission follow similar rejections issued by Paul Fisher in 2008 that Petitioner had filed against judges Melinda Morris (complaint #17406),

[1] Per the majority ruling of the Michigan Supreme Court justices Elizabeth Weaver, Michael Cavanagh, and Diane Hathaway in Supreme Court case No. 137633 dated 7/31/2009, in the case of **"*In re: 'Honorable' STEVEN R. SERVAAS*"** (*and with the all-caps for his name signifying the Supreme Court was treating this man as a 'corporate' entity rather than a flesh and blood human being*) – **which was a case that was occurring at exactly the same time that Petitioner David Schied's case was in the Michigan Supreme Court on appeal from the unconstitutional rulings of judges Donald Owens** – the Michigan Supreme Court ruled that ***"a quo warranto action brought by the Attorney General in the Court of Appeals is the ONLY appropriate and exclusive proceeding to make the preliminary determination regarding whether respondent vacated or unlawfully held his judicial office"***.

Deborah Servitto (#17407), Karen Fort Hood (#17408), Mark Cavanagh (#17409), William Collette (#17410), and Cynthia Stephens (#17411). **(Again *see* Appendix A.)** -[2]

QUESTIONS PRESENTED FOR REVIEW

Question #1:

The Evidence is undeniable in showing that judges of the Wayne County Circuit Court and the Michigan Court of Appeals are operating a corrupt racketeering organization while using their numerous clerks as their front line of "*agents*" for systemically complicating, confusing, confounding and covering up their own criminal activity by making it incumbent upon their crime victims to prove the modus operandi of their criminal operation in each court case, and while blatantly using equally corrupt attorneys as all members of the State BAR of Michigan to obstruct such efforts of defiant litigants like Mr. David Schied who take on those challenges. In this instant case whereby the "*agents*" operating individually using the 17th District Court and the Redford Township as their alter-egos, the Evidence overwhelmingly shows that Mr. Schied made two sets of filings through a 3rd party that were never admitted into the 17th District Court record, and that the actions of the higher circuit court judge Robert Colombo served to "aid and abet" the lower court carrying out this criminal "*obstruction of justice*", "*interference with a crime victim/witness*", and "*tampering with evidence*". Therefore.....

> ***"In the face of over 40 Exhibits of Evidence of all this occurring, will the Michigan Supreme Court take action to expose and address this criminal activity or to cover it up even more?"***

Question #2:

The Evidence is undeniable in showing that witnesses to the events – as "*court-watchers*" at Judge Robert Colombo's two hearings – signed notarized Affidavits stating that Colombo committed "*crimes from the bench*" when denying Mr. Schied "*due process*" on his "*counterclaim*" against agents for the Redford Township when Colombo was notified that he had been denied such right at the lower court. When provided with a plethora of Evidence that the judges and court administrator are conducting their racketeering by use of deceptive "*Notice(s) of Hearing*", fraudulent "*Motion(s) and Order(s) to Show Cause*", and deceitful "*Notice(s) of Default Judgment*" that sidestep Michigan Court Rules and defy constitutional guarantees, Judge Colombo acted with clear certainty to "*cover up*" to dismiss the matter and force Mr. Schied to prove his case over again in the Michigan Court of Appeals. The Evidence is equally undeniable that the Court of Appeals Judge Christopher Murray acted criminally as an "*accessory after the fact*" when denying Mr. Schied any sort of address whatsoever when dismissing this case entirely based upon on a condition which he himself maliciously created by earlier denying Mr. Schied's "*Motion for Waiver of Fees*" despite his being otherwise

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[2] The complaints against these judges were justified and the "*dismissals*" were not, as presented in the Evidence submitted to the Supreme Court in the other case No. 1444263 (COA: 306026)

provided with notarized statements and evidence that Mr. Schied has a long been approved at the lower court for such waivers based upon his "*forma pauperis*" status as a litigant.

Therefore...

Will the Michigan Supreme Court finally review and reverse the "miscarriage of justice" and "judicial and criminal misconduct" that was thoroughly documented and with multiple witnesses in testimony about what occurred at the lower 17th District Court, the Wayne County Circuit Court, and the Michigan Court of Appeals"?

Question #3:

This instant case clearly demonstrates that government "agents", using their alter egos as the 17th District Court and the Redford Township to cover up for criminal fraud and extortion upon Petitioner David Schied and other members of the unsuspecting public, committed fraud upon the Michigan Secretary of State in order to administratively use that State government as their own unwitting "*tool*" of their criminal extortion against David Schied. When Ruth Johnson, acting through her Director of Constituent Relations Robbie Rankey, was presented with Evidence of these crimes, she requested that the Attorney General conduct an investigation of the activities of the 17th District Court and Redford Township. The Evidence demonstrates that the "*criminal division chief*" Richard Cunningham acted with criminal malfeasance, gross negligence, a dereliction of duty, and with an abuse of prosecutorial discretion when conducting a fraudulent investigation, notifying Robbie Rankey of his conclusion of "*no violation*" by the 17th District Court and Redford Township, and using these actions to "aid and abet" the furtherance of these crimes by the co-Respondents and their attorneys in both the 17th District Court and the Wayne County Circuit Court. The Michigan Supreme Court already has nearly 6 years of Evidence of criminal Allegations and Evidence previously filed by Mr. Schied showing that the Attorney General's office has long been engaging in a Statewide enterprise of criminal corruption through case No. SC#144426 that remains still pending.

Given that this "pattern of government crimes" by the Attorney General's office has been previously brought – numerous times – to the Michigan Supreme Court by Petitioner, first in 2006, in 2009, and then again in 2011, with the Supreme Court Justices repeatedly turning a blind eye and dismissing Petitioner's persistent request for a Grand Jury investigation to look into this mound of Evidence of "government corruption", will the Supreme Court Justices once again produce a fraudulent ruling that claims this "miscarriage of justice" warrants no further consideration when the Supreme Court is otherwise supposed to be engaging the Michigan judiciary in responsible and ethical "self-policing"?

TABLE OF CONTENTS

PAGE

TABLE OF CITED AUTHORITIES..........x

JURISDICTIONAL STATEMENT..........xi

EVIDENCE is abundant for showing a "*chain*" of felony "*deprivation of rights under color of law*" by judges denying constitutional "*due process*" to cover up for the criminal corruption of judges and law enforcement in Wayne County..........1

THE PROCEDURAL HISTORY OF THIS INSTANT CASE justifies granting of *Leave of Appeal* based on reasonable Evidence that the Court of Appeals judge Christopher Murray constructively deprived David Schied of his "*claimed*" right to an appeal ruling on the lower courts' refusal to provide Mr. Schied with a proper "*due process*" hearing..........2

THE PROCEDURAL HISTORY OF THIS INSTANT CASE justifies granting of *Leave of Appeal* based on reasonable Evidence that the Wayne County Circuit Court Judge Robert Colombo, as well as the 17th District Court Judge Karen Khalil, both constructively deprived David Schied of his right to proper "due process" when he expressed his desire to file a cross-complaint against the police officer that wrote him a traffic ticket, with obvious Evidence of treasonous judicial behavior that included using "color of law" do "defraud" the Michigan Secretary of State Ruth Johnson..........8

- FACTUAL BACKGROUND AS THE BASIS OF THIS CASE..........8
- JUDGE ROBERT COLOMBO IGNORED CLEAR EVIDENCE of felony "*fraud*" and "Extortion" while refusing to allow Petitioner to "enjoin" the traffic citation case with the "counterclaim" case that Mr. Schied had filed in the higher court when denied the right to do so by the "*agent*" of the lower 17th District Court (which was co-Respondent Officer "D" Gregg)..........14
- The FIRST "ROUND" OF EVIDENCE of a "*conspiracy to obstruct justice*" and to "*deprive of rights*" by the co-Respondents at the 17th District Court..........15
- COURT-WATCHERS SUBMITTED TESTIMONIAL AFFIDAVITS that show Judge Robert Colombo committed felony "*fraud upon the court*" and "*deprivation of rights under color of law*" when dismissing Mr. Schied's Numerous motions and the entirety of his "*cross-complaint*"..........16
- THE EVIDENCE SHOWS that the actions of Judge Christopher Murray in the Michigan Court of Appeals were crimes of "Accessory After the Fact" if not directly "Aiding and Abetting" in the crimes of the lower court judges Colombo, Khalil, Wirth, and the other named *Respondents* of the Judicial and Executive branches of Michigan government..........17

THE GROSS NEGLIGENCE AND DEPRIVATION of "*due process*" right by judges Robert Colombo and Christopher Murray throughout 2011 compounded the impact of the crimes that were furthered by judge Karen Khalil and other "*corporate*" government "*agents*" using the 17th District Court as their "*alter egos*" 25

THE MICHIGAN ATTORNEY GENERAL'S CRIMINAL DIVISION "*CHIEF*" Richard Cunningham in Detroit followed an ongoing "Pattern of Felony Crimes", including defrauding the Michigan Secretary of State, when asked by Ruth Johnson's "Director of Constituent Relations" Robbie Rankey to conduct a criminal investigation of Mr. Schied's Evidence that the co-Respondents operating corporately as the "*17th District Court*" and the "*Redford Township*" had previously defrauded the Secretary of State's office when having Ruth Johnson suspend Mr. Schied's license and while grossly omitting the most relevant facts about judges Khalil and Wirth denying Mr. Schied his right to due process 33

COMPLAINT OF "*FRAUDULENT OFFICIAL FINDINGS*" AND RESULTING "*DISMISSAL OF COMPLAINTS*" BY THE JUDICIAL TENURE COMMISSION, and the refusal of the Michigan Supreme Court to correct these "*miscarriages of justice*" when faced with clear Evidence of gross omissions, misstatements, stolen court files, and other "*fraud upon the court*" by attorneys and judges as all corporate members of the corrupted State BAR of Michigan acting alone and through their other "*agents*" as "*clerks of the court*" 48

ARGUMENT 48

DEMAND FOR RELIEF SOUGHT 50

AFFIDAVIT OF VERIFICATION ....(51)

INDEX OF APPENDICES ....(enclosed)

CERTIFICATE OF SERVICE ....(enclosed)

TABLE OF CITED AUTHORITIES

MICHIGAN CONSTITUTION, STATUTES, CODES, RULES **PAGE NUMBER**

Michigan Constitution (Art. I, Sec. 24)....33
MCR 2.104....12
MCR 2.114(B)(2)(b)....12
MCR 4.002....14-15
MCR 4.101(B)(3)....12

MICHIGAN CASES **PAGE NUMBER**

David Schied v. Barbara Schied
L.C. No. 10-109328-DM; COA: 305591....3, 6, 44
Redford Township v. David Schied
17th District Court No. 10B020893 OI....8-12, 14-19, 25- 33
Schied v. Rezmierski et al
L.C. No. 09-030027-NO; COA: 303715 and 303802....3, 5-6
Schied v. State Court Administrator, et. al
L.C. No. 11-50-MZ; COA: 306026; 306801; SC: 144263....5-7, 13-14, 44-49
Schied v. State of Michigan, et al
L.C. No. 07-1256-AW; COA: 282804 and 282820; SC: 139162....4-5

U.S. CONSTITUTION, STATUTES, CODES, AND RULES

Constitution of the United States (First Amendment)....47
15 U.S.C. ("Title 15 – *Commerce and Trade*")....25
18 U.S.C. § 3....20
18 U.S.C. §241....28
18 U.S.C. §242....48-49
18 USC §1621....29
18 U.S.C. §3332....39
28 USC §1746....28
42 USC §1983....28
42 USC §1985....28
6th Circuit Criminal Pattern Jury Instructions Ch. 4.0....20
War Powers Act....29

JURISDICTIONAL STATEMENT

Petitioner brings this "*Leave to Appeal to the Supreme Court....*" under Michigan Rules of Appellate Procedure rules 7.301(A)(2), 7.302, and 7.304.

Petitioner also brings significant criminal complaints to the justices of the Michigan Supreme Court under notice of the following Michigan statutes:

a) **MCL 18.351** – [Crime Victim's Compensation Board (definitions)] which defines a "*Crime*": "*(c)* ***'Crime'*** *means an act that is 1 of the following: (i)* ***A crime under the laws of*** *this state or* ***the United States*** *that causes an injury within this state. (ii)* ***An act committed in another state that if committed in this state would constitute a crime under the laws of this state or the United States****, that causes an injury within this state or that causes an injury to a resident of this state within a state that does not have a victim compensation program eligible for funding from the victims of crime act of 1984, chapter XIV of title II of the comprehensive crime control act of 1984, Public Law 98-473, 98 Stat. 2170.*"
b) **MCR Rule 6.101** (Rules of the Court) holds that, "***A complaint is described as a written accusation*** *that a named or described person has committed a specified criminal offense. The complaint must include the substance of the accusation against the accused and the name and statutory citation of the offense.* (B) (Signature and Oath) *The complaint must be signed and sworn to before a judicial officer or court clerk.....*"
c) **MCL 761.1** and **MCL 750.10** describes **an "*indictment*" as "*a formal written complaint or accusation written under Oath affirming that one or more crimes have been committed and names the person or persons guilty of the offenses*"**.
d) **MCL 767.3** holds that at the least, **"*The filing of any such complaint SHALL give probable cause for ANY judge of law and of record to suspect that such offense or offenses have been committed...*and that *such complaint SHALL warrant the judge to direct an inquiry into the matters relating to such complaint*".**
e) **MCL 764.1(a)** holds that, **"*A magistrate SHALL issue a warrant upon presentation of a proper complaint alleging the commission of an offense and a finding of reasonable cause*** *to believe that the individual or individuals accused in the complaint committed the offense*".
f) **MCL 764.1(b)** calls for an "*arrest without delay*".

Petitioner's original Complaints were submitted along with numerous "*Sworn Affidavit(s)*" and formalized "*Criminal Complaint(s)*" established for the "*official record*". That "*crime reports*" submitted in Washtenaw County, Wayne County, Ingham County, to the federal jurisdiction of the Eastern District of Michigan, to the jurisdiction of the Sixth Circuit Court, to the U.S. Department of Justice and the U.S. Supreme Court in Washington, DC, and now again for the THIRD time to this Michigan Supreme Court is notice that the Michigan government

"*Respondents*" 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* among numerous other "*high crimes and misdemeanors*".

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*) as well as other cases presented by the previous "*Complaints*", "*Appeals*", and "*Petitions*" presented to the state and federal courts by David Schied.

Jurisdiction for Declaratory relief is upheld by the Declaratory Judgment Act, and this case seeks remedies under the State equivalent of 28 U.S.C. §§ 2201 and 2202.

Petitioner has repeatedly notified both Michigan and United States courts that he relies upon the Michigan Constitution (*Art. I, §24*) and 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 also 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 Michigan Supreme 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* (*supra*).

NOTE that the FACTS and EVIDENCE presented by reference above and in the following pages to numerous previous cases, as publicly filed in court records, through public postings on the Internet, in reference to people and events, unresolved crime reports and civil cases for which Mr. Schied was repeatedly denied his rights to constitutional "*due process, full faith and credit, privileges and immunities, to jury trial, to freedom from 'double jeopardy', and to crime victims' rights*", all constitute claims of damages in value of excess of $2,000,000 per occurrence. Additionally, the "*Oaths of Office*" of all the named individuals – including each of the Michigan Supreme Court justices and their "*agents*" acting in either

their "*official*" or their "*individual*" capacities or both as referenced and describing not only the actions of the Michigan Supreme Court justices but so also all the other judges charged with oversight of past, present, and future cases filed by Mr. David Schied in any capacity – are clearly "*accepted for value*" in the same amount of $2,000,000 per person per incident.

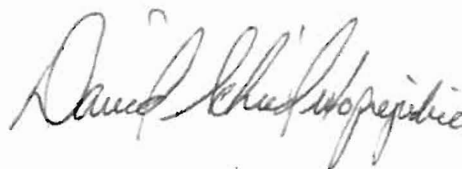
In accordance with the paragraph above, David Schied submits the accompanying 6-page, 26-numbered paragraphed "*Statute Staple Securities Instrument – Legal Notice and Demand*" and accompanying 7-page 73-numbered paragraphed "*Legal Notice and Demand Definitions*" to which a direct and supported response is commanded within 30 days. (**"Appendix B"**) Also submitted in **"*Appendix B*"** is Mr. Schied's "*Notice to Clerk for the Michigan Supreme Court*" in the aftermath of Petitioner finding that a conspiring "*pattern of felony corruption*" exists in the Office of the Clerk for the Ingham County Circuit Court and Wayne County Circuit Court. More specifically, Petitioner has documented and continues to document an extensive history of public records disappearing from the Clerk's office after filing, in felony cover-up and "*accessory after the fact*" of Evidence of crimes by Michigan judges, law "*enforcement*" officials, corporation counsels, attorneys representing the government – including the Attorney General and his staff of "*assistants*", and other "*state actors*" taking actions outside of their job descriptions and official capacities.

The information accompanying this instant filing provides "*sufficient*" information to show what has become of Mr. Schied's personal and financial assets, in his past efforts to comply – in good faith – with all of the requirements, issued both unjustly and constructively under *color of law*, for Mr. Schied to repeatedly submit his civil and criminal complaints to unfathomable levels of government officials otherwise charged with the DUTIES of litigating the merits of Mr. Schied's claims and protecting his rights through "*honest government services*"

and proper "*law enforcement*" actions. This includes Mr. Schied's outlay of expenses for seeking and hiring attorneys, for filing and "*litigating*" court cases, for copying and mailing documents in duplicate to the numerous government co-defendants, for pursuing numerous levels of criminal complaints and demands for criminal grand jury investigations, for filing complaints on judges and attorneys with the Judicial Tenure Commission and the Attorney Grievance Commission, for the costs of constantly seeking employment and "*mitigating*" his numerous damages to his career and reputation through obstructed attempts at self-employment, for the hiring of other professions to treat stress, and the medical and emotional problems resulting from government crimes and leading to family turmoil and eventually divorce, and for expenses related to Mr. Schied doing everything he could to hold together the intentional destruction of his basic family unit by the named government officials.

This writing is an attempt to collect upon the debts referenced in the above paragraph in Admiralty and in accordance with 28 U.S.C. § 1746. I declare under penalty of perjury that the information contained in this filing is true and correct based upon my personal knowledge. As the aggrieved party, UCC 1-102(2), I reserve my rights without prejudice UCC 1-308. I, David Eugene: from the family of Schied, am using these Court proceedings to pursue my remedies provided by [the Uniform Commercial Code] UCC 1-305.

Respectively submitted,



by:______________________________

1/14/12

David Schied – Pro Per
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EVIDENCE IS ABUNDANT FOR SHOWING A "*CHAIN*" OF FELONY "*DEPRIVATION OF RIGHTS UNDER COLOR OF LAW*" BY JUDGES DENYING CONSTITUTIONAL "*DUE PROCESS*" TO COVER UP FOR THE CRIMINAL CORRUPTION OF JUDGES AND LAW ENFORCEMENT IN WAYNE COUNTY

From its inception, this instant case has been froth with criminal corruption in government and with an institutionalized "*conspiracy to deprive of rights*" against not only David Schied but also others living and/or passing through the Redford Township community and seeking justice in the Wayne County Circuit Court. The Evidence herein, in context of the history of this instant case proves beyond all measure of doubt that not only are the judges in Wayne County committing crimes to "*cover up*" for one another, but so too are the judges of the Court of Appeals on this "*bandwagon*".

Placed in context of the Evidence already in possession of the Michigan Supreme Court and the Court of Appeals in regard to numerous other civil cases with criminal allegations against the judicial and executive branches of Michigan government and State BAR attorneys, it is amply clear that this "*pattern of crimes*" is not only systemic in southeastern Michigan but also across the State, and from years of personal investigation and gathering the testimony of others, systemic across the United States. We are no longer living in a land under "*Rule of Law*" to guarantee the rights and liberties of "*the People*". We are living in land where tyrannical government has usurped those rights and liberties, taking on the corporate mask of being collectively a "*person*" in the statutory legal sense – a "*strawman*" positioned on equal footing with the People – and having omnipotent power over People individually and collectively.

The government is unlawfully entitling itself to work "*both sides of the fence*" by committing crimes, providing "*immunity*" for itself, and while refusing to allow private individuals to hold government accountable by initiating criminal proceedings against government or by allowing citizens to have direct access to either state or federal grand juries,

despite both the "*letter*" and the "*spirit*" of both state and federal laws entitling people like David Schied to have access to a jury and to courts of "*justice*" rather than a "*just us*" system of governance by judges situated to watch over each other's backs and with at least two of the three branches (executive and judicial) conspiring to deprive the People of their rights rather than to maintain constitutional "*checks and balances*" to guarantee those Natural Rights of Americans.

THE PROCEDURAL HISTORY OF THIS INSTANT CASE JUSTIFIES GRANTING OF *LEAVE OF APPEAL* BASED ON REASONABLE EVIDENCE THAT THE COURT OF APPEALS JUDGE CHRISTOPHER MURRAY CONSTRUCTIVELY DEPRIVED DAVID SCHIED OF HIS "*CLAIMED*" RIGHT TO AN APPEAL RULING ON THE LOWER COURTS' REFUSALS TO PROVIDE MR. SCHIED WITH A PROPER "*DUE PROCESS*" HEARING

1. Petitioner is currently taking "*Leave of Appeal....*" to file this instant case in the Michigan Supreme Court because of "*prejudicial*" and "*retaliatory*" actions by Michigan Court of Appeals judge Christopher Murray to unlawfully deprive Mr. Schied of his "*Claim of Appeal*" in the Michigan Court of Appeals by means of DENYING Mr. Schied's "*Motion for Waiver of Costs and Fees as a 'Forma Pauperis' Litigant*", his signed and notarized "*Affidavit(s) Concerning Financial Status*", and his signed and notarized "*Statement(s) of Indigency and Demand for Immediate Consideration by Notice of Criminal Victimization*". **("EXHIBIT #1")**
2. The actions of Judge Christopher Murray need to be considered in the context of the foundational arguments of this instant case, as well as the history of this and other of Petitioner's numerous filings in accusation – supported by a plethora of Evidence – of criminal government corruption and crimes by Murray's "*peer group*" of other judges (Robert Colombo, Karen Khalil, and Charlotte Wirth). In such context, a significant violation of "*due process*" is presented by the FACT that Murray's denial of Petitioner for filing his "*Claim of Appeal*" in the Court of Appeals occurred in the context of Mr. Schied being otherwise repeatedly GRANTED

"*forma pauperis*" status – about that same time in 2011 – as litigant in both the Wayne County Circuit Court and the Michigan Court of Appeals.

3. The Evidence shows that on 4/25/11 and again on 6/24/11, Petitioner David Schied filed "*Motion(s) for Waiver of Costs and Fees as a 'Forma Pauperis' Litigant*" in the Wayne County Circuit Court on this instant case (WCCC Case No. 11-004881-CP; COA No. 306542). Along with those two separate "*motions*" that were signed by sworn and notarized Affidavit, Mr. Schied also submitted notarized "*Affidavit(s) Concerning Financial Status*" and "*Statement(s) of Indigency and Demand for Immediate Consideration by Notice of Criminal Victimization*" as he currently is doing with this instant filing in the Michigan Supreme Court in January 2012. In 2011, Wayne County Circuit Court "*chief*" judge Virgil Smith GRANTED both motions, thus allowing Mr. Schied to move forth in filing this case and seeing this case through the lower Court **to document the criminal "*denial of due process*" by Judge Robert Colombo who presided over this case. ("EXHIBIT #2")**

4. The Evidence presented herein shows that throughout 2011 as Mr. Schied pursued numerous actions in Wayne County Circuit Court and the Michigan Court of Appeals, numerous other of Mr. Schied's similar "*Motion(s) for Waiver of Costs and Fees as a 'Forma Pauperis' Litigant*", submitted again with signed and notarized "*Affidavit(s) Concerning Financial Status*" and signed and notarized "*Statement(s) of Indigency and Demand for Immediate Consideration by Notice of Criminal Victimization*" were all GRANTED, even by Judge Christopher Murray himself on 5/12/11 in the criminal government corruption case Mr. Schied had filed against the Northville Public Schools superintendent Leonard Rezmierski, the Wayne County Sheriffs Warren Evans and Benny Napoleon, against the Wayne County Prosecutor Kym Worthy, and in request for a criminal grand jury investigation. (**"EXHIBIT #3"**)

5. It is incumbent upon this Michigan Supreme Court to consider other available Evidence that presents a reasonable "*motive*" for Judge Christopher Murray to criminally DENY Petitioner's "*Motion for Waiver of Fees*" as this Evidence demonstrates a "*meeting of the minds*" and a "*conspiracy to deprive of rights*" between Judge Murray and other Court of Appeals judges Donald Owens and Richard Bandstra just shortly after Mr. Schied had appeared at a public hearing before the Michigan Supreme Court on 9/28/11, informing the panel of Justices on the public record that numerous judges – as well as the Michigan Supreme Court justices themselves while in collaboration with their "*Clerk of the Court*" – had a long history of criminal "*conspiracy to deprive*" Mr. Schied of his "*due process*" rights when facing previous Complaints he had filed against the State in 2007 and as that "*racketeering and corruption*" case had been systematically dismissed by the corrupt actions of these Court of Appeals and Supreme Court justices between 2007 and 2009. **("EXHIBIT #4")**
6. Other supporting documents referenced by the speech delivered at the public hearing on 9/28/11, which were retained by Mr. Schied but not submitted, included the Michigan Supreme Court ruling rendered 5/19/09 and the ruling of the Court of Appeals judges Bandstra, Owens, and Donofrio of that same year, in regard to that 2007 "*racketeering and corruption*" case. **("EXHIBIT #5")**
7. In the context of the above, it is clear to see why immediately after Mr. Schied delivered his speech and supporting Evidence to the Supreme Court that he would thereafter be subject to retaliatory actions by Court of Appeals judges Donald Owens, Richard Bandstra, and Christopher Murray. It was Owens and Murray who thereafter began to "*discretionarily*" DENY Mr. Schied's numerous "*Motions for Waiver(s) of Fees*" without any supporting practical reason or evidence. That former Court of Appeals judge Richard Bandstra got involved at that time also

– having gone through the "*revolving door*" between the judicial and executive branches of Michigan government – to battle against Mr. Schied in yet another '*racketeering and corruption*" case that Mr. Schied had filed for Appeal in 2011 after documenting yet another "*deprivation*" of "*due process*" rights by Judge Paula Manderfield in the Michigan Court of Claims.

8. **"<u>EXHIBIT #6</u>" provides Evidence of numerous "*Motions for Waiver of Fees*" that were denied by the Court of Appeals judges in response to actions that Mr. Schied has taken to pursue "*justice*" by way of reporting judicial "*crimes from the bench*" and while demanding access to a criminal grand jury of other responsible Michigan and/or United States "*people*". <u>The contents of "*Exhibit #6*" are summarized below</u>:**

   a) **DENIAL** of Petitioner's "<u>*Motion for Waiver of Fees on Transcripts*</u>" **by <u>Christopher Murray</u>** dated 6/1/11 in case of "<u>*Schied v. Rezmierski, et al*</u>" with allegations and Evidence of criminal "*racketeering and corruption*" by Wayne County government.

   b) **DENIAL** on 6/13/11 of Petitioner's "*Complaint for Mandamus*" and "*Motion for Temporary Restraining Order and/or Cease and Desist Order*" against Wayne County government officials committing crimes against Petitioner and denying constitutional guarantees in the case of "<u>*Schied v. Rezmierski, et al*</u>". These filings were both **denied by Christopher Murray's co-panel judge, Kirsten Kelly**.

   c) **DENIAL** of Petitioner's "<u>*Motion for Waiver of Fees on Claim of Appeal*</u>" **by Donald Owens** dated 10/5/11 in the case of "<u>*Schied v. State Court Administrator, et al*</u>" with allegations and Evidence of criminal "*racketeering and corruption*" by the present and former Michigan attorney general(s), by Ingham County Circuit Court judge William Collette and Paula Manderfield, and also naming judges Owens, Bandstra, and Donofrio as well as Wayne County Circuit Court judges Jeanne Stempien, Robert Colombo, Muriel Hughes, Virgil

Smith, Cynthia Stephens (former), Washtenaw County Circuit Court judge Melinda Morris, and Court of Appeals judges Mark Cavanagh, Deborah Servitto, and Karen Hood, as well as many others of the corrupted executive and judicial branches of Michigan government.

d) **DENIAL** of Petitioner's "*Motion to Correct the Lower Court Record*" **by Christopher Murray** dated 10/12/11 in case of "*Schied v. Rezmierski, et al*", again with allegations and Evidence of criminal "*racketeering and corruption*" by Wayne County government and specifically naming the Wayne County Clerk Cathy Garrett and her staff of covering up criminal "*denial of due process*" and "*fraud upon the Court*" by Judge Jeanne Stempien.

e) **DENIAL** of Petitioner's "*Motion for Waiver of Fees*" **by Christopher Murray** dated 10/25/11 (amended as to the date of entry from 10/19/11) **on Petitioner's "*Claim and/or Leave of Appeal*" in this instant case now on "*Leave of Appeal to the Michigan Supreme Court….*"** (Bold emphasis added)

f) **DENIAL** of Petitioner's "*Motion for Waiver of Fees*" **by Christopher Murray** dated 11/3/11 on Petitioner's "*Claim and/or Leave of Appeal*" in the divorce case of "*David Schied v. Barbara Schied*" in appeal of the DENIAL of the lower Wayne County Circuit Court judge Muriel Hughes' repeated denials of Mr. Schied's demands and formal "*Motion for Criminal Grand Jury Investigation*" of Mr. Schied's unaddressed Allegations and Evidence of criminal "*racketeering and corruption*" by Michigan government leading to the undermining of Mr. Schied's good reputation, career, and ability to support his disabled wife and dependent child.

g) A **SECOND DENIAL by DONALD OWENS** of Petitioner's "*Motion for Waiver of Fees on Claim of Appeal*", this one dated 11/15/11 in the case of "*Schied v. State Court Administrator, et al*" with allegations and Evidence of criminal "*racketeering and*

corruption" by the present and former Michigan attorney general(s), by Ingham County Circuit Court judge William Collette and Paula Manderfield, and also naming judges Owens, Bandstra, and Donofrio as well as Wayne County Circuit Court judges Jeanne Stempien, Robert Colombo, Muriel Hughes, Virgil Smith, Cynthia Stephens (former), Washtenaw County Circuit Court judge Melinda Morris, and Court of Appeals judges Mark Cavanagh, Deborah Servitto, and Karen Hood, as well as many others of the corrupted executive and judicial branches of Michigan government.

h) **DISMISSAL** of the above-referenced "*Schied v. State Court Administrator, et al*" case for "*failure to pay #375 entry fee and $100 motion fee*" as required "*in a timely manner*". [1]

i) **FILING by** former judge **Richard Bandstra** – turned "*Chief Legal Counsel*" for the Michigan Attorney General – in the case referenced above as the criminal "*racketeering and corruption*" case naming the Michigan attorney general and his staff as well as others in the executive and judicial branches including Richard Bandstra himself based on his actions between 2007 and 2009 as judge dismissing the previous RICO case against corrupt Michigan government. This filing by Bandstra is dated 11/15/11.

9. The filings depicted above obviously demonstrate a "*PATTERN OF UNCONSTITUTIONAL DENIALS*" and a CRIMINAL "*pattern of deprivation of due process rights*" by the Court of Appeals judges when faced with Evidence and Statements pointing the need for government accountability for the crimes taking place these past over eight (8) years against Mr. Schied and his other family members as "*whistleblowers*" and victims of state government corruption. The criminal Evidence gets even more incriminating the more these judicial actions are placed within

[1] **NOTE: This case is CURRENTLY in filed in the Michigan Supreme Court as case No. 144263.**

the context of Mr. Schied's own filings with the Court as the documents which these unjustified and unsupported "*denials*" are meant to unlawfully suppress and to criminally "*cover up*".

10. Again, the Evidence speaks for itself in showing why this "*Leave…*" should be GRANTED.

THE PROCEDURAL HISTORY OF THIS INSTANT CASE JUSTIFIES GRANTING OF LEAVE OF APPEAL BASED ON REASONABLE EVIDENCE THAT THE WAYNE COUNTY CIRCUIT COURT JUDGE ROBERT COLOMBO, AS WELL AS THE 17TH DISTRICT COURT JUDGE KAREN KHALIL BOTH CONSTRUCTIVELY DEPRIVED DAVID SCHIED OF HIS RIGHT TO PROPER "*DUE PROCESS*" WHEN HE EXPRESSED HIS DESIRE TO FILE A CROSS-COMPLAINT AGAINST THE POLICE OFFICER THAT WROTE HIM A TRAFFIC TICKET, WITH OBVIOUS EVIDENCE OF TREASONOUS JUDICIAL BEHAVIOR THAT INCLUDED USING "*COLOR OF LAW*" TO "*DEFRAUD*" THE MICHIGAN SECRETARY OF STATE RUTH JOHNSON

FACTUAL BACKGROUND AS THE BASIS OF THIS CASE

11. On 4/21/11, Mr. David Schied was compelled to file an action in the Wayne County Circuit Court after being cited for speeding in the course of yielding to emergency vehicles and being engaged by another driver in "*road rage*" who was unwilling to surrender the lane adjacent to the inside "*fast lane*" from which Petitioner was attempting to yield.

12. The events leading up to this case began with Mr. Schied making a spontaneous attempt to yield the fast lane of freeway traffic to the emergency vehicles that he saw ahead of him at the center divider while passing through Redford Township.

13. When Mr. Schied found cars to his right and behind him and an opening ahead of him in front of the vehicle in the lane next to him, he sped up to get ahead of the car next to him and was engaged by the driver next to him who also sped up to prevent Petitioner's emergency maneuver.

14. Although Mr. Schied was able to surrender the lane to the emergency vehicle(s) at the center lane, both he and the other driver sped together past the scene; and right afterward the other driver slowed and quickly got off the freeway while the Redford Police officer (co-Respondent *"D" Gregg*) stopped and cited Mr. Schied for speeding. (**"EXHIBIT #7"**)

15. The police officer refused to "*hear*" Mr. Schied's explanation of what had just occurred and the police officer instead acted unreasonable and belligerently at the scene of the ticket.

16. Mr. Schied telephoned the Redford police department in effort to get the name of the police officer's supervisor and was confronted by a belligerent "*Officer Benci*" who refused to provide first names for either of the "*Officer Gregg's*" direct supervisor, being "*Captain*" (James) Foldi or "*Chief*" (Brian) Greenstein.

17. On 10/26/10, Mr. Schied therefore wrote a letter of complaint to the police chief (Greenstein) and to the police officer's direct supervisor (Foldi) who on 11/1/10 wrote back stating they had found "*no violation*" in the officer's actions or demeanor; and while **informing Mr. Schied that he would be able to resolve his issue with the ticket by responding to the 17th District Court's "*Notice to Appear*". ("EXHIBIT #8")** (Bold emphasis added)

18. Sometime after receiving a "*Notice to Appear*" in court Mr. Schied discovered that the 17th District Court's had placed a **"*fraudulent*" Michigan State Bar number** on the notice referencing a magistrate that was expected to be in court but never showed. Though the written notice to appear had indicated that Mr. Schied should be prepared for a sentencing of fines and costs, when he arrived in a courtroom packed with other private individuals who were also responding to their "*Notice to Appear*", the only "*official*" present to address these notices was the very same officer that had written Mr. Schied the traffic citation. **("EXHIBIT #9")**

19. **When Mr. Schied (and all others) arrived to the assigned court that day, which was the courtroom of Judge Karen Khalil, he (and all others) was confronted by an empty judicial bench and the same police officer who wrote the ticket, stationed in the prosecutor's office adjacent to the courtroom in plain clothes "*impersonating*" a judicial "*officer of the court*". While clearly acting outside his own "*executive branch*" of government, this police officer**

was left alone in the courtroom with a list of citizens who were issued their "*notice*" to report to court that day, each under threat of having a ruling made against them if they failed to show. (Bold emphasis added)

20. **Defendant Redford police officer "D" Gregg called each person (including Mr. Schied) on the list one at a time and brought them into the office designated by a sign above the door for the "*Prosecutor*". This police officer then used "*color of law*' to "*extort*" money from each of these citizens, under threat that if they (and Mr. Schied) did not accept a reduced fine as offered by this police officer, they would be cited with the full amount of the alleged offense, to include "*points*" added to their driving record for an added cost in insurance premiums, and they would have to come back again to the court on a different day to argue their case before one of the two judges for the Redford Township.** [2]

21. In open court the police officer (Defendant *"D" Gregg*) was conducting a racketeering operation in plain clothes while operating out of the District Attorney's office. He was **impersonating an attorney and "*extorting*" money from community members** while telling them they needed to take his offer of guilt and a lower fine or be forced to come back on a different day to endure higher fines and points added to their driving records.

22. When Mr. Schied was called into the DA's office by the police officer, the officer carried out the actions described above and then threatened Mr. Schied with "*contempt*" if he did not sign some document. **The officer, as a "*stated actor*" clearly conveying that he was acting in the capacity of being an "*officer of the court*" and acting on behalf of the judiciary of the 17th District Court, denied Mr. Schied "*due process*" of challenging the officer before the**

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[2] **Note that the "*judicial misconduct*" complaints were filed and the Judicial Tenure Commission has discretionarily "*denied and dismissed*" the complaints against these two judges, Wirth and Khalil, without any supporting reasoning.**

magistrate that was fraudulently noticed to appear at the court that day. This police officer also denied Mr. Schied his right to file a "*cross-complaint*" against this officer who had written him the ticket and who had then appeared at court and was also extorting money from the other people appearing in court that day. <u>This police officer had clearly crossed the line between the executive and judicial branches of government</u>. (Bold emphasis)

23. In this instant case, when Mr. Schied pointed out that this police officer had been conducting himself in the courtroom in an offensive and unlawful manner, **the officer retorted by threatening Mr. Schied "*under color of law*" with "*contempt of court*" as well as a stiffer fine on the ticket.**

24. Mr. Schied subsequently went home and wrote letters of "*information*" and "*complaint*" to 17th District Court judge Karen Khalil, to the Redford police chief Brian Greenstein, and to the Redford Township Supervisor Tracey Schultz-Kobylarz. None of these "*state actors*" responded to Mr. Schied's notices of complaint signifying their condoning and authorization of the unlawful actions described by Mr. Schied. **(*See* "<u>EXHIBIT #9</u>" for those follow up letters)**

25. Mr. Schied therefore filed a separate case and action in the Wayne County Circuit Court, and he provided notice to the Township police and judges that the speeding ticket had been "*removed*" to a higher court. Thereafter, Mr. Schied declined to subject himself to further threats and the possibility of being illegally charged or jailed when he received another "*Notice to Appear*" at the Redford district court to again deal with the same ticket. [3] **("<u>EXHIBIT #10</u>")**

26. **Mr. Schied clearly had cause for declining to appear upon receipt of this second "*Notice to Appear*" to the 17th District Court out of fear of being confronted again by the lone police**

[3] The second "*Notice to Appear*" was identical to the first "*Notice to Appear*" except that it listed Defendant **Judge Charlotte Wirth** with reference to a true and accurate BAR membership number rather than an unnamed "*magistrate*" and a fraudulent BAR number. It also reflected the name of Defendant "D" Gregg as did the first notice.

officer and threatened again with extortion and a contempt charge leading to possible jail time. He also clearly believed that he had done the right thing in "*removing*" the traffic citation from the District Court to the Wayne County Circuit Court where he had filed the "*cross-complaint*". (Bold emphasis)

27. Nevertheless, the judges of this 17th District Court, being fully aware and informed about Mr. Schied's numerous criminal allegations, including Mr. Schied's "*good faith*" attempt to also escalate or otherwise "*remove*" the traffic citation matter to the higher Circuit Court, completely ignored Mr. Schied's proper service of the Wayne County Circuit Court case "*Summons and Complaint*", as well as the "*Notice of Removal*" of the traffic citation case. Instead, **the Defendant judge(s) of the 17th District Court acted "*under color of law*" to generate a "*default judgment*" and fine against Mr. Schied for "*failing to appear*"** at the hearing referenced by the second "*Notice to Appear*". When sending Mr. Schied the official court "*Notice of Default Judgment*", **the Court Administrator "JUDITH A. TIMPNER" *misrepresented* herself as being the "*Clerk/Deputy Clerk/Magistrate*" and sent out the notice "*certifying*" service of the judgment but without following proper "*due process*" of providing an "*original signature*" on the court notice. Furthermore, there was not even a valid date on which such a "*certification*" was supposedly issued by Judith Timpner as all that was written instead was an automated statement, "*Date of Default/Judgment*", followed by an asterisk (*) but with nothing else on the page to support that a factual occurrence had taken place with a live human being "*certifying*" anything as otherwise required by law. [*See* "EXHIBIT #11" and see MCR 2.104, MCR 2.114(B)(2)(b), and MCR 4.101(B)(3)].** (Bold emphasis added)

28. By his firsthand experience with another case **now before the Michigan Supreme Court**, Petitioner is keenly aware that "*original signatures*" are needed according to Michigan Court rules in order for "*certification*" statements to be legally valid and "*service*" to legally occur. [4]

29. In support of Mr. Schied's claim that Michigan judges are unlawfully employing a "*double-standard*" by requiring citizens to supply "*original signatures*" on documents filed with the court, and while allowing court officers to simply "*certify*" legal documents of "*process*" by an automated printing of their name in "*all caps*" as a corporate fiction and not as an actual human

[4] NOTE: Judge Paula Manderfield, of the Michigan Court of Claims, DISMISSED another of Mr. Schied's cases (Ingham County Circuit Court case No. 11-50-MZ) from the lower court in 2011 – after refusing to hear two motions that Mr. Schied had filed along with a Response to the Attorney General's "*Motion to Dismiss*" – and simply because Mr. Schied had provided a digital signature on his original court documents instead of providing the Court with an "*original signature*". She also took such action mercilessly without providing Mr. Schied the opportunity to "*correct his filing*" by simply signing the court originals in person upon arriving to the summary disposition hearing to argue his two motions before the Court). Judge Paula Manderfield also tortuously refused to inform Mr. Schied that she was refusing to "*hear*" his two motions until AFTER he had completed a full hour of argument on the matter, and then subsequently also refused to elaborate "*on the record*" on the actual basis for her refusal to "*hear*" Mr. Schied's two motions. Instead, she insisted that Mr. Schied should call her secretary by phone for the actual reason. Upon arriving home that day after losing out in Court, Mr. Schied discovered that **the court Clerk for the Ingham County Circuit Court had kept the motion documents but while sending back the "*Hearing Notice*" stating that Mr. Schied had not provided an "*original signature*".** The following day, Mr. Schied telephoned Judge Manderfield's court "*secretary*" as directed, only to be informed that Mr. Schied's "*violation of the court rules*" was that he had not provided an original signature and did not telephone the judge's secretary beforehand to "*schedule the motions*" on the same day as the summary judgment hearing on Mr. Schied's "*Response*", which was "*inextricably intertwined*" with the two motions into ONE DOCUMENT so to ensure they would be "*heard*" the day of the attorney general's "*motion to dismiss*". Nevertheless, when asked to support Judge Manderfield's claim that a "*violation of local court rules*" had occurred by supplying the specific court rule being referenced by Judge Manderfield, the secretary could not do so. Additionally, when "*pro per litigant*" **David Schied asked where to find the rules for himself, the secretary answered that the Court does not have them posted or available anywhere.** This indicated that Mr. Schied was a VICTIM of a "*conspiracy to deprive of rights*" set up between the Court of Claims judge Paula Manderfield, the court Clerks, and this secretary. **(*See* Supreme Court case filing No. 1444263 "*Schied v. State Court Administrator, et al*" currently pending for further details about this criminal "*racketeering and corruption*" case Mr. Schied had originally filed against the State of Michigan.)**

being undertaking that action, Mr. Schied submits **"EXHIBIT #12"** as the entirety of his "*Appellant's Appeal and Brief in Support of Appeal*" to the Court of Appeals which, as the evidence shows, was summarily DISMISSED when the Court of Appeals denied Mr. Schied's "*Motion for Waiver of Fees*" for filing that case, again denying Mr. Schied "*due process*" in that case too. [5]

JUDGE ROBERT COLOMBO IGNORED CLEAR EVIDENCE OF FELONY "*FRAUD*" AND "*EXTORTION*" WHILE REFUSING TO ALLOW PETITIONER TO "*ENJOIN*" THE TRAFFIC CITATION CASE WITH THE "*COUNTERCLAIM*" CASE THAT MR. SCHIED HAD FILED IN THE HIGHER COURT WHEN DENIED THE RIGHT TO DO SO BY THE "*AGENT*" OF THE LOWER 17TH DISTRICT COURT (OFFICER "D" GREGG)

30. On 6/7/11 Judge Robert Colombo of the Wayne County Circuit Court DENIED Mr. Schied's effort to seek injunctive relief prior to co-Defendant "*judge*" Karen Khalil issuing a default judgment, and by DENYING Mr. Schied's efforts to properly combine the citation against him with the cross-complaint he was denied by the police officer at the lower 17th District Court. Mr. Schied's filing was captioned "*Motion for Emergency Injunction and Relief From Failure of Defendants to Heed 'Notice of Removal' of Citation Case by Issuance of Illegitimate Fine, Threat of Arrest, and Intent to Have Plaintiff's Driver's License Suspended by Intent to Defraud the Secretary of State*". This filing was Judge Colombo's first clear notice that what was going on in the 17th District Court was unlawful and criminally oppressive.

31. On the "*Order*" dated 6/7/11, Judge Colombo wrote, "*There is no legal authority to remove a traffic ticket case from the Redford District Court to the Wayne County Circuit Court.*" However, after that denial Mr. Schied discover that MCR 4.002 ("*Transfer of Actions from District Court*

[5] *See* more details about this case dismissal based on the failure to file an "*original signature*" by reading pp. 25-41 from the section entitled, "*Factual Allegations Blatantly Ignored by the Court of Claims Judge Paula Manderfield Were All Supported by Evidence and Sworn Affidavits, Including Affidavits Attesting to Her Criminal and Judicial Misconduct*".

to Circuit Court") provided for such removal and filing of a cross-complaint despite that Judge Colombo's ruling forbade it and without providing Mr. Schied the opportunity as a "*pro se*" litigant with the opportunity to correct his filing to include MCR 4.002. **(*See* "EXHIBIT #11")**

32. By 7/1/11, it was evident that the 17th District Court co-Defendants had already defrauded the Michigan Secretary of State's office causing Mr. Schied to have "*points*" added to his driving record, to have to pay for driver's training class to defer additional insurance penalties, and placing him under threat of having his driver's license suspended, which also had the impact of negatively affecting Mr. Schied's credit rating by report from the Secretary of State to the major credit bureaus. **("EXHIBIT #13")**

33. Therefore, given Judge Colombo's refusal to allow the lower 17th District Court "*traffic citation*" case to be combined with the "*cross-complaint*" that Mr. Schied had filed in the higher Wayne County Circuit Court, around the middle of July Mr. Schied filed numerous motions in both of these two courts in effort to call a halt to these intentionally "*automated*" proceedings and to get some human being to take a serious look at the DEPRIVATION OF DUE PROCESS RIGHTS, FRAUD, and EXTORTION intentionally taking place against Mr. Schied "*under color of law*".

THE FIRST "*ROUND*" OF EVIDENCE OF A "*CONSPIRACY TO OBSTRUCT JUSTICE*" AND TO "*DEPRIVE OF RIGHTS*" BY THE CO-RESPONDENTS AT THE 17TH DISTRICT COURT

34. **"EXHIBIT #14"** is a "*Certificate of Service*" and "*Proof of Receipt*" showing by "*proof of service*" and "*proof of delivery* "by "*certified mail*" that **one set of documents DELIVERED by Mr. Schied on 7/25/11 BUT NEVER PROPERLY FILED by the 17th District Court** despite that Mr. Schied even provided a complimentary copy of these documents to the Counsel for the co-Respondents in the Wayne County Circuit Court case. These documents included the following as set by quotes from that filing: (Bold emphasis added)

a) *Affidavit of Facts*
b) *Motion to Set Aside Default Judgment*
c) *Motion for New Trial Due to 'Extenuating Circumstances' and Unresolved Report of Criminal Racketeering;*
b) *Emergency Motion for Immediate Consideration of Accompanying Motion;*
c) *Motion to Waive Costs and Fees;*
d) *Plaintiff's "Request for Criminal Grand Jury Investigation";*
e) *Certificate of Service*

35. The Evidence that the above documents were feloniously withheld from the record, never returned, and with Mr. Schied never being informed about this felony "*obstruction of justice*" and "*fraud upon the Court*" is found in "EXHIBIT #15" as the "*Register of Actions*" for the lower 17th District Court case purchased by Mr. Schied on 9/30/11 at the conclusion of this case and after Mr. Schied had finally paid a final EXTORTION amount of $412. NOWHERE in this *Register of Actions* does it show that Mr. Schied's multiple motions as outlined above was ever entered in the official court record, despite Mr. Schied's proof of "*certified*" delivery of the documents on 7/26/11 as found in "*Exhibit #14*".

COURT-WATCHERS SUBMITTED TESTIMONIAL AFFIDAVITS THAT SHOW JUDGE ROBERT COLOMBO COMMITTED FELONY "*FRAUD UPON THE COURT*" AND "*DEPRIVATION OF RIGHTS UNDER COLOR OF LAW*" WHEN DISMISSING MR. SCHIED'S NUMEROUS MOTIONS AND THE ENTIRETY OF HIS "*CROSS-COMPLAINT*"

36. "**EXHIBIT 16**" shows that on 8/25/11 Petitioner David Schied filed numerous documents with the Wayne County Circuit Court in effort to stop the 17th District Court government "*actors*" from taking further action to harm his reputation, to damage his driving record, to hinder his ability to travel, and to prevent the co-Respondents from escalating the matter into an arrest. The following documents were what Mr. Schied thus filed on 8/25/11 to "*mitigate*" these damages:

a) *"Motion for Emergency Injunction and Relief from Defendant' Fraudulent 'Show Cause' Order generated by Defendant Karen Khalil who is otherwise abusing her judicial position at the 17th Judicial District Court to Continue Extorting Money from Circuit Court Plaintiff by Threat of Illegal Contempt and Incarceration";*

b) *"Motion for Protection Order against Defendants' using 'color of law' to circumvent Discovery according to the Rules of Civil Procedure"*;
c) *"Plaintiff David Schied's Response to Defendants} 'Affirmative Defenses'"*;
d) *"Plaintiff David Schied's First Witness List";*
e) *"Plaintiff's First Interrogatory Questions for Defendants";* (sent via 3rd party);
f) *"Plaintiff's Subpoena for Documents, Transcripts, and Video Recordings";* (sent vta:3rd party along with court Subpoena);
g) *Plaintiff's Demand for Criminal Grand Jury Investigation;*
h) Certificate of Service
i) Praecipe for Hearing

37. Of significant issue in regard to Petitioner's "*Motion for Emergency Injunction and Relief from Defendants' Fraudulent 'Show Cause' Order...*" was an Order generated by co-Respondent "*judge*" Karen Khalil – dated 8/3/11 – that was based on an invalid "*motion to show cause*" filed by an unknown and unverified "*person*", presumably one of the "*DOES*" named in the court as being employed by the 17th District Court in their "*conspiracy to deprive of rights*". As presented herein as **"EXHIBIT #17"**, the "*motion*" portion of this document failed to present any reason whatsoever for the "*movant's*" interest in the case; and it failed to "*verify*" what appears to be a digital signature by notary. IN FACT, the "*notary*" section of the motion on which Judge Karen Khalil's based her fraudulent "*Order*" was left entirely blank, as was the line for the filer's stated "*interest*" and connection to this case also left blank.

38. On 9/2/11, Judge Robert Colombo held a "*motion hearing*" on Mr. Schied's multiple motions. Despite the clarity of both written and oral Argument as supported by numerous Exhibits of Evidence including the fraudulent "*Order*" of Judge Karen Khalil and the fraudulent "*motion*" on which it was based, Judge Robert Colombo summarily dismissed both of Mr. Schied's motions; **and while "*Court-Watchers*" witnessing the event after signed sworn and notarized Affidavits testifying that Judge Colombo had committed numerous crimes from the bench including "*misprision of felony*", *felony* "*obstruction of justice*" and "*deprivation of rights***

***under color of law*", and *treason*. (Note that Mr. Schied never received a copy of this "*Order*" from the judge's courtroom clerk.)**

39. Seeing for themselves that this Judge Robert Colombo was willing to blatantly commit "*due process*" crimes straight from the bench, the attorneys for the co-Respondents filed a "*Motion for Summary Disposition*". In response to the unlawful actions of Judge Colombo on 9/2/11 and to the co-Defendants-Respondents' subsequent "*Motion for Summary Disposition*", Mr. Schied filed the following sets of documents as shown by **"EXHIBIT #19"** on 9/13/11 and 9/20/11:

    a) *"Plaintiff's Response to Defendants Motion for Summary Disposition"* **("EXHIBIT #20")**;
    b) *"Plaintiff's Motion in Third Demand for Grand Jury Investigation of Plaintiff's Criminal Allegations of Racketeering and Extortion by Wayne County Government Officials and Judges"* **(*See* also "*Exhibit #20*")**;
    c) *"Motion for Interlocutory Appeal from Ruling of Judge Robert Colombo, Jr. that blatantly denied acknowledgment of the actual 'facts', that used 'color of law' to deny Constitutional 'due process', and that constructed a 'fraudulent court record'"* **("EXHIBIT #21")**
    d) *"Motion for Judge to Disqualify Himself Based on Abuse of Judicial Discretion, Aiding and Abetting Government Officials in Criminal Racketeering and Extortion, and based on Criminal Judicial Misconduct"* **(*See* also "*Exhibit #21*")**;
    e) *"Motion to Demand This Wayne County Circuit Court Acknowledge All Criminal Allegations and Evidence Plaintiff Files with This Court and Adhere Only to Constitutionally Compliant Law and Case Law, and More Particularly the Bill of Rights, in its Rulings"* **("EXHIBIT #22")**;
    f) *"Motion to Compel Discovery and to Show Cause for Disregarding Subpoena Previously Served Upon the 'Redford Township Defendants* **("EXHIBIT #23")**

40. **"EXHIBIT #24"** is the handwritten "*DISMISSAL*" of Plaintiff's entire case, as set forth by Judge Robert Colombo in a single sentence, "*The Plaintiff's case is dismissed for the reasons stated in the record on September 23, 2011*" while simply referring to the "*record*" created by the court-reporter. **This is the very "*record*" about which Mr. Schied had written a "*Complaint for Mandamus*", which was filed on 11/8/11 in the Michigan Court of Appeals for an Order commanding the release of that record directly to the Court of Appeals, because – as a "*forma pauperis*" litigant – Petitioner David Schied could not afford to use the lower court transcripts to prove to the Court of Appeals the criminal negligence,**

dereliction of duty, and fraud that Judge Robert Colombo demonstrated in the courtroom when creating that "*record*".

41. **"EXHIBIT #25"** is the "*Complaint for Writ of Mandamus...*" Petitioner filed in the Court of Appeals in a good faith effort to comply with the requirements of the Rules of Appellate Procedure making it incumbent for Appellants to PAY for the court transcripts in order to receive the "*certificate*" of the court reporter or "*stenographer*". This entry contains the "*complaint*" in its entirety minus the referenced exhibits of Evidence which were too expensive to have copied for submission to the Supreme Court in duplicate. Many of the exhibits are provided herein anyway along with this instant "*Petition for Leave of Appeal and Original Complaint to the Supreme Court...*"

42. **The "*record*" referenced by Judge Colombo in "*Exhibit #24*" has a valid counterpart however, that was substantiated – in duplicate –by the sworn and notarized testimonies of numerous "*court-watchers*" that were present in the courtroom as witnesses to the CRIMES "*misprision of felony*", "*obstruction of justice*", "*deprivation of rights under color of law*", and "*treason*" of Judge Colombo as committed straight from the bench on 9/23/11.** These were people Mr. Schied brought since so strongly has reason to distrust this Michigan government. The testimony of these witnesses outlines not only what crimes Judge Colombo committed but also how these witnesses saw that he committed them. **("EXHIBIT #26")**

EVIDENCE SHOWS THAT THE ACTIONS OF JUDGE CHRISTOPHER MURRAY IN THE MICHIGAN COURT OF APPEALS WERE CRIMES OF "*ACCESSORY AFTER THE FACT*" IF NOT DIRECTLY "*AIDING AND ABETTING*" IN THE CRIMES OF THE LOWER COURT JUDGES COLOMBO, KHALIL, WIRTH, AND THE OTHER NAMED *RESPONDENTS* OF THE JUDICIAL AND EXECUTIVE BRANCHES OF MICHIGAN GOVERNMENT [6]

43. Petitioner incorporates by reference paragraphs 1-41 above, inclusive of all criminal Allegations and Evidence, as if written herein verbatim.

44. "***Exhibit #25***", filed 11/8/11, demonstrates that Judge Christopher Murray had fifty (50) pages of civil claims, criminal allegations, and sworn and notarized testimonial Evidence of crimes committed by judges Robert Colombo, Karen Khalil, and Charlotte Wirth at the lower Wayne County Circuit Court and the 17th District Court, all WITHOUT the lower court transcripts required by Michigan Rules of Appellate Procedure.

45. Notably, "***Exhibit #25***" was simultaneously submitted with "**EXHIBIT #27**" as...

> Petitioner's "*Motion for Immediate Reconsideration and Reversal of Judge Christopher Murray's 10/25/11 'Denial' of Appellant's Previously Filed 'Motion for Waiver of Fees'*"

And Petitioner's accompanying second motion of....

> "*Motion For (That) Previously Filed 'Motion for Waiver of Fees' to be Additionally Applied to Appellant's Accompanying Complaint for Writ of Mandamus' for Appellant with 'Forma Pauperis' Status Already Approved by the Lower Court for Additional Waiver of Fees on Transcripts and Grant of Other Accompanying 'Motions' on Case Involving Allegations of Judicial Corruption, Treason, and a Conspiracy of Government Racketeering and for 'Chief' Judge Virgil Smith to be Disqualified as the 'Decision-Maker' on the Matter of Waiver of Fees for Transcripts and All Other Matters, Based on Credible Conflict of Interest' and Evidence of Criminal Misconduct and Treason*"

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[6] What defines "*aiding and abetting*" and "*accessory after the fact*" can be found in the 6th Circuit Criminal Pattern Jury Instructions Ch. 4.0 and/or by definition of Ch. 4.02 as found at http://www.ca6.uscourts.gov/internet/crim_jury_insts/pdf/10_Chapter_4.pdf which also references Title 18 U.S.C. § 3.

46. As shown in ***"Exhibit #27"*** is also submitted herein in its entirety minus the referenced exhibits that are already in the records of the Court of Appeals now readily accessible to the Supreme Court. This filing brought focus to the overwhelming Evidence (referenced therein as "*Exhibits A through K*") pointing to a "*conspiracy to deprive of rights*" being played out by the Court of Appeals in denying numerous of Petitioner's "*Motions for Waiver of Fees*", "*Motion to Correct the Record*", and other such filings. **These are filings that significantly prove a "*lower tier*" of conspiracy by the lower court operating in Wayne County to commit crimes while working "*under color of law*". Like the instant filings in this Michigan Supreme Court, these documents collectively present a clear "*pattern of crimes*" being repeated by the "*higher tier*" of Court of Appeals judges to "*aid and abet*" in the ongoing crimes of the lower court judges and numerous law firms representing the government "*co-defendants/appellees*"** in numerous cases that Mr. Schied has been otherwise attempting to "*litigate on the merits*" but failing because of these numerous crimes by the judicial and executive branches of Michigan government as all being members of the State BAR of Michigan .

47. The Evidence demonstrates a clear "*pattern*" displayed by the Court of Appeals to constructive use the Michigan Code of Appellate Procedure and their Court Rules in a bastardized way to yield just the opposite ("*injustice*") that it was designed to produce ("*justice*"). In this particular circumstance, Mr. Schied has had so much experience documenting this PATTERN that he has learned to anticipate the often-used strategies of the judges of Court of Appeals – in SELECTIVELY using "*procedural due process*" and the "*abuse of discretion*" to unnecessarily complicate matters and to "obstruct" the purposeful intent of procedures to provide "*justice*". The Evidence in this instant case clearly shows how this process plays out as follows:

a) Based on numerous previous cases filed on his behalf by attorneys who have relied on "due process" and the Rules of Civil Procedure to "*litigate*" their case only to be DENIED such opportunity by "*preferential treatment*" by Michigan judges toward government attorneys and their "*defendant*" clients, Mr. Schied has made it a practice to organize and submit his Evidence at the time of filing his Complaint. Thus, Mr. Schied has documented "*procedural*" violations of due process such as those displayed in this particular case, and brought it to the next higher level of "*oversight*" only to document that happening over and over again, such as what has occurred in this instant case. All the Evidence was submitted to the Court of Appeals – including the Evidence of judicial corruption by Judge Colombo as well as by Judge Khalil – at the time of filing his "*Appeal and Brief in Support of Appeal*".

b) The first line of "*attack*" that the judges of the Michigan Court of Appeals employs to complicate a case is to "*weed out*" cases that for which transcripts, final Orders on appeal, or court fees are not provided. In this instant case, Mr. Schied was forthcoming in providing the "*Order on Appeal*", his "*Motion for Waiver of Fees*" (and other supporting Affidavits and Statements), the Docketing Sheets, Register of Actions, and Evidence that he had already attempted to get a transfer of lower court records without costs, and transcripts from the lower 17th District Court and the Wayne County Circuit Court through multiple SUBPOENAS served upon the co-Respondents collectively and individually upon Judge Karen Khalil, as well as by writing letters to the court-reporters of each of those two Courts after each of the two cases were dismissed. **("<u>EXHIBIT #28</u>")**

c) The second line of prejudicial and systematic "*attack*" upon CRIME VICTIM David Schied by the Court of Appeals was through the action of Judge Christopher Murray to discretionarily DENY Mr. Schied's "*Motion for Waiver of Fees*" **(i.e., *see* page 5 of "*<u>Exhibit</u>***

***#6*" for Murray's "*denial*")** without address of ANY of the multiple sets of documents that he filed in support of his "*motion*" to include his sworn and notarized "*Statement of Indigency and Claim of Crime Victimization*" and the sworn and notarized "*Affidavit Concerning Financial Status*" that were all time-stamped as delivered to the Michigan Court of Appeals on 10/7/11. **("EXHIBIT 29")**

d) The third line of attack upon Mr. Schied's "*standing*" in the Court of Appeals was issued against Mr. Schied's inability to pay for transcripts from either of the two lower courts. This attack came on 10/27/11 from the District Clerk Jerome Zimmer, Jr. That threat stated that if Mr. Schied did not pay for the transcripts he would otherwise have his case dismissed and have "*costs assessed*" against him as an added penalty. **("EXHIBIT #30")**

e) **"*Exhibits #25 and #27*"** were therefore filed by Mr. Schied in good faith effort to deal with the "*procedural quagmire*" that was being imposed upon him by his circumstance of being a "*forma pauperis*" litigant but being tortuously denied that status by Judge Murray, and while similarly being denied access to the lower court transcripts while being required to have them by the Court of Appeals.

f) As shown by the two "*Orders*" delivered by Judge Murray on 11/23/11 and 12/7/11, it is a FACT that Judge Murray elected to "*cherry pick*" what procedural element of Petitioner's "*Motion for Immediate Consideration...*" and "*Complaint for Mandamus....*" to honor and "*discretionarily*" decide upon, without litigation of the merits, and without supporting basis for OMITTING an address of the "*substance*" and intent of Mr. Schied's two sets of filings. It is a FACT that whether Murray had continued to deny Petitioner's "*motion for waiver of fees*" or not is irrelevant since Murray chose to disregard the significant intent of Mr. Schied to have his "*forma pauperis*" status addressed in regard to BOTH the "*Appeal*" and to the

warrant for "*transcripts*" to be requested by "*mandate*" from judges themselves of the Court of Appeals. The FACTUAL result was still the DISMISSAL of the entire case – WITHOUT DUE PROCESS OF LITIGATION AND "*UNDER COLOR OF LAW*" – and the "*miscarriage of justice*" by the Michigan Court of Appeal through Christopher Murray as the principle "*instrument*" of criminal wrongdoing. **("EXHIBIT #31")**

48. **Again, the above actions by Christopher Murray need to be properly placed IN CONTEXT of all the denials by Michigan Court of Appeals judges as found in "*Exhibit #6*", and in context of all the other actions that were taking place, with the many other court cases filed by Mr. Schied in the Michigan Court of Appeals in claim of criminal victimization by a corrupt Michigan government operating as the "*executive*" and "*judicial*" branches and reportedly through "*racketeering and corruption*".** (Bold emphasis added)

THE GROSS NEGLIGENCE AND DEPRIVATION OF "*DUE PROCESS*" RIGHTS BY JUDGES ROBERT COLUMBO AND CHRISTOPHER MURRAY THROUGHOUT 2011 COMPOUNDED THE IMPACT OF THE CRIMES THAT WERE FURTHERED BY JUDGE KAREN KHALIL AND OTHER "*CORPORATE*" GOVERNMENT "*AGENTS*" USING THE 17TH DISTRICT COURT AS THEIR "*ALTER EGOS*"

49. Petitioner incorporates by reference paragraphs 1-51 above, inclusive of all criminal Allegations and Evidence, as if written herein verbatim.

50. As provided by **"*Exhibits #25 and #27*"**, there is ample Evidence that actions of the 17th District Court constitute "*fraud*" upon the public and upon the Michigan Secretary of State, "*mail fraud*", "*deprivation of rights under color of law*", a "*conspiracy to extortion*", and government "*racketeering and corruption*".

51. Additionally, the Evidence clearly shows that despite being subpoenaed – TWICE – for court documents during the course of the Wayne County Circuit Court "*discovery*" proceedings (i.e., that were *denied* to Petitioner by Judge Colombo after Mr. Schied initiated them) the co-

Respondents clearly committed the **felony** act of "*interference with court proceedings*" and "*obstruction of justice*", as well as "*tampering with evidence*" and "*interfering with a crime victim/witness*" when confiscating documents that Mr. Schied had otherwise properly "*filed*" with the Court. Clearly, the "*Register of Actions*" from the Lower 17th District Court (found in "***Exhibit #15***") DO NOT reflect Mr. Schied's filings otherwise seen in "***Exhibit #14***" as delivered to the 17th District Court on 7/25/11.

52. Moreover, **the Evidence of the "*Register of Actions*" alone – by its flagrant misuse of the words "*Miscellaneous Actions*" instead of descriptive wording for those actions of the 17th District Court suggests the scope and depth of a government scheme of "*secondary*" criminal COVER UP of other "*predicate*" crimes.** (Bold emphasis added)

53. Adding to these flagrant abuses was yet a second set of filings that Mr. Schied had made, again through a 3rd party mailing addressed to Judge Karen Khalil, which was – again – confirmed as delivered and received by the Court but nevertheless never made it into the "*Register of Actions*". (**"EXHIBIT #32"**)

54. **The documents provided in "*Exhibit #32*", which includes the 3rd party "*Affidavit of Sandy Hanks*" showing the following documents were confirmed as being sent and reaffirms that they were admittedly received by the 17th District Court on 9/13/11 but never entered into the "*Register of Actions*" ("*Exhibit #15*") for some *obvious* reason:**

   a) **"*Response to Fraudulent 'Order to Show Cause' of Judge Karen Khalil Predicated on Fraudulent 'Motion to Show Cause' by Unknown and Unidentified Party*";**
   b) **"*Motion for Judge Karen Khalil to Disqualify Herself Based Upon Abuse of Judicial Discretion and Criminal Misconduct (Felony Conspiracy to Deprive of Rights and Felony Extortion*");**
   c) **"*Money Order made out to the 17th District Court in the amount of $312*";**
   d) **"*Subpoena issued to Judge Karen Khalil in Order of her appearance to testify and present documents at Wayne County Circuit Court hearing*";**
   e) **"*Certificate of Service*" on all of the above.**

f) **Cover letter written to Judge Karen Khalil regarding "*Enclosure of $312 money Order; Subpoena; Reminder of notice of no need to show if sending payment*".** (Underlined emphasis added)

55. The above-listed documents were submitted to Judge Khalil in an official "*Response....*" to Judge Khalil constructively denying any address whatsoever of Mr. Schied's previous filings as outlined above by reference to **"*Exhibit #14*"**, which included a Money Order payment in the amount of $303 in good faith posting of a required "*bond*" the 17th District Court was imposing as their "*extortion*" demand and to purportedly prevent the co-Respondents from issuing an "*arrest warrant*" in the aftermath of having already suspended Mr. Schied's driver's license. **("EXHIBIT #33")**

56. The above-listed documents were also submitted to Judge Khalil along with a second money order made out to the 17th District Court in the amount of $312, and with notice that this payment amount was being rendered in accordance with Judge Khalil's FRAUDULENT "*Motion and Order to Show Cause*" signed by Judge Khalil on 8/3/11 *MISREPRESENTING* that **"*******If Payment Is Received In Full Before The Court Date, No Court Appearance Is Necessary*****", a CONTRACT the Evidence shows Judge Khalil fraudulently issued and flatly refused to honor since she subsequently issued an ARREST WARRANT against Mr. Schied after confirmation that she had personally received this payment.** (Bold and underlined emphasis added)

57. **"EXHIBIT #34"** is the entirety of Petitioner's "*Response to Fraudulent 'Order to Show Cause' of Judge Karen Khalil Predicated on Fraudulent 'Motion to Show Cause' by Unknown and Unidentified Party*" and accompanying "*Motion for Judge Karen Khalil to Disqualify Herself Based Upon Abuse of Judicial Discretion and Criminal Misconduct (Felony Conspiracy to Deprive of Rights and Felony Extortion*") – minus the 10 referenced exhibits – confirmed by the

Evidence referenced above as "*delivered*" on 9/13/11 but never actually placed into the Court record by a "*conspiracy to deprive of rights*" between Judge Khalil and her co-Respondents at the 17th District Court.

58. As demonstrated by the Cover Letter addressed to Judge Karen Khalil presented with **"*Exhibits #32 and #34*"**, Mr. Schied's submission not only included another $312 PAYMENT as demanded by the unidentified "*DOE*" as the "*agent*" of the 17th District Court, but also included a SUBPOENA for transcripts and other Evidence being used against him by the 17th District Court, which Judge Khalil also failed to honor and refused to subsequently "*produce*". **(*See* "EXHIBIT #35" as the second money order payment in the amount of $312)**

59. Further, as presented by the Evidence herein, Mr. Schied's filings additionally included **the following filings which Judge Karen Khalil STOLE and placed into hiding once she received these documents from Mrs. Paul (as confirmed by phone and with the 3rd party witness Sandy Hanks testifying it as so by "*Exhibit #32*")**:

    a) **"*Sovereign Security Agreement*"** – ("*Exhibit #4*" of the 17th District Court filing) is an agreement between "DAVID SCHIED" (all caps) as "*debtor*" and "David Eugene Schied" (lower case) as the "*secured party*". **('EXHIBIT #36")**

    b) **"*Memorandum to Correct The Record*"** – is a document constituting Mr. Schied's "*Acceptance of Oath*" of Judge Kahlil to honor and support of the Michigan Constitution and the Constitution for the United States of America as required by law, and presents to Judge Kahlil presiding as the "*17th District Court*" with a "*Sovereign Security Agreement*". **It also serves as a "*Notice of Felony*" by reference to 18 U.S.C. §241 ("*conspiracy against rights*"); and clarifies that Judge Kahlil understood that...**

> ***"her failure to provide the name, address and bond number constitutes corporate and limited liability insurance fraud (15 USC) and is prima facie***

***evidence and grounds to impose a personal lien to secure the public oath and service of office for indemnification; which may lead to subsequent liquidation through charter abandonment and strict foreclosure*"**. (Bold emphasis added) **("EXHIBIT #37")** [7]

c) "***Judicial Notice to the Administrative Court***" – is a document that presents a number of jurisdictional issues to be added to the one that challenges the validity of co-Respondent "*D.Gregg's*" traffic citation as written on a federal Interstate. This document is chock full of federal codes, statutes, case law, and other references pointing a plethora of reasons why this

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[7] **NOTE:** As this was presented to Judge Khalil as ("*Exhibit #5*" of the 17th District Court filing), properly served and confirmed as "*received*" by Judge with the written understanding that, Judge Khalil's "*failure to extend or protect any unalienable rights secured by the Office of the UNITED STATES President, US and Michigan Constitutions, and any failure to correct any violations of said unalienable rights brought to [her] attention is a civil rights violation actionable against me under Title 42 USC §1985 as a cause of action and under Title 42 §1983 as a right of action. Furthermore, [Judge Khalil) affirm[s] that if [she] fail[s] to reaffirm and sign this Oath of Office, as it applies to the undersigned Adverse Accommodation Party, and if [she]violate[s] the Accommodation Party's unalienable rights secured thereby, or fail[s] to take corrective action if other persons known to [Khalil] violate[s] said rights, that [Karen Khalil] can be charged with the Federal Crime of "**Perjury of Oath of Office**", since [she is] presumed to have already taken an oath of office to protect rights secured under the above named Constitutions, as set forth under Title 18 USC §1621, which carries a five year felony prison sentence and a $2000.00 fine, under Title 28 USC §1746, and that [she] will be personally liable to the Adverse Accommodation Party for civil damages in the amount of Ten Thousand dollars (US $10,000.00) **for each count** of said violation. [Karen Khalil is therefore] aware that if [she] conspire[s] with another Person to violate the rights of the Adverse Accommodation Party, that under Title 18 USC §241, [she] must be fined not more than $10,000.00 or imprisoned not more than ten years, or both, and if death results, [she] shall be subject to imprisonment for any term of years or for life. [Karen Khalil] know[s] that [she has] no immunities against said charges. **[Karen Khalil is] aware that this is an enforceable private security agreement and contract with the Adverse Accommodation Party. [She] agree[s] that if [she] should fail to sign this agreement and then commit, witness, have knowledge, or conspire with the violation of the Adverse Accommodation Party's rights, then the Accommodation Party may sign on [her] behalf. [Karen Khalil] understand[s] the foregoing Acceptance of Oath of Office, Constitutions and Security Agreement is made explicitly without recourse, is binding and any deviation will be treated as a breach of contract, a violation of substantive due process, breach of public trust and breach of fiduciary duty with resulting CTI.***" Therefore, in light of the Evidence that Judge Khalil retained the documents without placing the receipt of Mr. Schied's payment and other documents into the "*Register of Actions*", and instead of providing Mr. Schied "*credit*" and "*relief*" for such payment, Judge Khalil issued an arrest warrant and held a criminal misdemeanor "*arraignment*" to create an official CRIMINAL record against Mr. Schied, **the "*Exhibit #36*" submitted herein has been signed on Karen Khalil's behalf under the CONTRACT by which Khalil accepted by acquiescence.** (Bold emphasis)

case is void "*on its face*" for "*lack of (any kind of) jurisdiction*". It was addressed directly to Judge Karen Khalil and included nineteen (19) full pages with various sections explaining the following "*issues*" presented by this case and circumstance: **('EXHIBIT #38")**

1) Issue One: (The) Oath of Office Makes Public Officials "*Foreign*";
2) Issue Two: (The) Judge Serves as a[n administrative] Debt Collector;
3) Issue Three: There is No (governmental or judicial) Immunity Under Commerce;
4) Issue Four: (The) Courts (are) Operating Under The War Powers Act;
5) Issue Five: (The) Language (of the laws is) Not Clarified – There are three different and distinct forms of the "*United States*" as revealed by case law.

60. **In tortuous and CRIMINAL disregard for the law, Michigan Court Rules, her Oath of Office, and the FACTS and EVIDENCE as presented by Mr. Schied in "*Exhibit #34*" in this 17th District Court case** – which is CURRENTLY in the Wayne County Circuit Court under a "*Claim of Appeal*" with Judge Daphne Means Curtis who has a previous history of being a criminal judge before taking on this instant "*civil*" case – **Judge Karen Khalil issued an "*Order*" for Mr. Schied's arrest on a newly applied "*criminal misdemeanor*" charge against Mr. Schied. (*See* 9/20/11 Court entry, page 3 of "*Exhibit #15*" as the "*Registry of Actions*")**

61. As shown also by that *Registry of Actions* **("*Exhibit #15*"), Judge Khalil intentionally STOLE and persistently "*covered up*" the FACT that two months prior – on 7/25/11 – Mr. Schied had demonstrated due diligence in requesting an IMMEDIATE HEARING when submitting his "*Affidavit of Facts along with Motion to Set Aside Default Judgment and Motion for New Trial Due to 'Extenuating Circumstances' and Unresolved Report of Criminal Racketeering*" and "*Emergency Motion for Immediate Consideration of Accompanying Motion*"** as presented by **"*Exhibit #14*", which Judge Khalil unlawfully denied when moving forward with an UNLAWFUL "*show cause*" hearing and subsequently issuing a FRAUDULENT warrant for Mr. Schied's arrest for "*failure to appear*".** (Bold emphasis)

62. As shown by that *Registry of Actions* **("*Exhibit #15*"), Judge Khalil intentionally STOLE and persistently "*covered up*" the FACT that just 6 days before her 9/19/11 hearing – on 9/13/11 – Mr. Schied had demonstrated due diligence in responding to the "*Motion and Order to Show Cause*" by tendering his $312 under the terms presented by Khalil herself stating that "*If Payment Is Received In Full Before The Court Date, No Court Appearance Is Necessary*". Her actions were clearly done to also cover up that on 9/13/11 Mr. Schied had additionally presented his "*Response to Fraudulent 'Order to Show Cause' of Judge Karen Khalil Predicated on Fraudulent 'Motion to Show Cause' by Unknown and Unidentified Party*" and accompanying "*Motion for Judge Karen Khalil to Disqualify Herself Based Upon Abuse of Judicial Discretion and Criminal Misconduct (Felony Conspiracy to Deprive of Rights and Felony Extortion*")** as shown by **"*Exhibit #34*", which Judge Khalil also unlawfully denied when moving forward with a "*show cause*" hearing and subsequently issuing a FRAUDULENT warrant for Mr. Schied's arrest for "*failure to appear*".** (Bold emphasis)

63. **In moving forward with a "*show cause*" hearing after receiving Mr. Schied's payment and keeping all of the above-listed documents "*under cover*" rather than having them properly entered in the "*Register of Actions*" and processing Mr. Schied's payment under the terms of her own proffered "*CONTRACT*", Karen Khalil CRIMINALLY did the following:**

    a) She DENIED Mr. Schied "*due process*" on the processing of his $312 payment in lieu of showing up to Court as otherwise specifically ordered in the "*Motion and Order for Show Cause*" *referenced herein and above as* "Exhibit #17" an administrative admiralty CONTRACT initiated and signed by Karen Khalil herself;

    b) She DENIED Mr. Schied "*due process*" on his "*Response to Fraudulent 'Order to Show Cause' of Judge Karen Khalil Predicated on Fraudulent 'Motion to Show Cause' by*

Unknown and Unidentified Party" filing and the terms in which he had notified the Court on his "*Demand for Relief*";

c) She DENIED Mr. Schied "*due process*" on his "*Motion for Judge Karen Khalil to Disqualify Herself Based Upon Abuse of Judicial Discretion and Criminal Misconduct (Felony Conspiracy to Deprive of Rights and Felony Extortion*")";

d) She DENIED Mr. Schied "*due process*" on his "*Motion(s) for Waiver of Costs and Fees as a 'Forma Pauperis' Litigant*", submitted with his "*Affidavit(s) Concerning Financial Status*" and signed and notarized "*Statement(s) of Indigency and Demand for Immediate Consideration by Notice of Criminal Victimization*";

e) She DENIED Mr. Schied "*due process*" on his *Motion to Set Aside Default Judgment*";

f) She DENIED Mr. Schied "*due process*" on his "*Motion for New Trial Due to 'Extenuating Circumstances'*";

g) She DENIED Mr. Schied "*due process*" on his "*Demand for Criminal Grand Jury Investigation*";

h) She obstructed justice and conspired with co-Respondent "*DOE*" of "*Mrs. Paul*" to create a **fraudulent** "*official court record*" by the resulting "*Register of Actions*";

64. As shown by the "*Registry of Actions*" (i.e., *see* entry for 9/30/11 on pages 3-4 of "*Exhibit #15*"), Judge Karen Khalil UNLAWFULLY held a criminal arraignment against Mr. Schied in the presence of attorney Daryle Salisbury, where she otherwise admitted on the court record that she indeed had taken possession of Petitioner's $312 "*extortion*" payment. After repeatedly threatening Mr. Schied with jail unless he signed to relinquish his rights by signing the Court's "*Notice of Rights*" Judge Khalil finally tendered the payment; but only after causing Mr. Schied much public embarrassment and humiliation, a permanent

record of being charged and arraigned on a criminal misdemeanor, and forcing him to put up the cost of hiring an attorney to ensure that his CONTRACT with Judge Khalil and her co-Respondents was to be enforced. (Bold emphasis added)

65. **These actions by "*Judge*" Karen Khalil were clearly criminal, being intentional acts constructed well outside Judge Khalil's "*performance of a government function*" and job description and duties. They were maliciously done by an "*abuse of discretionary power*" specifically with the purpose of causing irreparable harm to Mr. Schied. They are therefore NOT subject to the protections of any form of "*immunity*".**

66. **For the above-stated reasons as amply supported by Evidence, this Michigan Supreme Court should both *Order* the Michigan Attorney General to file a "*Quo Warranto*" Complaint to remove Judge Karen Khalil from her government office, and simultaneously *Order* the convening of an INDEPENDENT "*CITIZENS' GRAND JURY*" of Michigan taxpayers to investigate the criminal underpinnings of the co-Respondents.**

67. **For the above-stated reasons, the Supreme Court should also issue an Order "*removing*" the 17th District Court case now "*on appeal*" from the Wayne County Circuit Court judge Daphne Curtis so that it can finally be "*enjoined*" with this instant case now on "*Leave of Appeal*" in the aftermath of Judge Robert Colombo denying Mr. Schied's effort to enjoin these to "*inextricably intertwined*" cases in 2011.**

68. **In addition, the above is "*just cause*" for an additional "*Order*" from this Michigan Supreme Court for the 17th District Court to immediately surrender the Transcripts for all hearings referenced by Mr. Schied's earlier letter addressed to the17th District Court's**

"*Court Reporting Services*" **in his letter dated 10/5/11 as presented herein as the final exhibit entry of "*Exhibit #28*".** (Bold emphasis added) [8]

THE MICHIGAN ATTORNEY GENERAL'S CRIMINAL DIVISION "*CHIEF*" RICHARD CUNNINGHAM IN DETROIT FOLLOWED AN ONGOING "*PATTERN OF FELONY CRIMES*", INCLUDING DEFRAUDING THE MICHIGAN SECRETARY OF STATE, WHEN ASKED BY RUTH JOHNSON'S "*DIRECTOR OF CONSTITUENT RELATIONS*" ROBBIE RANKEY TO CONDUCT A CRIMINAL INVESTIGATION OF MR. SCHIED'S EVIDENCE THAT THE CO-RESPONDENTS OPERATING CORPORATELY AS THE "*17TH DISTRICT COURT*" AND "*REDFORD TOWNSHIP*" HAD PREVIOUSLY DEFRAUDED THE SECRETARY OF STATE'S OFFICE WHEN HAVING RUTH JOHNSON SUSPEND MR. SCHIED'S DRIVER'S LICENSE AND WHILE GROSSLY OMITTING THE MOST RELEVANT FACTS ABOUT JUDGES KHALIL AND WIRTH DENYING MR. SCHIED HIS RIGHT TO "*DUE PROCESS*"

69. Petitioner David Schied incorporates by reference paragraphs 1-71 above, as well as the Exhibits referenced by those paragraphs, as if rewritten herein verbatim.

70. "**EXHIBIT #39**" is one of Petitioner's more recent filings – on 11/17/11 – in the Wayne County Circuit Court case now on "*Claim of Appeal*". This filing is Mr. Schied's effort to deal with the perpetual problem of obtaining transcripts from Michigan court personnel under court rules and while being unlawfully DENIED "*access*" to the Court for "*litigation on the merits*" because of his "*inability to pay*" for transcripts, as was the situation in this instant case now before the Supreme Court that is inextricably intertwined with another case now on appeal in Wayne County. "***Exhibit #39***" is captioned as follows in quotes:

> "*Complaint for an Immediate Writ of Mandamus for Appellant with 'Forma Pauperis' Status Already Approved by the Lower Court for Additional 'Waiver of Fees on Transcripts'* and to *'Correct the 17th District Court Record' on Case*

[8] As of the date of this filing, Mr. Schied has already had to undergo one hearing before Judge Daphne Curtis in the Wayne County Circuit Court on his failure to furnish transcripts despite that Mr. Schied has ample Evidence of notifying both the higher (circuit) and lower (district) courts that he does not have the money to purchase these transcripts and that he is a CRIME VICTIM and, by law, should not be required to do so; particularly since the Michigan Constitution (Art. I, Sec. 24) maintains that the State owes the DUTY to protect alleged crime victims from further victimization by "*the Accused*".

Involving Allegations of Judicial Corruption, Treason, and a Conspiracy of Government Racketeering" and for *'Judge Robert Colombo and 'Chief' Judge Virgil Smith to be Disqualified as the 'Decision-Makers' on All Matters, Based on a Credible 'Conflict of Interest' and Evidence of Criminal Misconduct and Treason'".* [9]

71. **"*Exhibit #39*"** makes reference to Exhibits *("#1 through #30")* in this other ***"inextricably intertwined"*** **case** now in Judge Daphne Curtis' circuit court in Wayne County. **It provides a concise history of the FACTUAL EVENTS leading to and through this "*split*" case to the present as one "*half*" reaches the Michigan Supreme Court and the other "*half*" is just getting from the 17th District Court to the Wayne County Circuit Court where the previous half was dismissed without proper due process just a few short months ago before seeing the same from Judge Christopher Murray in the Court of Appeals.** (Bold emphasis added)

72. **"EXHIBIT #40"** is Petitioner's most recent filing, on 1/4/12, in that Wayne County Circuit Court "*appeal*" of the 17th District Court "*deprivation of due process rights*" case. It is captioned as follows:

    "'*Motion for Extension of Time on Filing of Transcripts by Show of Good Cause Based on Failure of Court Clerk to Send the Scheduling Notice to the Proper Address Otherwise Clearly Posted by Appellant Crime Victim on the Face of the Initial 'Complaint for Immediate Writ of Mandamus' Filing' and Accompanying 'Motion to Compel Hearing on Previously Filed Complaint for Immediate Writ of Mandamus for the Delivery of Transcripts to the Wayne County Circuit Court by the Agents for the Co-Appellees Based on Appellant's Proven Inability to Pay, the Refusal of Appellees to Respond to Two Previously Issued Subpoenas, and by Sworn Affidavits in Wayne County Circuit Court Records About Plaintiff Being Criminally Victimized by the Government Appellees'*"

73. Mr. Schied was compelled to file **"*Exhibit #40*"** because the "*Clerk of the Court*" did not follow Mr. Schied's guidelines to send court documents to a delegated post office box and instead sent the

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[9] Petitioner asserts that the reason for this document having the heading of the Michigan Court of Appeals yet with a Wayne County Circuit Court "*sticker*" with the other case number to show the lower court clerk that Petitioner had already been granted a "*waiver of fees*" on both cases, and that what was being filed "*inextricably intertwined*" both cases.

"*Scheduling Notice*" for the case to an address otherwise known to be too lengthy to fit inside the computer "*field*" of the database of the Wayne County Circuit Court [10]; therefore causing Mr. Schied never to have received that scheduling notice until it was beyond the posted date for filing the "*lower court transcripts*" for this case.

74. Additionally, **Mr. Schied was compelled to file "*Exhibit #40*" because despite having clear notice of a "*Complaint for an Immediate Writ of Mandamus....*" ("*Exhibit #39*") the court clerk also negligently disregarded the reference to "*Immediate*" and the FACT that this filing was a direct address of the Court's own need for lower court transcripts. Judge Curtis' clerk failed to schedule a date for the hearing as she otherwise had promised when Mr. Schied presented this packet of documents to that clerk calling attention to the appropriate location for mailing the "*hearing notice*" (which was NEVER issued for this filing).** (Bold emphasis added)

75. A hearing was held on Friday, 1/13/12 on the two motions of **"*Exhibit #40*"**, in which the co-Respondents and their attorneys FAILED TO SHOW. Nevertheless, Judge Daphne Curtis and her court clerk intentionally commanded Mr. Schied and his numerous "*court-watchers*" to wait in the pew for fully 3 hours and 45 minutes while prejudicially holding hearings FIRST for all cases being represented by attorneys and holding Mr. Schied uncontested motions until the very last. Even then, Judge Daphne Curtis DENIED all aspects of Mr. Schied's "*Request for Relief*"

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[10] In an effort to conserve on his paper and toner costs for lack of funding to supply a full set of documents to the Michigan Supreme Court with seven additional copies of the entirety of these two "*motions*" to each of the "*justices*", Mr. Schied has provided the cover page for the motions which captions the summary "*cause*" for his filing. A further explanation in included in the original filing describing how Mr. Schied knew in advance that the Clerk's computer does not handle long addresses as a previous "*pro se*" case was dismissed in 2005 costing Mr. Schied over $1000 to get reinstated by an attorney when the Court sent out documents that never arrived to Mr. Schied because the computer "*field*" did not accommodate the entirety of Mr. Schied's residential address because the addressed serviced by the U.S. Post Office was "*too long*".

despite Mr. Schied proving to the Court that the co-Respondents had been properly "*served*" on the two pending "*motions*".

76. Moreover, during that 1/13/12 hearing, Judge Daphne Curtis stated her intent to provide the co-Respondents an unfair SECOND opportunity to "*respond*" to **"*Exhibit #40*", despite that the time for filing such a response had expired and the co-Respondents were in default for "*FAILURE TO SHOW*".** She therefore ruled that she would issue a separate *Order* for yet another hearing on the very same matter, which is yet pending (Bold emphasis added)

77. As shown in **"EXHIBIT #41"**, while Mr. Schied continues to have "*due process*" used by the Courts to cause him further frustration and other costly damages through ongoing litigation, Mr. Schied's rights to due process are also being violated by Judge Karen Khalil's "*Judgment of Sentence*" issued on 9/3011. It was issued in the presence of Mr. Schied's attorney Daryle Salisbury on a so-called "*conviction*" of the alleged "*crime*". It was issued on the same day Judge Khalil had carried out an "*arraignment*" against Mr. Schied for a "*criminal misdemeanor*", essentially RAILROADING Mr. Schied into having some sort of a "*criminal record*" while yet constructively DENYING him "*due process*" on the "*Motion to Set Aside Default Judgment*" that Mr. Schied had filed fully two months prior. **(*See* "*Exhibit #14*")**

78. As shown in the middle of the page of the "*Judgment of Sentence*", this railroaded "*conviction*" is "*Reportable to Secretary of State*" in connection with Petitioner's Michigan driver's license number, which is accessible to both Mr. Schied's auto insurance carrier and to credit bureaus. This action has compounded the harm already done by the Respondents' other CRIMES against Mr. Schied by affecting his costs for insurance and cost of borrowing well into the future.

79. **Evidence of such damage to Mr. Schied auto insurance coverage and credit rating is found in "EXHIBIT #42"** as a notice from the Auto Club Group Insurance Company to David Schied,

dated 9/2/11 informing Mr. Schied that his auto insurance coverage was being cancelled after 24 years of patronage and that, "*[T]his action was based in part on a* ***Report from a consumer reporting agency****....*" **as based upon information received from the "*Drivers Licensing and Records at the Department of State in Lansing*"**. This notice is accompanied by notice of "*conviction of a traffic violation*" sent to Mr. Schied a few months earlier, and AFTER Mr. Schied had notified the Michigan Secretary of State's office through her "*Director of Constituent Relations*" Robbie Rankey, about the fraud of the 17th District Court. [11] (Bold emphasis added)

80. **"EXHIBIT #43"** shows that – based upon the factual evidence presented to the Office of the Michigan Secretary of State Ruth Johnson by Mr. Schied beginning on 7/26/11 – **the Secretary of State requested that the Office of the Michigan Attorney General conduct a criminal investigation of the activities of the 17th District Court and the Appellees known as the "*Township of Redford*"**. That request to the attorney general's office was made on or about 8/9/11 and after **Evidence of fraud on the Secretary of State was presented to Ruth Johnson.**

81. **The content of "*Exhibit #43*" consists of the following set of documents:**

    a) 2-page initial contact email from David Schied to Robbie Rankey, the Secretary of State's "*Director of Constituent Relations*", dated 7/26/11, in which Mr. Schied supplied three (3) attachments of Evidence showing that the Secretary of State's office is being used as a "*tool for government extortion*"; [12]

    b) 1-page email Reply letter from Robbie Rankey dated 8/9/11 stating the following:

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[11] **Note that the letterhead of this document fraudulently claims that as of the date of this correspondence the Secretary of State is "*Terri Lynn Land*" and not Ruth Johnson. The letter, also unsigned, was purportedly sent by the "*Director of Office of Traffic Safety*", who decidedly also refused to provide his first name but instead printed the name "*R. Wilson*".**

[12] The three attachments were all digital copies of Court documents that Mr. Schied had submitted to the Wayne County Circuit Court judge Robert Colombo about that time and are therefore part of the "*record*" that should now be in the hands of the Michigan Court of Appeals.

"I got word back from our legal staff today about your complaint regarding the Redford Township police. They have recommended that I share your concerns with Attorney General Bill Schuette's new Public Integrity Unit. Specifically, they recommended Rick Cunningham who is the head of the Criminal Division. The Public Integrity Unit was started in February of this year and is focused on ratcheting up the fight against corruption in state and local government, protecting tax dollars and restoring the public's trust in government."

c) 1-page follow-up email letter from David Schied to Robbie Rankey dated 8/17/11 in reference to a conference call the week prior, in which the topic of discussion was in regard to Mr. Schied's report of "*criminal corruption in the Office of the Attorney General*" and the unlikelihood that Office would properly conduct an investigation of the 17th District Court's actions. Also discussed was the fact that Mr. Schied's driver's license HAD been suspended and he was requesting assistance from the Secretary of State in getting it properly reinstated based on the Evidence that the "*suspension*" was the result of FRAUD being committed upon the Secretary of State by two local municipal "*corporations*" of the 17th District Court and the Redford Township.

d) 1-page letter of Reply from Robbie Rankey to David Schied dated 8/17/11 confirming that Robbie Rankey had personally submitted the "*materials*" of the three (3) attachments (from the initial correspondence) to the "*Criminal Division 'chief'*" Richard Cunningham of the Attorney General's office, along with a letter the Secretary of State's request for attention to this matter.

e) 1-page email dialogue between David Schied and Robbie Rankey in regard to Mr. Schied's request in a previous email asking for Secretary of State to provide information on how Mr. Schied could present his "*criminal misconduct*" information about the 17th District Court at a "*reinstatement hearing*" for the reversal of the "*suspension*" against his driver's license that was issued solely by the Secretary of State based upon the fraudulent information proffered

by the "*agents*" of the 17th District Court on behalf of Appellees "*Redford Township*". Mr. Rankey promised to research that subject and to get back with Mr. Schied in the near future.

f) 1-page email from Robbie Rankey to David Schied offering reassurance that Mr. Rankey would "*keep the pressure on to move [the criminal issue and "reinstatement of license"] forward.*"

g) 2-page email from David Schied to Robbie Rankey dated 8/20/11, reiterating the risk that Richard Cunningham and the staff of the Michigan Attorney General are also a part of the "bigger picture" of criminal corruption in Michigan government; and that in the likelihood that the Attorney General's office will find "*no violation*" by either the "*17th District Court*" or the "*Redford Township*", the solution is a "*Special Grand Jury*" under 18 U.S.C. §3332.

h) 1-page email from Robby Rankey to David Schied dated 8/24/11 and forwarding an "*email response*" from the "*Secretary of State's legal staff*" outlining the statutes involved with the suspension and reinstatement of a driver's license and informing that ONLY a resolve between Mr. Schied and "*the Court*" will "*lift the suspension*".

i) 2-page email dialogue between David Schied and Robbie Rankey revealing that the "*legal staff*" who provided the above-referenced information came from "*Anne Corgan who is the Director of the Legal and Regulatory Services Administration within the Department of State*". The email also shows that on this date, Mr. Schied had expressed his concern that the Secretary of State's office had ample PROOF that the Secretary of State's office is being used as an "*extortion tool*" by "*state actors personifying the 17th District Court and using that court as their alter-egos*". Mr. Schied also stated that "*Nobody from the Attorney General's office has so much as given [him] a phone call of inquiry to request additional information about [his] criminal allegations*" and that "*[T]his 17th District Court is*

operating as a 'sham' operation to illegally extort money from [Mr. Schied] rather than to employ itself as an instrument of justice". Mr. Schied also pointed out that the "*legal staff*" of attorneys referenced by Mr. Rankey as being his "*consultants*" are all "*members of the private corporation of the Michigan State Bar with which the alleged criminal judges and and the attorney general's staff of attorneys are also joint members*", implying that they are all acting "*in concert*" to allow these crimes to continue at the hands of their fellow "*BAR*" members.

j) 1-page continued email discussion on 8/24/11 between David Schied and Robbie Rankey in which Mr. Rankey stated that he was "*not familiar with the procedures of the office [of the Secretary of State] regarding criminal government corruption being brought*"; and that he had no further answer as to what Ruth Johnson might be able or willing to do in the aftermath of receiving the report that the "*suspension*" action taken by the Secretary of State to deprive Mr. Schied of his driving privileges was causing real harm to Mr. Schied and his family, and while Ruth Johnson was fully in possession of the Evidence that her Office of the Secretary of State was being used as an "*extortion tool*" by the Appellees and their "*agents*".

k) 5-page set of documents (2 pages of email communication and 3 pages of attached Evidence) dated 9/1/11 in which Mr. Schied was sending additional proof of "*mail fraud and extortion*" upon [Mr. Schied] and implying the regular practice of '*fraud upon the public*' by the 17th District Court". The two pages of email fully explain in summary the relevance of the three attached pages of Evidence, demonstrating numerous "*counts*" of fraud upon Mr. Schied as a member of "*the public*".

l) 2-page email dialogue between David Schied and Robby Rankey dated 9/7/11 in which Robbie Rankey clarified that "*The accusation of fraud by the 17th District Court or the*

m) 2-page email from David Schied to Robbie Rankey reaffirming Mr. Rankey's position that Ruth Johnson will only take further action to provide "*relief*" to Mr. Schied based upon the type of notifications they receive from the 17th District Court, taking the word of the Court as the "*truth*" despite being notified that these corporate entities are committing numerous crimes involving fraud. Mr. Schied's email additionally informed Mr. Rankey that the "*conspiracy to deprive....and... of cover-up*" extended to the Wayne County Circuit Court by the unlawful dismissal of that case as the "*counter-complaint*" against the police officer, the Township, and 17th District Court that had more recently received the $312 "*extortion*" payment and still turned around to hold an illegitimate hearing by which they used to issue an arrest warrant against Mr. Schied "*under color of law*". Mr. Schied requested that Robbie Rankey forward these new FACTS to Richard Cunningham as the Michigan Attorney General purportedly "*investigating*" this entire matter.

82. Subsequently, at a brief meeting on 9/28/11, Mr. Schied also informed Mr. Rankey that **the 17th District Court and the Wayne County Circuit Court had allowed the Appellees to get away with felony crimes**, including "*fraud*" upon the Secretary of State. Mr. Rankey answered by stating in so many words that he would follow up with the Michigan Attorney General on his earlier request on the earlier investigation for which Mr. Schied still insisted that the Attorney General's office still had not even once contacted him. (Bold emphasis added)

83. The very day after that meeting with Mr. Rankey, on 9/29/11 the "*Criminal Division chief*" Richard Cunningham of the Office of the Michigan Attorney General wrote a letter to Mr. Schied, copying that letter to Robbie Rankey. **("EXHIBIT #44")**

84. The letter from "*chief*" Richard Cunningham stated the following:

    a) That Richard Cunningham had "*carefully reviewed the materials forwarded from the Michigan Secretary of State…but find no merit in your arguments*"; [13]

    b) That the "*procedures*" being implemented by the "*Redford District Court*", by the "*City Attorney*", the "*arresting officers*", and the "*magistrate*", simply "*do not violate due process*". [14]

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[13] Although Cunningham conveniently fails to describe the exact documents that he "*carefully reviewed*", the documents referenced by Mr. Rankey as those he had personally sent to Cunningham were the ones that Mr. Schied had initially sent to him in his very first email to Mr. Rankey dated 7/26/11 which included copies of multiple "*motions*" and numerous articles of "*Evidence*" that Mr. Schied had submitted about that time to the Wayne County Circuit Court judge Robert Colombo in evidence of the fraud, inclusive of exhibits furnished with this instant "*Complaint for Writ of Mandamus*…" Although Cunningham "finds no merits in [Mr. Schied's] arguments, he also conveniently OMITS reference to the Evidence on which those "*arguments*" were based.

[14] **The fact Cunningham references "*arguments*" rather than FACTS as otherwise presented by Mr. Schied, and the fact that he sticks with vague generalities rather than specific names of individuals and specific actions alleged and supported with Evidence, demonstrates that "*assistant attorney general*" Richard Cunningham himself is using "*color of*" lawfulness and "*discretion*" to deny "*due process*" to Mr. Schied by going beyond the bounds of his own "*discretionary*" authority to engage in felony "*abuse of discretion*" while**

c) That all of Mr. Schied's problems with the 17th District Court were due to his own "*failures*"; and that the 17th District Court was merely following through with their procedural obligations.

d) That future proceedings with the Court's address of the "*Motion to Set Aside the Default Judgment*" (i.e., referencing the PDF file forwarded by Mr. Rankey) "*will settle...whether or not [Mr. Schied] was justified in not appearing*"...for the hearing in which the 17th District Court generated that default judgment.

85. **Again, the "*Motion to Set Aside the Default Judgment*" referenced by Cunningham's letter as being the "*due process*" element that should determine Mr. Schied's ability to justify his own actions, is the very same "*motion*" presented herein as "*Exhibit #14*", being the very "'*Affidavit of Facts' along with 'Motion to Set Aside Default Judgment' and 'Motion for New Trial Due to Extenuating Circumstances and Unresolved Report of Criminal Racketeering*'" which was STOLEN once delivered to the Court and which – to this date – still remains WITHOUT HEARING and as a felonious OMISSION from the 17th District Court's "*Register of Actions*".**

86. Appellant asserts that Cunningham's "*gross negligence*" is not merely incidental, as Mr. Schied had a previous dealing with Cunningham in another case now in the Court of Appeals, which pertained to a case Mr. Schied had filed against the State of Michigan earlier in 2011 in which the Office of the Michigan Attorney General, and Cunningham's coworkers in criminal cover-up were named co-Defendants. (See *Schied v. State Court Administrator* now in the Supreme Court)

87. In FACT, just shortly before being requested to personally conduct an investigation of government corruption by the Secretary of State via Robbie Rankey, Mr. Schied had spoken with

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doing nothing about these felony crimes being committed by the Appellees and their "*corporate agents*".

Cunningham by phone in regards to a subpoena for information related to Mr. Schied's recent divorce case and a "*Demand for Criminal Grand Jury Investigation*" that was associated with that case. (*See* Court of Appeals No. 305591). **Cunningham had telephone Mr. Schied refusing to comply with that Court subpoena. The Evidence of that phone conversation was memorialized when Mr. Schied wrote a follow-up LETTER to Cunningham detailing the terms of his "*abuse of discretion*" and outright refusal to cooperate with Mr. Schied's efforts to gather further evidence that "*agents*" of the Attorney General Bill Schuette were also criminally involved in the "*cover-up*" of government crimes that had damaged Mr. Schied and his family prior to 2011. ("EXHIBIT #45")**

88. **"*Exhibit #45*"**, as left uncontested and unchallenged in accuracy by Cunningham, clearly outlines how Cunningham had claimed that Mr. Schied, as a "*pro per*" litigant, had no authority to issue subpoenas in his own court case "*because he was not an attorney*". **The letter shows that he used "*color of law*" in May to deprive Mr. Schied of his right to information simply because he was not a member of the State Bar of Michigan, the corporate entity that appears to work through "*members*" like Cunningham to hold a monopoly on "due process" otherwise owed to ALL litigants through court subpoenas.** (Bold emphasis added)

89. As the letter alludes, Cunningham's motivation for refusing to comply with Mr. Schied's effort to gather more evidence of government corruption pertaining to past cases stemmed from the FACT that he was requesting documentation pertaining to previous crime reports that Mr. Schied had filed with the Wayne County Prosecutor Kym Worthy and numerous of the Attorney General's own staff of Government Affairs Bureau "*chief*" Frank Monticello and Cunningham's own co-workers, Thomas Cameron and Paul Goodrich. (**"EXHIBIT #46"**)

90. "***Exhibit #45***" **also recounts how Mr. Schied had personally come to the Criminal Division where Cunningham worked prior to the referenced phone conversation, and this letter details what transpired when Mr. Schied arrived with a thick packet of documents requesting to speak with the new "*Public Integrity Unit*" about his criminal complaints and Cunningham responded by denying Mr. Schied the ability to discuss and answer potential questions about the documents he brought in as Evidence of Michigan government crimes.** The letter additionally outlines how Mr. Schied had requested that Cunningham follow up with him on the request for a contact in the Public Integrity Unit, **by demand that the Attorney General Bill Schuette institute criminal proceedings and initiate a criminal grand jury investigation of the government crimes Mr. Schied was reporting.** [15]

91. Hence, **the letter that Cunningham wrote to Mr. Schied and copied to Robbie Rankey at the Michigan Secretary of State's office was a direct act of FRAUD upon the Secretary of State.** That fraud by Cunningham was designed to perpetuate the ongoing cover-up of crimes being committed by the Attorney General's own "*law enforcement*" officials by subjecting Mr. Schied to continued "*peonage*" and harmful attacks upon his personal credibility and professional integrity.

92. Underlying Cunningham's "***FRAUD UPON THE SECRETARY OF STATE***" in reporting criminal investigation results of "*no violation*" by the "*agents*" of the 17th District Court or Redford Township is the FACT that **any "*reasonable*" investigation by the Office of the Michigan Attorney General Bill Schuette would have brought public attention to Mr. Schied which would have – in turn – brought further attention to Mr. Schied's ample**

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[15] **In yet another act of felony gross negligence, dereliction of duty, and malfeasance, Cunningham NEVER followed up on Mr. Schied's delivery of this letter, as it was also publicly posted on the website of the Judicial Courthouse Forum about that same time.**

Evidence that the gross negligence of <u>many more Michigan judges</u> – in repeatedly dismissing Mr. Schied's criminal allegations as that 2007 case went from the Ingham County Circuit Court through the Court of Appeals and before the Supreme Court justices – precipitated a continuance of "*the same pattern*" of treasonous crimes against Mr. Schied and his family members from 2009 to the present. Such continuance of the crimes thereafter – between 2009 and 2011 – precipitated round upon round of CRIME REPORTS, government cover-ups by the "*executive*" and "*judicial*" branches of Michigan government dismissing these civil rights and constitutional rights violations, and predicating Mr. Schied subsequently filing yet another case against the "*State of Michigan*" in 2009 citing again "*racketeering and corruption*" as the basis for filing. **(See "*<u>Schied v. State Court Administrator</u>*" case NOW in the Supreme Court.)**

93. **Any "*reasonable*" investigation by Richard Cunningham between the time Mr. Rankey had requested a criminal investigation of the co-Respondents** (which was 8/17/11 by **"*<u>Exhibit #43</u>*"**) **and the time of Cunningham's letter to Appellant David Schied in claim of "*no violations*"** (which was 9/29/11 by **"*<u>Exhibit #44</u>*") would have also revealed that about the time the Court of Claims case was being unlawfully <u>dismissed</u> by Judge Paula Manderfield, without "*due process*" the Attorney General's newly appointed "*<u>Crime Victims' Advocate</u>*" John Lazet – was also refusing to do anything in the face of Mr. Schied's claim that he had long been a CRIME VICTIM of Michigan government corruption, and more particularly, a victim of crimes being perpetrated by Lazet's "*peer group*" of "*assistant attorney generals*". ("<u>EXHIBIT #47</u>")**

94. Therefore, the Evidence presented herein provide "*reasonable cause to believe*" that not only is the Redford Township perpetrating FRAUD, including "***fraud upon the Michigan Secretary of***

State Ruth Johnson", but **so too is the Office of the Michigan Attorney General, as demonstrated through his corporate "*agent*" Richard Cunningham, whose actions are clearly motivated by a "*conflict of interest*" to provide criminal "*aiding and abetting*", protection, and cover-up of the other crimes committed by his co-workers at the Office of the Michigan Attorney General, as well as his "*peer group*" of other law "*enforcement*" and officials and judges as all being corporate co-members of the same "*State Bar of Michigan*".**

COMPLAINT OF "*FRAUDULENT OFFICIAL FINDINGS*" AND RESULTING "*DISMISSAL OF COMPLAINTS*" BY THE JUDICIAL TENURE COMMISSION, AND THE REFUSAL OF THE MICHIGAN SUPREME COURT TO CORRECT THESE "*MISCARRIAGES OF JUSTICE*" WHEN FACED WITH CLEAR EVIDENCE OF GROSS OMISSIONS, MISSTATEMENTS, STOLEN COURT FILES, AND OTHER "*FRAUD UPON THE COURT*" BY ATTORNEYS AND JUDGES AS ALL CORPORATE MEMBERS OF THE CORRUPTED STATE BAR OF MICHIGAN ACTING ALONE AND THROUGH THEIR OTHER "*AGENTS*" AS "*CLERKS OF THE COURT*"

95. Petitioner David Schied incorporates by reference paragraphs 1-97 above, as well as the Exhibits referenced by those paragraphs, as if rewritten herein verbatim.

96. Accompanying this instant "*Leave of Appeal*" and "*Original Complaint*" is a "*Motion for Waiver of Fees*" that includes an "***APPENDIX A***" provided again herein as "**EXHIBIT 48**". These documents show numerous formalized Complaints that Mr. Schied has filed with the Judicial Tenure Commission including complaints on 17th District Court judges Karen Elder and Charlotte Wirth.

97. "***Exhibit #48***" also shows that the JTC's "*Executive Director and General Counsel*" Paul Fischer dismissed ALL of these judicial complaints summarily with the "*same pattern*" used by Richard Cunningham, Judge Colombo, and many others in dismissing Mr. Schied's many government complaints "*under color of law*", by simple discretion, without supporting basis or evidence or an address of Mr. Schied's Evidence, and while constructively depriving Mr. Schied of his "*right to due process*" under the First Amendment for "*redress of grievances*". This

repeated pattern, as displayed by even Paul Fischer alone therefore constitutes a CRIMINAL "*deprivation of rights under color of law*" and "*conspiracy to deprive of rights*") (18 U.S.C. §241 and §242) in the context of the background nature of these complaints.

98. **"EXHIBIT #49" is a letter dated 12/16/11 written by "*Deputy Clerk*" Inger Mayer and representing the position the Michigan Supreme Court justices have taken in the case of "*Schied v. State Court Administrator*" now pending and with a similar Complaint against Paul Fischer and the Judicial Tenure Commission. Inger insists that the Justices "*WILL NOT REVIEW*" the discretionary decisions of Paul Fischer and the Judicial Tenure Commission.**

99. **"EXHIBIT #49" further shows that in the face of Fischer being served with that previous "*Original Complaint*", he arrogantly returned clear notice that he and the JTC are being accused of a pattern of CRIMINAL conduct.**

100. **The Evidence herein shows that the Michigan Supreme Court and the Judicial Tenure Commission are acting TOGETHER to create a "*Catch-22*" situation where the JTC has full discretion to blatantly abuse their discretion and the Justices turn a blind eye and deaf ear to it. This constitutes a "*conspiracy to deprive of rights*" when the Evidence is obvious that "*the Accused*" Michigan judges are otherwise clearly committing "*judicial*" and "*criminal*" misconduct. Therefore, RELIEF should be granted as outlined below.**

ARGUMENT

101. The "*justices*" of the Michigan Supreme Court should take note of the criminal methodology – or *modus operandi* – being employed, particularly by the judges of the Michigan Court of Appeals – to thwart justice and to secure the "*cover up*" of the crimes of their peer group of other judges. **This instant case provides plenty for "*case study*" in how gross**

***"miscarriages of justice"* and multi-level crimes are being sanctioned by Michigan judges. This is precisely because this case shares so many of the *"patterns"* presented already to the Courts related to other numerous cases presented by Petitioner David Schied, and collectively involving many of the same individual people, including many of those already named above such as Wayne County Circuit Court judges Jeanne Stempien, Muriel Hughes, Virgil Smith, Donald Owens, Richard Bandstra, and Christopher Murray, as well other judges like Cynthia Stephens, the justices of this Michigan Supreme Court, and the staff of the current and former Michigan attorney generals.** (Bold emphasis added)

102. In short – as with this instant case – the outcome of the "*pattern*" being employed at all levels is the "*discretionary denial of due process*" to Mr. Schied while constructing either a "*fraudulent official record*" of the proceedings or a record of the proceedings maintained by Mr. Schied that is entirely rejected, along with the Evidence.....again, without "*due process*" and "*litigation on the merits*" of the Allegations and the Evidence.

103. As presented right on the face of the "*Cover Page*" for each of ***"Exhibit #25"*** and ***"Exhibit #27"***, Mr. Schied was reasonably attempting to question and challenge Judge Murray's reasoning for denying the Appeal. He obviously was also attempting to assert that because he was unable to pay for an Appeal he was likewise unable to pay for the required transcripts and therefore was attempting to moving the court IMMEDIATELY for a "*reversal*" of Murray's denial and – in the name of justice – to reasonably have his status as a "*forma pauperis*" litigant applied toward his inability to purchase transcripts from the lower court "*stenographer*" about the crimes blatantly committed against him by the lower court judge. It stands to reason that doing anything else besides what Mr. Schied was requesting would lead to nothing less than an

intentional compounding of the criminal victimization that had already occurred against Mr. Schied at both at the 17th District Court and the Wayne County Circuit Court.

REQUEST/DEMAND FOR RELIEF

Whereas the above FACTS and EVIDENCE stand for themselves in truth, Appellant David Schied request the following in relief:

a) *Order* this case to be remanded back to the Circuit Court and for the Disqualification of judges Robert Colombo and as decision-maker on any and all matters pertaining to this instant Complaint

b) *Order* that Appellant David Schied receive a "*Waiver of Fees*" on the ordering of Transcripts in accordance with his letters and motions in BOTH of the "*appeals*" that Mr. Schied is undertaking on these TWO "*inexplicably intertwined*" cases involving the "*agents*" of the 17th District Court and Redford Township, in both their individual and official capacities;

c) "*Order*" the immediate Correction of the 17th District Court records to reflect the various "*motions*" submitted to the 17th District Court but never actually filed and logged into the "*Register of Actions*";

d) "*Order*" the Michigan Attorney General to properly initiate criminal proceedings against the Michigan Attorney General and his staff, and all of the judges named by this Complaint;

e) "*Order*" immediate crime victim's relief for Mr. Schied and a criminal federal "*special grand jury*" investigation of Appellant's criminal allegations of Michigan government "*racketeering and corruption*", including an investigation of the Judicial Tenure Commission and case of "*Schied v. State Court Administrator*" as shown to also be now before the Michigan Supreme Court.

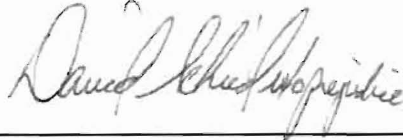
Affidavit and Certification of Truth

I hereby swear that the facts and Evidence presented are truthfully represented in depicting the numerous crimes that have occurred against me by the co-Respondents and other individual of the Michigan government.

I declare under penalty of perjury that the information contained in the accompanying filings is true and correct based upon my personal knowledge. If needed, I will testify in any court of law to the truth of those statements and Exhibits.

As the aggrieved party, UCC 1-102(2), I reserve my rights without prejudice UCC 1-308. I, David Eugene: from the family of Schied, am using these Court proceedings to pursue my remedies provided by [the Uniform Commercial Code] UCC 1-305. All government "Oaths of Office" are accepted for value. (See "*Appendix B*" for more details)

Respectively submitted,



Dated: 1/14/12

David Schied – Plaintiff / Crime Victim

David Schied – Pro Per
P.O. Box 1378
Novi, MI 48376
248-946-4016
deschied@yahoo.com

Exhibit 5

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

MILLBROOK *v.* UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 11–10362. Argued February 19, 2013—Decided March 27, 2013

The Federal Tort Claims Act (FTCA) waives the Government's sovereign immunity from tort suits, but excepts from that waiver certain intentional torts, 28 U. S. C. §2680(h). Section §2680(h), in turn, contains a proviso that extends the waiver of immunity to claims for six intentional torts, including assault and battery, that are based on the "acts or omissions" of an "investigative or law enforcement officer" *i.e.*, a federal officer "who is empowered by law to execute searches, to seize evidence, or to make arrests." Petitioner Millbrook, a federal prisoner, sued the United States under the FTCA, alleging, *inter alia,* assault and battery by correctional officers. The District Court granted the Government summary judgment, and the Third Circuit affirmed, hewing to its precedent that the "law enforcement proviso" applies only to tortious conduct that occurs during the course of executing a search, seizing evidence, or making an arrest.

Held: The law enforcement proviso extends to law enforcement officers' acts or omissions that arise within the scope of their employment, regardless of whether the officers are engaged in investigative or law enforcement activity, or are executing a search, seizing evidence, or making an arrest. The proviso's plain language supports this conclusion. On its face, the proviso applies where a claim arises out of one of six intentional torts and is related to the "acts or omissions" of an "investigative or law enforcement officer." §2680(h). And by cross-referencing §1346(b), the proviso incorporates an additional requirement that the "acts or omissions" occur while the officer is "acting within the scope of his office or employment." §1346(b)(1). Nothing in §2680(h)'s text supports further limiting the proviso to conduct arising out of searches, seizures of evidence, or arrests. The FTCA's only reference to those terms is in §2680(h)'s definition of "investiga-

tive or law enforcement officer," which focuses on the *status* of persons whose conduct may be actionable, not the types of activities that may give rise to a claim. This confirms that Congress intended immunity determinations to depend on a federal officer's legal authority, not on a particular exercise of that authority. Nor does the proviso indicate that a waiver of immunity requires the officer to be engaged in investigative or law enforcement activity. The text never uses those terms. Had Congress intended to further narrow the waiver's scope, it could have used language to that effect. See *Ali* v. *Federal Bureau of Prisons*, 552 U. S. 214, 227. Pp. 4–8.

477 Fed. Appx. 4, reversed and remanded.

THOMAS, J., delivered the opinion for a unanimous Court.

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 11–10362

KIM MILLBROOK, PETITIONER *v.* UNITED STATES

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

[March 27, 2013]

JUSTICE THOMAS delivered the opinion of the Court.

Petitioner Kim Millbrook, a prisoner in the custody of the Federal Bureau of Prisons (BOP), alleges that correctional officers sexually assaulted and verbally threatened him while he was in their custody. Millbrook filed suit in Federal District Court under the Federal Tort Claims Act, 28 U. S. C. §§1346(b), 2671–2680 (FTCA or Act), which waives the Government's sovereign immunity from tort suits, including those based on certain intentional torts committed by federal law enforcement officers, §2680(h). The District Court dismissed Millbrook's action, and the Court of Appeals affirmed. The Court of Appeals held that, while the FTCA waives the United States' sovereign immunity for certain intentional torts by law enforcement officers, it only does so when the tortious conduct occurs in the course of executing a search, seizing evidence, or making an arrest. Petitioner contends that the FTCA's waiver is not so limited. We agree and reverse the judgment of the Court of Appeals.[1]

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[1] Because no party defends the judgment, we appointed Jeffrey S. Bucholtz to brief and argue this case, as *amicus curiae*, in support of the judgment below. 568 U. S. ___ (2012). *Amicus* Bucholtz has ably

I

A

The FTCA "was designed primarily to remove the sovereign immunity of the United States from suits in tort." *Levin* v. *United States*, 568 U. S. ___, ___ (2013) (slip op., at 2) (internal quotation marks omitted). The Act gives federal district courts exclusive jurisdiction over claims against the United States for "injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission" of a federal employee "acting within the scope of his office or employment." 28 U. S. C. §1346(b)(1). This broad waiver of sovereign immunity is subject to a number of exceptions set forth in §2680. One such exception, relating to intentional torts, preserves the Government's immunity from suit for "[a]ny claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights." §2680(h). We have referred to §2680(h) as the "intentional tort exception." *Levin*, *supra,* at ___ (slip op., at 2) (internal quotation marks omitted).

In 1974, Congress carved out an exception to §2680(h)'s preservation of the United States' sovereign immunity for intentional torts by adding a proviso covering claims that arise out of the wrongful conduct of law enforcement officers. See Act of Mar. 16, 1974, Pub. L. 93–253, §2, 88 Stat. 50. Known as the "law enforcement proviso," this provision extends the waiver of sovereign immunity to claims for six intentional torts, including assault and battery, that are based on the "acts or omissions of investigative or law enforcement officers." §2680(h). The proviso defines "'investigative or law enforcement officer'" to mean "any officer of the United States who is empowered

discharged his assigned responsibilities, and the Court thanks him for his well-stated arguments.

by law to execute searches, to seize evidence, or to make arrests for violations of Federal law." *Ibid.*

B

On January 18, 2011, Millbrook filed suit against the United States under the FTCA, asserting claims of negligence, assault, and battery. In his complaint, Millbrook alleged that, on March 5, 2010, he was forced to perform oral sex on a BOP correctional officer, while another officer held him in a choke hold and a third officer stood watch nearby. Millbrook claimed that the officers threatened to kill him if he did not comply with their demands. Millbrook alleged that he suffered physical injuries as a result of the incident and, accordingly, sought compensatory damages.

The Government argued that the FTCA did not waive the United States' sovereign immunity from suit on Millbrook's intentional tort claims, because they fell within the intentional tort exception in §2680(h). The Government contended that §2680(h)'s law enforcement proviso did not save Millbrook's claims because of the Third Circuit's binding precedent in *Pooler* v. *United States*, 787 F. 2d 868 (1986), which interpreted the proviso to apply only to tortious conduct that occurred during the course of "executing a search, seizing evidence, or making an arrest." *Id.*, at 872. The District Court agreed and granted summary judgment for the United States because the alleged conduct "did not take place during an arrest, search, or seizure of evidence." Civ. Action No. 3:11–cv–00131 (MD Pa., Feb. 16, 2012), App. 96.[2] The Third Circuit affirmed. 477 Fed. Appx. 4, 5–6 (2012) (*per curiam*).

We granted certiorari, 567 U. S. ___ (2012), to resolve a Circuit split concerning the circumstances under which

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[2] The District Court also concluded that Millbrook failed to state an actionable negligence claim because "it is clear that the alleged assault and battery was intentional." App. 96. This issue is not before us.

intentionally tortious conduct by law enforcement officers can give rise to an actionable claim under the FTCA. Compare *Pooler*, *supra*; and *Orsay* v. *United States Dept. of Justice*, 289 F. 3d 1125, 1136 (CA9 2002) (law enforcement proviso "reaches only those claims asserting that the tort occurred *in the course of investigative or law enforcement activities*" (emphasis added)); with *Ignacio* v. *United States*, 674 F. 3d 252, 256 (CA4 2012) (holding that the law enforcement proviso "waives immunity whenever an investigative or law enforcement officer commits one of the specified intentional torts, *regardless of whether the officer is engaged in investigative or law enforcement activity*" (emphasis added)).

II

The FTCA waives the United States' sovereign immunity for certain intentional torts committed by law enforcement officers. The portion of the Act relevant here provides:

> "The provisions of this chapter and section 1346(b) of this title shall not apply to—
>
> . . . . .
>
> "(h) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights: *Provided*, That, with regard to acts or omissions of investigative or law enforcement officers of the United States Government, the provisions of this chapter and section 1346(b) of this title shall apply to any claim arising . . . out of assault, battery, false imprisonment, false arrest, abuse of process, or malicious prosecution." 28 U. S. C. §2680(h).

On its face, the law enforcement proviso applies where a claim both arises out of one of the proviso's six intentional

torts, and is related to the "acts or omissions" of an "investigative or law enforcement officer." The proviso's cross-reference to §1346(b) incorporates an additional requirement that the acts or omissions giving rise to the claim occur while the officer is "acting within the scope of his office or employment." §1346(b)(1). The question in this case is whether the FTCA further limits the category of "acts or omissions" that trigger the United States' liability.[3]

The plain language of the law enforcement proviso answers when a law enforcement officer's "acts or omissions" may give rise to an actionable tort claim under the FTCA. The proviso specifies that the conduct must arise from one of the six enumerated intentional torts and, by expressly cross-referencing §1346(b), indicates that the law enforcement officer's "acts or omissions" must fall "within the scope of his office or employment." §§2680(h), 1346(b)(1). Nothing in the text further qualifies the category of "acts or omissions" that may trigger FTCA liability.

A number of lower courts have nevertheless read into the text additional limitations designed to narrow the scope of the law enforcement proviso. The Ninth Circuit, for instance, held that the law enforcement proviso does not apply unless the tort was "committed in the course of investigative or law enforcement activities." *Orsay*, *supra*, at 1135. As noted, the Third Circuit construed the law enforcement proviso even more narrowly in holding that it applies only to tortious conduct by federal officers during the course of "executing a search, seizing evidence, or making an arrest." *Pooler*, 787 F. 2d, at 872. Court-

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[3] The Government conceded in the proceedings below that the correctional officer whose alleged conduct is at issue was acting within the scope of his employment and that the named correctional officers qualify as "investigative or law enforcement officers" within the meaning of the FTCA. App. 54–55, 84–85; Brief for United States 30. Accordingly, we express no opinion on either of these issues.

appointed *amicus curiae* (*Amicus*) similarly asks us to construe the proviso to waive "sovereign immunity only for torts committed by federal officers acting in their capacity as 'investigative or law enforcement officers.'" Brief for *Amicus* 5. Under this approach, the conduct of federal officers would be actionable only when it "aris[es] out of searches, seizures of evidence, arrests, and closely related exercises of investigative or law-enforcement authority." *Ibid.*

None of these interpretations finds any support in the text of the statute. The FTCA's only reference to "searches," "seiz[ures of] evidence," and "arrests" is found in the statutory definition of "investigative or law enforcement officer." §2680(h) (defining "'investigative or law enforcement officer'" to mean any federal officer who is "empowered by law to execute searches, to seize evidence, or to make arrests for violations of Federal law"). By its terms, this provision focuses on the *status* of persons whose conduct may be actionable, not the types of activities that may give rise to a tort claim against the United States. The proviso thus distinguishes between the acts for which immunity is waived (*e.g.*, assault and battery), and the class of persons whose acts may give rise to an actionable FTCA claim. The plain text confirms that Congress intended immunity determinations to depend on a federal officer's legal authority, not on a particular exercise of that authority. Consequently, there is no basis for concluding that a law enforcement officer's intentional tort must occur in the course of executing a search, seizing evidence, or making an arrest in order to subject the United States to liability.

Nor does the text of the proviso provide any indication that the officer must be engaged in "investigative or law enforcement activity." Indeed, the text never uses the term. *Amicus* contends that we should read the reference to "investigative or law-enforcement officer" as implicitly

limiting the proviso to claims arising from actions taken in an officer's investigative or law enforcement *capacity*. But there is no basis for so limiting the term when Congress has spoken directly to the circumstances in which a law enforcement officer's conduct may expose the United States to tort liability. Under the proviso, an intentional tort is not actionable unless it occurs while the law enforcement officer is "acting within the scope of his office or employment." §§2680(h), 1346(b)(1). Had Congress intended to further narrow the scope of the proviso, Congress could have limited it to claims arising from "acts or omissions of investigative or law enforcement officers *acting in a law enforcement or investigative capacity*." See *Ali* v. *Federal Bureau of Prisons*, 552 U. S. 214, 227 (2008). Congress adopted similar limitations in neighboring provisions, see §2680(a) (referring to "[a]ny claim based upon an act or omission of an employee of the Government . . . *in the execution of a statute or regulation*" (emphasis added)), but did not do so here. We, therefore, decline to read such a limitation into unambiguous text. *Jimenez* v. *Quarterman*, 555 U. S. 113, 118 (2009) ("[W]hen the statutory language is plain, we must enforce it according to its terms"); *Barnhart* v. *Sigmon Coal Co.*, 534 U. S. 438, 450 (2002) ("The inquiry ceases if the statutory language is unambiguous and the statutory scheme is coherent and consistent" (internal quotation marks omitted)).

* * *

We hold that the waiver effected by the law enforcement proviso extends to acts or omissions of law enforcement officers that arise within the scope of their employment, regardless of whether the officers are engaged in investigative or law enforcement activity, or are executing a search, seizing evidence, or making an arrest. Accordingly, we reverse the judgment of the Court of Appeals and remand the case for further proceedings consistent with

this opinion.

It is so ordered.

Exhibit 6

Sworn Crime Report and Affidavit
by David Schied

Date: 6/11/12

Phone: 2[illegible] 946-4016

Crime Victim: David Schied P.O. Box 1378 Novi, Michigan 48376

Witnesses: David Lonier (248-373-9111); Ron Keller; Anna Jurek; Brent Mulman and Tom (David Lonier has contact info + last names for the above)

Location of Crime: Municipal building housing the 17th District Court

Alleged Perpetrator(s): Karen Khalil; bailiffs; and "Officer Strong" (at jail)

Name of the Crime(s): 1) Deprivation of rights under color of law; 2) peonage; 3) False imprisonment; Kidnapping/holding hostage; 4) Extortion 5) affixing an official seal or signature to a fraudulent document; 6) fraud upon the court; 7) interference with a crime victim/witness 8) obstruction of justice

* Date of Crime: Friday 6/8/12 approx. 11:00 am

Predicating Factors: David Schied has been pursuing both civil and criminal claims against Judge Karen Khalil, the Redford Township police, and Redford Township supervisor since 2010. He has 1 case pending in the Michigan Supreme Court with Demand for Criminal Grand Jury Investigation. (Judge) Karen Khalil was also aware that Mr. Schied had two other case "on appeal" that needed to be filed in the Michigan Supreme Court in a timely manner (between 6-15 days). She was also aware of another (4th) pending case against Redford Township in Wayne County Circuit Court. On the date of this instant crime, David Schied and the named other witnesses were present as "court-watchers" on a case naming "Brent Mulman" as the "defendant" on a city ordinance violation. Mr. Schied's presence at the scheduled hearing was at the request of Brent Mulman and strictly in a role as passive observer and note-taker of the proceedings against Brent M. by Judge Karen Khalil. Mr. Schied was positioned in the middle row of the pew and was <u>not involved in any court proceedings.</u>

State of Michigan) County of Midland)

<u>Affidavit and Crime Victim Statement</u> - NOTE: This statement is being made under tenuous circumstances of physical incarceration and separation from all resources that might assist in the further provision

of relevant testimony and evidence. I, David Schied, therefore request an extensive criminal investigation and report of these allegations as they are corroborated and verifiable by other crime reports being filed separately by the other named witness, purported with the office of the Michigan Attorney General, the U.S. Attorney Barbara McQuade, and the FBI.

1) My family name is "Schied" and I was born in the land known freely as "America".
2) I am of sound mind and am delivering this testimony truthfully with readiness to testify to the facts below in any lawful court.
3) Since childhood I have had a documented hearing loss. The hearing loss is principally to high frequency sounds to include consonants and women and children's voices. In 2004 the hearing loss was deemed so severe that a doctor prescribed a hearing aid which was paid for by insurance coverage of the time.
4) I rarely wear the hearing aid and was not wearing it in the courtroom the day of the crime (6/8/12)
5) I also have worn prescription lenses since childhood. I am 54 years old and was not wearing eyeglasses in court.
6) On the morning of 6/8/12 I met with others listed in this crime report for the sole purpose of "court-watching" a case scheduled before Judge Karen Khalil, an alleged city ordinance violation against a man I only met that very morning, Brent Mulman.
7) Upon entering the courtroom, Judge Khalil was on the bench tending to case hearings. Within a half hour of our sitting in various locations of the room, Mr. Mulman's name was called by a man at the side of the courtroom. I learned this was the city inspector who had issued the citation against Mr. Mulman. Brent Mulman also explained afterwards that this city inspector had no "oath of office" on file. He showed me documents in the courtroom however

citing Michigan cases requiring city inspectors to have oaths of office on file.

8) Ron Keller and I accompanied Mr. Mulman into the "prosecutor's" office where we all sat down. Neither Ron Keller nor I were spoken to and neither of us spoke in the room. All we did was take notes on what transpired. The city inspector asked only one question and Mr. Mulman answered it. Subsequently, we all left the room peacefully. The meeting was about 2 minutes.

9) I sat for approximate another 15-20 minutes in the pew of the courtroom waiting for Mr. Mulman's case to be called. I then got up, left the courtroom and returned a couple of minutes later and after having used the public restroom. Upon re-entering the courtroom I did notice Judge Khalil's head rise from the person before her, and her head appeared to follow my movement in the courtroom as I took my seat. She appeared to recognize me from a single earlier event where I appeared before her as a defendant, with a cross complaint in Wayne County Circuit Court naming her as a criminal. That earlier case before her was around September 2011.

10) About 10 minutes after I sat back down, Brent Mulman stood up and walked in the direction of the rear of the pew. He only took 3-4 steps when Judge Khalil called him by name and told him to come around the front, then directing him to sit inside the jury box where another man had been recently held until handcuffed. I immediately began writing down what I had witnessed in my notebook.

11) While I was writing I next heard shouting of "stand up". I looked up and saw one of two bailiff looking directly at me and again yelling "stand up". Keeping my eyes on the bailiff, I also noticed one to two other bailiffs moving into the room from the entrance door to the courtroom. At that same instant I heard a maniacal shout of "sit down!" So I sat back down.

12) Subsequently, I began to write again in my notebook and I heard more shouting. I saw officers moving in my direction from the side and the bailiff again standing between me and the judge yelling "stand up". The next thing I knew I was placed in handcuffs and taken to a dark concrete room adjacent to the courtroom. I could not hear what happened after that in the courtroom.

13) To my knowledge - and I am quite sure - Judge Karen Khalil had NOT called Brent Mulman's case yet for hearing as a matter of record. She did NOT either call the case for hearing at any time I was present in the courtroom.

14) My response to being "targeted" in this fashion was one of shock. I was stunned by being yelled at by the bailiffs to stand up, sit down, stand up and complied with the directives that I heard and understood.

15) Upon being grabbed from the pew, I dropped my notebook and pen on the bench between Ron Keller and Anna Janek. Upon then being grabbed and handcuffed by a huge guy who later identified himself to me as "Officer Strong", I tried to pull my wallet from my pants pocket to drop on Ron Kellers lap. When I did so, "Strong" shoved my wallet down and placed me in a wrist lock while muscling me out of the room.

16) When leaving the building for the adjoining jail, "Strong" asked me why I failed to answer the judge and if I had something to hide. I answered that I have nothing to hide. "Strong" then asked me why I wanted to ditch my wallet while asking if I had "some fraudulent credit cards".

17) When we got through the door of the jail "Strong" — who was being followed from the court by another officer as backup — immediated tightened his grip on my wrist lock and arm. He stated "You're in my home now" adding "You'd better not resist"! While I continued to be relaxed he tighten up even further while telling me to "relax". I said, "I am relaxed". He did it again right afterwards and again I said I'm very relaxed. He then got me to the area of the cell where I asked his name and he said "Officer Strong". He then shoved me toward a corner and told me to turn around and stop resisting. I thought he was going to pound my head into the concrete corner. He then changed his grip from my arm and pinched the nerve above my collarbone while continuing his wrist lock. He then opened the cell, released me, and took off the handcuffs. The other officer was present throughout and never interfered in this treatment.

18) Upon entering the cell I found dark red marks on my wrists marked by the handcuffs. These marks lasted for 3 days afterwards as bruises.

19) I believe that the browny jail officer gave me a fraudulent name when I asked that he identify himself. I also believe that he was using scare tactics, physical intimidation, and the infliction of pain to cause me to respond in such way that he would be justified - by his fraudulent verbal assertions in front of the other officer about my resisting him - in inflicting serious injuries needlessly upon me.

20) Contrary to what the jail officer asserted, I did not hear any question from the judge that I should have "answered".

21) While I only much later came to understand that judge Khalil had charged me with "contempt", to this day I have not found anyone to answer my question of "civil contempt or criminal contempt?"

22) I was allowed to see - but not to have a copy - of a document signed by Judge Karen Khalil stating fraudulently that I was "guilty of the crime" of contempt. The document referenced a case number when I otherwise had NOT been before the court. Again, neither had Brent Mulman's case been called at the time of these events taking place. Any such case number assigned to my "guilt" for this "crime" is fraudulent. I was robbed of all due process, shackled, and transported to another county.

23) During transport by Statewide Security Transport, one of the guards told me he thought I might be trouble because "everyone knew" that I had filed documents against the judge. He said everyone also knew at the Canton County facility the same. This tells me that the judge DID know who I was and targeted me criminally in retaliation for my 4 court cases against her.

I swear that the above statements are truthful and correct. I wish for a criminal grand jury of those employed by the 17th District Court and Judge Karen Khalil. [illegible signature] (all rights reserved)

[illegible] 15 2012 [illegible] Public, my commission expires on June 1, 2014

① Friday 6/8/12 – On checkin to [illegible] facility I notified front desk officer that I have allergy to all peanut products. I was compelled under duress to sign for sheets, blanket, towel + a [illegible] basket) w/ replacement costs at checkout if not in same condition. I was forced to leave the open basket in hall for time I was in holding tank.

Saturday 6/9/12 – I [illegible] two inmates take a tissue in front of my basket (through the window). On Friday I told intake office I did not want to be punctured in any way. She said if I did not submit to nurse's TB test then I would have to be put into isolation cell (solitary). Saturday day the nurse took a medical intake. I also told her I have deathly allergy to all peanut products. She wrote this on form. She wanted me to sign contract w/ places for initialing that took away my rights + awarded her 3rd party contract carrying the right to provide services and to "collect" payments against me for services. I only authorized the "free" monitoring of my blood pressure + subsequent discussions w/ doctor (also free according to nurse who refused to give name). I wrote notes throughout the contract to find proper compromises + comfort with what they were asking of me. The nurse made no objections to my notes

– + I did submit to TB test on condition that my doctor could order. His medical report + [illegible] my private file as proof of [illegible] TB testing.

Awhile later, the nurse returned w/ admin supervisor of sheriff's dept. + they took me to room w/ the contract. They wanted me either to sign for refusal of all services or the right to perform + collect upon services". When I explained all sections the sheriff's officer/admin. – who said he knew "a little" about why I was here – said to nurse "I don't want to step on toes but what he says makes sense." – The nurse complained that her boss required otherwise + that she is in the middle. The officer said it was black or white. I either accept all services or "refuse" but needed to sign one way or other. I said it was black or white to sign or not + I said I've already acted reasonably to draft a contract I felt comfortable with + sign to those [illegible] of changes. I refused to sign while making clear I was not refusing services – but authorizing services on an "as needed" basis w/ heart monitoring coming first

– When time to take me to new cell the intake officer (woman) from Friday informed me that despite submitting to TB test I was still going to solitary confinement for failure to sign [illegible]

(2)

- For Breakfast I was served white bread + peanut butter.
- Nurse wanted to see me so I went in + she said that my blood pressure was lower but still high – not in the very alarming range but still very high. She wanted me first to make a declaration on a sheet that was to be included in my medical file. The declaration – to be made not under duress – is to authorize her to monitor blood pressure + discuss w/ doctor. She said I will need to do 2x/day or she may unless I sign the "Contract" from Saturday w/o conditions. She said she needed this to protect herself in light of my not wanting to sign other [illegible]
- I informed her about peanut butter delivery – no comment. The officer Manary who escorted me to her said he would deliver the "Inmate Request Form" rather than nurse. The Intake Request Form stated "Not to be served peanut products to eat". Friday 6/8 On intake I notified intake officer I had severe allergy to peanut products. Sat 6/9 – On consultation w/ "nurse" I notified again that I am deathly allergic to all peanut products + I named peanuts, peanut butter, + peanut oil, etc. Sun 6/10 – Nevertheless on Sunday morning (6/10) I was served white bread and heaping scoops of peanut butter on the tray for breakfast. I have discussed this life-threatening issue w/ both officer Manary + "Nurse". I am now formally placing these events in writing + requesting that there be no further occasions of such gross negligence. *I also request a new "Inmate Request Form" in replacement of this one. I gave the form to Officer Manary along w/ a phone card request Order for $20.

8 – 4 – begin
– 4 kit
– 20 phone card (pending)

Blood-pressure
Sat. 6/9 = 178/109
Sun 6/10 = 161/97
+ 152/100

* Statewide Security Transport – One of the 2 armed guards taking me from Redford said that "everyone" at Redford + Clinton County facilities already had heard that I had court filings against the judge. He said he initially thought I'd be a major problem for transport until he met me. At break he had me sitting next to the woman so he would be able to engage me w/ talk for the rest of the entire ride. I gave him websites of PowerCorrupts Again + Lawless America. He told me Ficano was corrupt as Sheriff (that he knew someone who saw Ficano at Manoogian Mansion) + that Ficano has been employing lots of Middle Eastern Muslims since fathering a baby w/ one (implying he was being extorted by the woman + Muslims to keep baby quiet).

4:00 PM Officer Whyte took me to "BJ" as the evening nurse. They together said they will not change my diet because I have no proof in documentation of my peanut allergy. They ask me + I complied in writing a letter to Dr. Block to have him send a letter to the jail confirming my peanut allergy. They said they would come + get me for each meal + serve me "whatever other inmates get" + treat me if I go into an "ana" shock. They would not take my word alone. I told them I would then refuse to eat anything they put before me if they could not guarantee no peanuts. I wrote the letter –

I [illegible] confirmation that all notations in medical file will be available to my doctor upon request for medical file. (+ got word 6/10 that it would be available to me too by FOIA request.

③ At around 5:30-6:00 PM I was instructed to change my uniform for a new one. I did + at 7:20 PM when given the opportunity to use the phone, I realized that the old uniform had my receipt for $224 plus my ID/PIN number.
- I used the intercom to call the front desk + to inform the officer on duty. His response = a) Too bad - that has probably already been washed; b) the intercom is for emergency only; c) tell the officer next time he/she makes the round; - I interjected that on check-in I was informed that a receipt for my money in the machine could be printed at any time + that my PIN # should be kept secret to keep the money safe. This guard became a real asshole + refused to address the issue other than as above. I also informed the officer ready to allow me to use the phone + she said she'd bring me another ID#/PIN# but no address of receipts.
- Also, at the time of linen exchange I called attention to a hole in the sleeve and that my single [illegible] towel smelled like an old wash cloth. I showed the hole reminding the officer of my check-in agreement on checked out items to include no holes in linen + a towel. I was told the hole was inconsequential + that I would be brought back another towel if I relinquished the one I had. Nobody ever returned with a towel. (These were the same that took the linen + uniform w/ my receipt + PIN in the pocket.)
- Earlier in the late afternoon when I went to shower, I gave the officer on duty my "Request" form about the peanut butter. I requested then that since I was only given 1 of these forms
- The night guard confirmed that uniform was already washed + she got the papers from pocket [illegible]. She gave me same PIN + led me to machine + showed me how to check balance. I found out all $224 was there minus $4.00 and $12 "Booking Fee" deducted w/o my permission. I bought a $25 phone card at $3.00 for first minute + 50¢ for each min. after
- The officer that wrenched my wrist in the courtroom when I tried to take my wallet out (big + tall) took me into the jail + first thing he said was "You're in my home now". He immediately (muscular) tightened his grip + told me to stop resisting him + I stated repeatedly that I'm being [illegible] relaxed for him. I asked his name + he said "Officer Sheng". [illegible] to try to incite me to resist him in my own defense. It didn't!

6/11/12 – "Lori" was nurse. Both last night & this morning the nurse's office [illegible] [illegible]'s office failed on their assertion to have me be served food [illegible] the intake desk & be monitored for "area" [illegible]. At noon today they did so [illegible] & I reported back to nurse Lori that I did not eat & [illegible] not to at least [illegible] assure me no peanut products. I asked Officer Valentine to file a Crime Report w/ the Sheriff's Dept. as my ONLY alternative in law enforcement. He said it would not be done & that anything I submit would be forwarded elsewhere. I said that would be fine but that I wanted [illegible] copies of all documents submitted. He said it would be $10 for the 1st page + $1.00 per pg thereafter. While at the front desk at lunch I asked the officer if I could get a notary for [illegible] crime report statements & she said I could "if you have money in your account". I asked how much money I would need & she said she did not know. She suggested I fill out an "Inmate Request Form" & request a consultation w/ the notary. No telling when I would get word back she said.

– [illegible] called [illegible] [illegible] & he said pretrial hearing on Friday. He admitted that this latest occurrence ([illegible]) would be [illegible] but reiterated [illegible] that this case would not go into the basis [illegible] cases. He said this should serve me [illegible] about the power & discretion of judges – even by those that abuse their power. He said civil contempt is [illegible] [illegible] [illegible] & [illegible] (No [illegible]) – ★I will NOT subject myself to tyranny (See Old Testament story of man who refused to kneel to king as God

* Last night 6/10/12 I was compelled to surrender my thumb print in order to use the machine to purchase a phone card or transfer funds to phone credit,

6/12/12 Officer Hoerska gave me a $20 calling card that I purchased on Sunday night & when I tried it on Monday I could not get it to work. On Tuesday I took the problem to Officer Valentine and instead of clarifying the procedure he asked me for the card & walked away. After lunch I asked Valentine if I would get it back before my hour of break & he said no. He said he reported it as "not working" and gave it to supervisors. I ask for a receipt or something for his taking it (asked in front of lunch guys) and he said "no". "No time". I completed a "Captive Request Form" in request for $20 credit or working card; and [illegible]

Exhibit 7

AFFIDAVIT

State of Michigan)
) SS
County of Wayne)

"Indeed, no more than (affidavits) is necessary to make the prima facie case." United States v. Kis, 658 F.2nd, 526, 536 (7th Cir. 1981); Cert Denied, 50 U.S. L.W. 2169; S. Ct. March 22, 1982

Be It Known To All Parties of Interest that I, Ronald-Paul: Keller being of sound mind and competency and age of majority; the facts set forth herein are based upon first-hand personal knowledge and I am a competent witness to testify to same; the facts contained herein are true, correct, complete, certain, not misleading; this statement is made under penalty of perjury under the laws of Michigan, a Free and Independent State. Statements are made upon information, reason, or belief, I believe them to be true and correct to the best of my recollection.

On June 8, 2012, while witnessing a purportedly informal hearing at the 17th District Court in Redford Michigan, in which Judge Karen Kahlil was presiding:

At roughly 10:15 am, Judge Karen Kahlil screechingly ordered a defendant, **Brent Mohlman**, to step forward from where he was quietly seated in the court room gallery, and enter the jury box at the front of the court room, Kahlil ordered Mohlman, with rising volume and contempt, to sit down several times; he continued to stand. She then began screaming toward Mohlman in a bellicose manner "Sit down, sit down!"

Immediately prior to placing the foregoing demands, Kahlil spoke to an armed, uniformed man standing near her. Immediately, the man, in a very aggressive manner, lunged toward the dividing bar separating the court from the gallery, menacingly shouting, extending his arm, and angrily pointing his fore finger at David Schied who was quietly seated in the second row of the gallery. The large, imposing man was forcefully shouting and with hand on gun: "You, you, in the white and black shirt, stand up, stand up!" Schied, being hard of hearing, did not appear to notice what the man was saying, at first. After a short period of time Schied stood and then abruptly sat down again. This occurred at the same time that Kahlil was shouting at Mohlman to "sit down, sit down". Then, Kahlil turned her attention from Mohlman and began maniacally shrieking at Schied, ordering him to "stand up, stand up". Schied stood up. Kahlil threateningly demanded him to tell her his name. Schied did not appear to hear the question. Without saying anything further, Kahlil directed one of the armed, uniformed men to go to where Schied was standing in the gallery and place him into custody. Kahlil mentioned something about "contempt" and "30 days in jail". Immediately, two armed, uniformed men, each with a hand on his gun, swiftly converged on Schied; one of them roughly grabbing Schied's arms, forcing his hands behind his back and placing metal hand cuffs on his wrists. One of the armed, uniformed men then grabbed Schied's arm and pulled him from the court room through a door marked "lock up" and into an adjoining room. The door slammed shut. At about this time" Kahlil stated something to the effect of "There are Moors in here, get some back-up in here". Three additional large, intimidating, armed and uniformed men appeared in the court room. At about this time, needing to use the restroom, I quietly rose up from the seat in the second row of the gallery where I had been sitting, and proceeded to walk toward the rear entrance of the court room. Kahlli, in a renewed disruptive fit of terrorism, began shouting wildly: "Sir! You! Come back here. I continued to walk toward the rear door. Suddenly at least three surly, armed, uniformed men surrounded me. One of the men, a large burly hulk, menacingly stepped in front of my path, preventing me from further movement. A second burly hulk of a man roughly grabbed my right arm and forced me back to the seat I had left. Upon me being re-seated, Kahlil, in a furious outburst, ordered me to stand up, which being terrorized, I felt compelled to do. After witnessing what had happened to Mohlman and Schied, I was caught up with intense panic and fear for my

own safety. Kahlil then angrily ordered me to state my name. I answered: "under duress, my name is Ron Keller. Then, Kahlil demanded: "Are you with this group over here? Motioning toward several people to my right. I said, "What group are you talking about? Kahlil then shouted "These people over there, are they part of the Mohlman group too?" I said, I don't know what group they are with, maybe you should ask them" Kahlil then singled out a man to the far right and said "you, in the red shirt stand up. Are you here with Mohlman? He said yes. Kahlil then loudly and contemptuously demanded that he give her his name. The man was hesitant to reply. Kahlil ironically stated, in a very belligerent manner, something about giving him 30 days in jail for contempt. The man then reluctantly stated "Mike Liss". Kahlil disparagingly repeated the same intimidating demands to forcefully and threateningly extract the names of Anna Janek and David Lonier, who had been quietly visiting the court that day, to stand up and state their names. These two people complied with the menacing demands from Kahlil.

The purported "informal hearing" was soon terminated by Kahlil. Within a minute or two, the door marked "lock up" was opened and Schied appeared, being led by two armed, uniformed, hulking men. One of the men was roughly tugging Schied's arm and forcing him along an aisle leading past where I was seated, and toward the rear door of the court room. As he passed me, seated in the second row of the gallery, Schied stopped and spoke to me, saying: "Ron, can you please take my wallet for me?" Schied then, with difficulty, maneuvered his left handcuffed hand across his back, and clutched the wallet between thumb and forefinger. Immediately, one of the armed, uniformed men snarled "That is going with you", while violently snatching the left hand and pulling it away from the pocket. As this was happening, I observed the left pocket rip and heard a tearing/ripping sound. Schied was then quickly pulled up the aisle and out of the rear door.

Further affiant sayeth not.

I, the undersigned declare under penalty of perjury under the laws of Michigan, a Free and Independent State, that the foregoing is true and correct to the best of my knowledge and belief.

All Rights Reserved, UCC 1-207 & 3-402-b

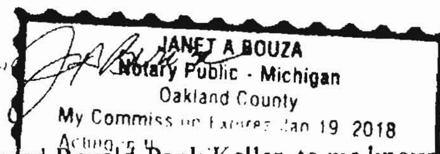
By: [signature]

Ronald-Paul: Keller, Authorized Signature
c/o General Delivery,
Birmingham Michigan

Date: JUNE THIRTEEN TWO THOUSAND TWELVE

ACKNOWLEDGEMENT

STATE OF MICHIGAN)
) ss
COUNTY OF Oakland)



On this 13 day of June, 2012, before me appeared Ronald-Paul: Keller, to me known to be the person described in and who executed the forgoing instrument.

[signature] NOTARY PUBLIC

January 19, 2018 MY COMMISSION EXPIRES

David Lonier
1842 Commonwealth
Auburn Hills, Michigan 48326
248-373-9111
davidlonier@gmail.com

Re: Witness to Redford Township v Brent Mohlman
Case No. 12A06969
17th District Court of Wayne County, Michigan
15111 Beech Daly Road
Redford, Michigan 48239

Affidavit

Be It Known To All Parties of Interest that I, David Lonier being of sound mind and competency and age of majority; the facts set forth herein are based upon first-hand personal knowledge and I am a competent witness to testify to same; the facts contained herein are true, correct, complete, certain, not misleading; this statement is made under penalty of perjury under the laws of Michigan, a Free and Independent State. Any statements made upon information, reason, or belief, I believe them to be true and correct to the best of my recollection.

On June 8, 2012, I was present at and witnessed an informal hearing concerning the above referenced case, in which Judge Karen Kahlil was presiding.

At about 10:15 am, Judge Kahlil called defendant Mohlman to step forward and go into the jury box, and he complied with her order without saying anything. She then ordered him to sit down several times and he continued to stand, in front of a microphone. She then screamed at the top of her lungs "Sit down!" This made no sense, as, in order to use the microphone he would've had to have remained standing, which he did. She made no further attempt to compel him to sit.

As that was going on, the judge must have said something to one of the bailiffs, because he went over to the partition separating the court from the observers and began pointing at a spectator, speaking loudly in a commanding voice, saying "You, you in the white and black shirt, stand up, stand up!" After a period of time (10 seconds?) the man stood and may have sat again, but eventually he stood and the judge asked him to tell her his name. I do not recall that the man said anything, whereupon the judge called for more security and several officers came into the courtroom and ordered the man step from his seat and into the aisle where they handcuffed him behind his back and escorted him into a room with a sign on the door which read "lock up". At some point, I don't remember exactly when, he was escorted from the "lock up" room out of the courtroom by at least three armed uniformed men.

The judge then commenced to intimidate 4 other spectators, of which I was one, by saying that "we could receive 30 days in jail for contempt of court" if we didn't stand

and disclose our personal identity to her. Out of fear of jail time, we complied. The experience was terrifying in that none of the observers had done anything to evoke such an outrageous show of aggression on the part of the judge and the bailiffs.

Neither the man who was arrested, nor the rest of us were doing anything that could have in any way been construed to have been disruptive to the proceedings of the hearing. The disruption was initiated by the judge and carried out by the bailiffs.

I, the undersigned, declare under penalty of perjury under the laws of Michigan, a Free and Independent State, that the foregoing is true and correct to the best of my recollection.

All Rights Reserved, UCC 1-207 & 3-402-b

David Lonier 6/13/12

By: David Lonier, Authorized Representative Date

ACKNOWLEDGEMENT

JAMIE L DUNN
NOTARY PUBLIC, Macomb County, MI
My Commission Expires 12/12/2016
Acting in the County of Oakland

STATE OF MICHIGAN)
) ss
COUNTY OF Oakland)

On this 13th day of June, 2012, before me appeared *Your Name Here,* to me known to be the person described in and who executed the forgoing instrument.

NOTARY PUBLIC 12/12/2016
MY COMMISSION EXPIRES

Michael J. Liss
18698 Wakenden st.
Redford, MI 48240
(313)-283-5290

Date: 06/10/2012

17th District Court of Wayne County, Michigan
15111 Beech Daly Road
Redford, Michigan 48239

Re: Redford Township v Brent Mohlman
Case No. 12A06969

Affidavit

Be It Known To All Parties of Interest that I, Michael J. Liss, being of sound mind and competency and age of majority; the facts set forth herein are based upon first-hand personal knowledge and I am a competent witness to testify to same; the facts contained herein are true, correct, complete, certain, not misleading; this statement is made under penalty of perjury under the laws of Michigan, a Free and Independent State. Any statements made upon information, reason, or belief, Affiant believes them to be true and correct.

On June 8, 2012, Affiant was present at and witnessed an informal hearing concerning the above referenced case, in which Judge Karen Kahlil was presiding.

Affaint was shocked and appalled at the Judge's behavior as she ordered the defendant to stand within the jury box and he seemed to question her order, without saying anything. Perhaps because of his hesitation, she most disrespectfully screamed at the top of her lungs "Get into the jury box!"...or words to that effect.

Next Affiant was shocked and appalled even further when she out of nowhere pointed and ordered a court observer to stand and disclose his name. After the court bailiff forcefully demanded he stand, he stood mute. The judge then announced to the uniformed police: "We have a group of Moors in the courtroom, we need back-up". Next 3 other officers in plain clothes without badges entered the courtroom with hands on guns as she ordered the observer arrested. He was handcuffed behind his back and forcefully removed from the courtroom.

To the best of my recollection, he was doing nothing that could have in any way been disruptive to the proceedings of the informal hearing.

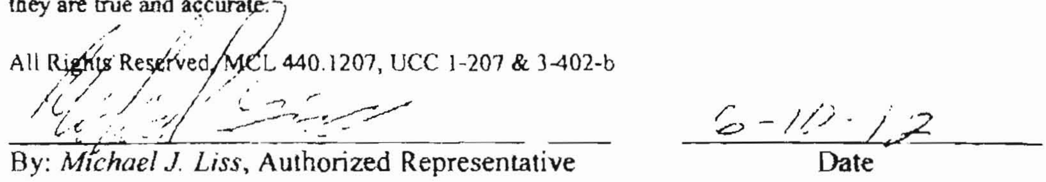
She then commenced to intimidate 4 other observers, of which I was one, with threat of up to 30 days in jail if they didn't stand and disclose their personal identity to her. The experience was terrifying in that none of the observers had done anything to evoke such an outrageous show of misconduct and disrespect on the part of a judge.

Failure, or refusal by this court, to provide a point for point rebuttal to the above allegations will constitute Respondent's default and dishonor. Failure to respond to any

one of the points will be deemed failure to respond to all points. Respondent will have stipulated to the facts herein as they operate in favor of the undersigned, due to Respondent's silence and estoppel is in effect.

The undersigned declares under penalty of perjury under the laws of Michigan, a free and independent State that the foregoing is true and correct.

I, Michael J. Liss, having personal knowledge of the above written facts, do hereby attest and affirm that they are true and accurate.



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6-10-12

By: *Michael J. Liss*, Authorized Representative — Date

ACKNOWLEDGEMENT

STATE OF MICHIGAN)
) ss
COUNTY OF ____________)

On this 10 day of June, 2012, before me appeared Michael J. Liss, to me known to be the person described in and who executed the forgoing instrument.

Nov 05, 2012

NOTARY PUBLIC — MY COMMISSION EXPIRES

TYRONE BEAN
NOTARY PUBLIC, Oakland County, MI
My Commission Expires Nov. 5, 2014
Acting out of Midland County

Anna Janek
4429 Crestdale West Bloomfield
Michigan 48323
248 363 2640

June 10,2012

17 th District Court of Wayne County, Michigan
15111 Beech Daly Road
Redford, Michigan 48239

Re: Redford Township v Brent Mohlman
Case No. 12A06969

Affidavit

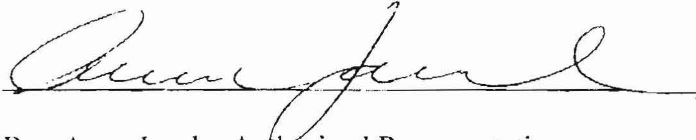
Be It Know To All Parties of Interest that I, Anna Janek, the facts set forth herein are based upon first-hand personal knowledge and I am a competent witness to testify to same; the facts contained herein are true, correct, complete, certain, not misleading: this statement is made under penalty of perjury under the laws of Michigan, a Free and Independent State. Any statements made upon information, reason, or belief, Affiant believes them to be true and correct.

On June 8,2012, I was present at and witnessed and informal hearing concerning the above referenced case, in which Judge Karen Kahlil was presiding.
The judge called the defendand Brent to stand, after few moments send him back to sit. After few minutes she ordered Brent to the jury box. The judge looked at us and said you in the second row, black and white shirt stand up!That person sitting next to me David Schied, David at the moment looking at his paper and it appeared to me, he did not hear the judge. I pocked him with my elbow and said she is ordering you to stand up, he stood and than sit down. The judge screemed at him stand up! so he did, what's your name!? David stood silent, did not said anything. The judge then announced to the uniformed police: "We have a group of Moors in the courtroom, we need back-up".
Next 3 other officers entered the courtroom with hands on guns as she ordered the observer arrested. He was handcuffed behind his back and forvefully removed from the courtroom to the lockup room.
To the best of my recollection, he was doing nothing that could have in any way been disruptive to the proceedings of the informal hearing.
Than she forced 4 other observers, of which I was one, with treat of up to 30 days in jail if we didn't stand and disclose our personal identity to her. The experience was terrifying in that none of the observers had done anything to evoke such an outrageous show of misconduct and disrespect on the part of a judge.

The undersigned declares under penalty of perjury under the law of Michigan, a free and independent State that the foregoing is true and correct.

I, Anna Janek, having personal knowledge of the above writen facts, do hereby attest and affirm that they are true and accurate.

All Rights Reserved, UCC 1-207 & 3-402-b

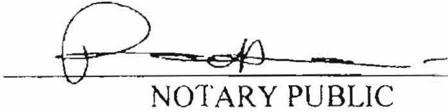


By: Anna Janek, Authorized Representative   Date

ACKNOWLEDGEMENT

STATE OF MICHIGAN)
) ss
COUNTY OF Oakland)

On this 13th day of June, 2012,before me appeared Anna Janek, to me know to be the person described in and who executed the forgoing instrument.



3-17-2017

NOTARY PUBLIC   MY COMMISION EXPIRES

PATRICK HAMAMA
Notary Public - Michigan
Oakland County
My Commission Expires Mar 17, 2017
Acting in the County of Oakland

Brent Mohlman
15456 Centralia Street
Redford, Michigan 48239
(248) 796-1225

June 8, 2012

17th District Court of Wayne County, Michigan
15111 Beech Daly Road
Redford, Michigan 48239

Re: Redford Township v Brent Mohlman
Case No. 12A06969

Affidavit

Be It Known To All Parties of Interest that I, Brent Mohlman, being of sound mind and competency and age of majority; the facts set forth herein are based upon first-hand personal knowledge and I am a competent witness to testify to same; the facts contained herein are true, correct, complete, certain, not misleading; this statement is made under penalty of perjury under the laws of Michigan, a Free and Independent State. Any statements made upon information, reason, or belief, Affiant believes them to be true and correct.

On June 8, 2012, Affiant was present at and witnessed an informal hearing concerning the above referenced case, in which Judge Karen Khalil was presiding.

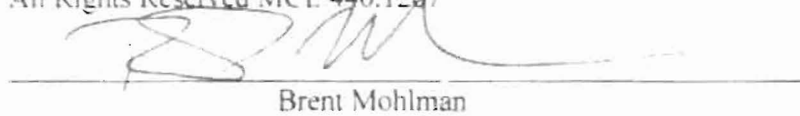
Court watchers
Mike Liss
Ron Keller
David Lonier
David Schied
Anna Janek

No problem on arrival. I actually held the door for Joe Kubera (the inspector that wrote the ticket) I checked in with the clerk and then we had a seat in the court room, Judge Khalil called up a few cases. In the middle of going though the case the inspector called my name. He was in a room on left side, I got up and walked into the room. David and Ron came with me. The inspector asked about Ron and David, I told him they are my witnesses. Inspector stated that I sent him a threatening letter. I asked who, he said you did. I said how was it threatening? He said that it stated the use of necessary force would be used, at the so discretion of the owners. I said that is correct you need a warrant to enter the property. He said are you going to pull a permit. I responded no. The inspector then stood up pointed his finger and told me to be very, very careful how I approach the judge. I said ok then we all left the room.
She called a few more cases. Tom Krause came into the court room and sat on my right side. He sat there for a few cases and he let me know he had a meeting to go to.

She called a couple more cases and then called me up. She asked me to state my name, told me my rights and then asked me if I understood. I stated that my name is Brent Mohlman and I am here today by special appearance and I am not waiving any rights remedies or defenses. Especially the defense that this court lacks inpersonam jurisdiction, as I was finishing what I was saying, she stopped and ordered me "STOP" go sit back down. I looked at her kind of puzzled. She started talking to the bailiff and another officer, a female was on a computer that looked as if a court recorder. She was quiet conversing with them after I sat down. She started calling other cases. After a few case I got up to use the bathroom. As I got up the bailiff came up to me and asked what I was doing. I said I am going to use the bathroom.
He told me that I couldn't leave the courtroom. Why can't I leave? Am I under arrest? He said you can't leave. I said that unless I am under arrest I can leave. He said come with me the judge started yelling telling me to sit down sit down sit down go sit over here. The bailiff told me I was being detained and he made me go sit in the jury box.
I took a seat she yelled at me get up and get in the other seat and she ordered me to stand up again. She said there is a microphone in the ceiling, speak in the microphone. State your name again. I did and repeated the same as before My name is Brent Mohlman and I am here today by special appearance and I am not waiving any rights remedies or defenses. Especially the defense that this court lacks inpersonam jurisdiction … The judge stopped me again and told me to state my name again. I did and repeated the same as above. She stopped me again and she pointed towards the court room I couldn't see exactly who she was pointing at due to the repeated distractions to her requesting me repeat my name over and over again. She started yelling "to someone to state their name! She yelled it a few times and kept saying state your name state your name! I then seen the bailiff move two to three feet away from David Schied, he had his hands to his sides. She was yelling at David Schied if you do not state your name you I'm going to lock you up for 30 days. David Schied stood there puzzled he remained mute. The spectators were absolutely terrified what was happening.
The judge continued yelling we got a group of moors in here and we need back up. Dave stayed mute as she ordered for him to be locked up. The bailiff grabbed Mr. Schied and while that was happening Ron Keller was exiting the court room, The judge was still yelling and Ron Keller turned around and the bailiff detained him as well and made him sit down.
She ordered Ron Keller to stand up and give her Mr. Schied's name she told him she was going to lock him up. He gave her his name. The judge then ordered him to give her his name he complied. The judge then asked if he was a part of a group a part of that group. He said what group? There is no group. She ordered anyone that is part of the Mohlman case stand up and disclose there name. All the court watcher that came to hear my case stood up. There was a spectator that also stood up he was sitting to the right of Ron Keller. The judge addressed him and what is your name he started talking about his own case. The judge ordered him to sit back down. She ordered David Lonier to give his name words were exchanged I do remember that he said "I will give you my name under fear of my life". She also ordered Mike Liss and threatened that she was going to lock them all up. She repeated the same thing to Anna Janek.
They didn't follow procedure the inspector started testifying on the ticket and the fence. He told the judge I was pulling cars into the yard, working on cars. I was remodeling the house. She asked me did I have anything to say. I said yes I would like to see his oath of office.

She said is there anything else you would like to say? I said yes I would like to see his oath. She said how do you plea? I said I can't plea I don't understand what is going on here. She said I am going put that you are denying responsibility and I'm going to find you guilty and fine you 150.00. I told her how can you plea for me? I don't understand. She said go see the clerk and pay the 150.00. I said I though this is America and we had rights. I guess don't. I guess we are all slaves to do whatever you say.

The undersigned declares under penalty of perjury under the laws of Michigan, a free and independent State that the foregoing is true and correct.
I, Brent Mohlman, having personal knowledge of the above written facts, do hereby attest and affirm that they are true and accurate.
All Rights Reserved MCL 440.1207



Brent Mohlman

ACKNOWLEDGEMENT

STATE OF MICHIGAN)
) ss
COUNTY OF WAYNE)

On this 17th day of ~~June~~ July, 2012, before me appeared *Brent Mohlman*, to me known to be the person described in and who executed the forgoing instrument.

NOTARY PUBLIC

3-24-13
MY COMMISSION EXPIRES

TONY PARTIN
Notary Public, State of Michigan, County of Wayne
My Commission Expires March 24, 2013
Acting in the County of WAYNE

Exhibit 8

MAIN CENTER FAMILY MEDICINE

422 N. Center St.
Northville, MI 48167
PH: 248-348-1131
FAX: 248-348-1170

12660 Ten Mile Rd.
South Lyon, MI 48178
PH: 248-348-1131
FAX: 248-587-1131

Marsha Billes, DO
Nathan J. Bloch, D.O.
Robert K. Brummeler, M.D.
Jason Postula-Stein, M. D.
Chris McGrew, P.A.-C.
Pamela Gumkowski, M.S. R.D.

June 13, 2012

RE: David Schied
DOB: 8/22/1957

Midland County Jail,

I am writing this letter to inform you that David Schied is allergic to **Peanut Butter.** He is a patient of mine and has been for several years. He is currently incarcerated in your facility.

If you have any questions, please call my office at 248-348-1131.

Sincerely,

Nathan Bloch, D.O.

Inmate Request Form

From: Name & Inmate Number	Location	Date
David Schied - [illegible]	Solitary Confinement	Sunday 6/10/12

Request:

- ☐ Court Date
- ☐ Holds
- ☐ Court Papers
- ☐ Rehab Staff
- ☐ Papers Notarize
- ☐ Outdate
- ☐ Property
- ☐ Mental Health
- ☐ Reclassification
- ☐ Bond
- ☐ Phones
- ☒ Other

Request Description: Not to be served any peanut products to eat

Friday 6/8 — On intake I notified the intake officer I had severe allergy to peanut products.

Sat. 6/9 — On consultation w/ "Nurse" I notified again that I am deathly allergic to all peanut products & I named them to include peanuts, peanut butter & peanut oil, etc.

Sun. 6/10 — Nevertheless on Sunday morning (6/10) I was served white bread and heaping scoops of peanut butter on the tray for breakfast. I have discussed this life threatening issue with both Officer Manary and "Nurse". I am now formally placing these events in writing and requesting that there be no further occasions of such gross negligence.

* I also request a new "Inmate Request Form" in replacement of this one.

Answer To Inmate:

NURSE IS AWARE.

Inmate Schied -
A peanut allergy has been noted, we are still waiting on verification from your doctor. You should not receive any trays w/ Peanut Butter

AJM [signature]

Pod Deputy: Name	Action Taken:	Date:
MANARY	TOT S/L WHYTE	6/10/12

Shift Leader: Name	Action Taken:	Date:
[signature]	Fwd	6-10-12

Jail Manager: / Assistant Jail Manager:	Action Taken	Date:
[signature]	Answer	6/13/12

Inmate received answer:

Inmate signature: **Date**

Captive ~~Inmate~~ Request Form

From: Name & ~~Inmate~~ Captive Number	Location	Date
David Schied 548643	F 201	Tuesday 6/12/12

RECEIVED JUN 13 2012

Request: ☐ Court Date ☐ Holds ☐ Court Papers ☐ Rehab Staff ☑ Papers Notarize — request for cost ONLY ☐ Outdate ☐ Property ☐ Mental Health ☐ Reclassification ☐ Bond ☐ Phones ☑ Other

Request Description: Request for working calling card or reimbursement
① Sunday evening Officer Hberska issued to me a $20 calling card after I signed a $20 receipt for debit from my account. He said to: a) Keep the calling card secure; b) to follow the instructions on the card. On Monday I attempted to follow the instructions on the card to make a call and was informed the PIN number on the card was "invalid." On Tuesday I presented the issue to Officer Valentine in case he knew a procedural flaw. He asked me to give him the card. I thought he was going to find out the procedure & bring the card back. He reported later that he gave the card to supervisors while reporting it as "not working". He said I would not get it back and would not get a receipt. This is only to request a "working" card or reimbursement of the $20.
② I wish to make a formal statement of "crime report" (unrelated to above) and want to know if the notary charges for signatures on crime reports to Sheriff's Department

Answer To Inmate:

① given to other department
We are checking for problems on the card and will get back to you.
② notary is $10.00 per notary signature

Pod Deputy: Name	Action Taken:	Date:
Valentine	Fwd to S.L.	6-12-12
Shift Leader: Name	Action Taken:	Date:
[signature]	Fwd	6-12-12
Jail Manager: Assistant Jail Manager:	Action Taken	Date:

Inmate received answer:

Inmate signature: ____________ Date ____________

ASM

~~Inmate~~ Captive Request Form

Billing

RECEIVED
JUN 15 2012
BY ___

From: Name & ~~Inmate~~ Captive Number	Location	Date
David Schied	F 201	6/14/12

Request:

- ☐ Court Date
- ☐ Holds
- ☐ Court Papers
- ☐ Rehab Staff
- ☐ Papers Notarize
- ☐ Outdate
- ☐ Property
- ☐ Mental Health
- ☐ Reclassification
- ☐ Bond
- ☐ Phones
- ☒ Other

Request Description:
(1) Request for the name of the Medical contract company of nurses & jail doctor*
(2) Request to talk with "billing department" of the Medical Contractors
(3) Request to talk with nurse on why stopped blood pressure monitoring + results of doctor discussion. Call fee

(1) I wish to have the NAME of the third party contractor for medical nurses and doctors that were monitoring my blood pressure for free and ordering info from my private physician.
(2) Nurse "Lori" said I need to speak w/ "billing department" of the medical contracting company to find out how billed services are handled after "inmate release" on indigent persons.
(3) Both "Nurse" (who refused to give name) and "Lori" specifically stated they intended to talk w/ the Dr. Natol about my blood pressure readings this past week. Last night (6/13) is when Lori gave me her assurance. I informed her that I wanted feedback on that discussion. My blood pressure monitoring was completely stopped after being monitored twice daily. I never got feedback and never got answers to a couple of questions I had asked the nurses.

Answer To Inmate:
We are monitoring your B/P still as ordered by the Dr. your B/P checks have NOT been stopped. You were in a visit when the nurse tried to call you down earlier today. I then checked it this evening. You will have your B/P checked Friday twice and then B/P checks will be done. After all the days of B/P checks that Dr. ordered are finished we will then talk to Dr. We do not address billing issues but I have forwarded this Inmate Request Form to our billing dept. [signature] (nurse)

#2 - you are Responsible for nurse's visits. All others will be billed to your County

Pod Deputy: Name	Action Taken:	Date:
[signature]	FWD TO NURSE	6-14-12
Shift Leader: Name	**Action Taken:**	**Date:**
Jail Manager: **Assistant Jail Manager:**	**Action Taken**	**Date:**

Inmate received answer:

Inmate signature: ______________ **Date** ______________

AJM

K(1)

1) No answer to Medical company name

2) No answer to how I get feedback about discussion between doctor & nurse [illegible] that discussion only takes place [illegible] the monitoring is stopped + I no longer see the nurse.

3) [illegible] ever privy to knowing when a doctor bills the county for services provided [illegible] be charging the county for his discussion of my blood pressure w/ the nurse + not me?

When handing this to me Deputy Heeruska stated that the billing department was handling it. — on Thursday, 6/14/12

6/ 2 – My blood pressure monitoring was not [illegible] at 6:30PM and I was not given reason why. I therefore wrote a "Captive kenneth [illegible]" today w/ 3 requests. 1) Request for the name of the medical contract company of nurses + "jail doctor"; 2) Request to talk w/ "billing dept" of the medical contractor; 3) Request to talk w/ nurse on why stopped blood pressure monitoring + results of doctor dissussion (all free). My request [illegible] "I wish to have the NAME of the third party contractor for medical nurses + doctors. 2) Nurse "Lori" said I need to speak w/ billing dept. of the medical contracting co. to find out how billed services are handled after "inmate release" on indigent persons; 3) Both "Nurse" (who refuse to give name) + "Lori" specifically stated they intended to talk w/ the Dr. Natoli about my blood pressure readings this past week. Last night (6/13) is when Lori gave me her assurance. I informed her that I wanted feedback on that discussion. My blood pressure monitoring was completely stopped after being monitored twice daily. I never got feedback + never got answers to a couple of questions I had asked the nurses."

(Unanswered questions: 1) Would (a) flabotomy (ies) work just as well blood thinning medication to lower blood pressure? 2) I want to know what is implied by the fluxuations in pressure w/ highs being when I first arrived (178/104 on Sat. 6/9) and Tuesday (182/111 on 6/12). 3) What is the recommended treatment. 4) Should I be on [illegible] or other type of diet.)

When "BJ" (Nurse) came to my cell for the blood pressure check at 6:30 PM, she told me I have a couple more days of checks (at minimum). (Night nurse is "Kathy")

☆ Daniel Ch. 3 – Shadrach, Meshach, + Abednego – refused to worship the golden image of Nebuchadnezzar (thrown into furnace + converted the King to believe)

– TRISH – Crime Report – include request for special [illegible] investigation of entire 17th District Court, police, + township and the Attorney General (previously informed Richard Cunningham) + Wayne County CofC + (State of MI) + Judicial Tenure Commission

– Get Victim video to Cornell ASAP – man in [illegible]

☆ – Get proof of hearing loss files

– Nolan – [illegible] the baggage + I'm trying to provide tools for getting rid of the baggage

6/15/12 – Administrative officer Doecker took me to "general population" – cell 203 – He is the one who was present with the nurse last Sat. evening when questioning me about the statements I added to the medical "contract" + agreed then that I was being reasonable (not wanting to "step on the toes" of the nurse). I asked him to tell me why I was sent to solitary confinement for this past week + he said it was because I was deemed by the 3rd party company nurse to be "uncooperative". I reminded him about his agreement w/ my reason + his bottom line was that the failure to sign the contract "as is" was construed as "irregular" + "uncooperative" so I was sent for a week of "observation".

~~Inmate~~ Captive Request Form

From: Name & ~~Inmate~~ Captive Number	Location	Date
David Schied - 548643	C203	Sunday 6/17/12

Request:

- ☐ Court Date
- ☐ Holds
- ☐ Court Papers
- ☐ Rehab Staff
- ☐ Papers Notarize
- ☐ Outdate
- ☐ Property
- ☐ Mental Health
- ☐ Reclassification
- ☐ Bond
- ☐ Phones
- ☒ Other

Request Description: Follow-up on yet unresolved "Request Form" submitted 6/12/12 in "Request for Working Calling Card or Reimbursement"

On 6/12/12 I submitted a report that I signed for a $20 receipt on a calling card & was told by Deputy Hoerska to "follow the instructions on the card". When I did, I was unsuccessful in getting the phone to recognize the PIN number on the calling card. When I reported it to Deputy Valentine he took the card & walked away. Later he said he took it to his supervisor (unnamed) & reported "it did not work". I followed with the 6/12/12 request for refund or working card. On 6/14/12, Deputy Hoerska handed me the written response stating "the billing dept. was handling it". The written response from the billing dept. said "We are checking for problems with the card and will get back to you". SO FAR NOBODY HAS RESOLVED THIS ISSUE & NOBODY HAS "Gotten Back to Me"

Answer To Inmate:

Deputy Lee said I should rewrite this — did not turn in but rewrote to include "Request Description" as cited above and in the narrative, under "Please credit my account the $20."

Pod Deputy: Name	Action Taken:	Date:
Shift Leader: Name	**Action Taken:**	**Date:**
Jail Manager: **Assistant Jail Manager:**	**Action Taken**	**Date:**

Inmate received answer:

Inmate signature: ____________ **Date** ____________

Deputy Lee suggested I just make it simple →

* I would prefer to just receive a $20 credit back to my commissary account. Please

6/17/12 - I completed a "Captive Request Form" + gave it to Deputy in "Follow-up on yet unresolved 'Request Form' submitted 6/12/12 in 'Request for Working Calling Card or Reimbursement'". I wrote "On 6/12/12 I submitted a report that I signed for a $20 receipt + a calling card + was told by Deputy Hoerska to 'follow the instructions on the card'. When I did, I was unsuccessful in getting the phone to recognize the PIN number on the calling card. When I reported it to Deputy Valentine he took the card + walked away. Later he said he took it to his supervisor (unnamed) + reported 'it did not work'. I followed with the 6/12/12 request for refund or working card. On 6/14/12, Deputy Hoerska handed me the written response stating 'the billing dept. was handling it'. The written response from the billing dept. said "We are checking for problems with the card and will get back to you". "SO FAR NOBODY HAS RESOLVED THIS ISSUE + NOBODY HAS 'GOTTEN BACK TO ME'"

- I sent a 2nd "Captive Request Form" by also ~~giving it to Deputy~~ in "Follow-up on yet unresolved "Request Form" submitted in 'Request for the name of the Medical contract Company of nurses + 'jail doctor'; + Request to talk w/ nurse on why stopped blood pressure monitoring + results of doctor discussion (all free)". I wrote, "On 6/14/12, I submitted a 'Request Form' asking 3 things related to FREE Medical monitoring + billing. ONLY ONE ITEM OF THE THREE WAS ANSWERED. I still don't have the results of the nurses' discussion with the doctor and the REASON why my blood pressure monitoring was either 'alarming' or 'stopped'. I also still do not have the 'NAME OF THE MEDICAL CONTRACT COMPANY of nurses + the 'jail doctor'".

6/18/12 (Monday) - Deputy Sheldon took me to nurse again to talk about my being "[illegible]" in giving blanket signing of contract. We came to mutual satisfaction in [illegible] paperwork as is. Sheldon did not know I had already gone through all this with administrative supervisor of Deputy Deriecher. Sheldon also said confidentially that he witnessed over the years of working for gov'nt, what he considered as "racketeering" + dishonesty in government.

6/19/12 (Tuesday) - I wrote an "~~Inmate~~ Captive Request Form" + turned it in to Deputy Watkins. I stated, "Request Description: Information. Please answer the following questions - 'Why am I being held in jail?'; 'What is the criminal charge?'; 'What act did I allegedly commit?'; 'Who was the harmed party?'; 'Who is my accuser?'

~~Inmate~~ Captive Request Form

From: Name & ~~Inmate~~ Captive Number	Location	Sunday Date
David Schied - 548643	C 203	6/17/12

Request:

- ☐ Court Date
- ☐ Holds
- ☐ Court Papers
- ☐ Rehab Staff
- ☐ Papers Notarize
- ☐ Outdate
- ☐ Property
- ☐ Mental Health
- ☐ Reclassification
- ☐ Bond
- ☐ Phones
- ☒ Other

Request Description: Follow-up on yet unresolved "Request Form" submitted 6/12/12 in "Request for Working Calling Card or Reimbursement"

Please just credit my account the $20.

Inmate Schied

Answer To Inmate: Phone Card is working!

ASM [signature]

Pod Deputy: Name	Action Taken:	Date:
Lee	Fwd to Billing	6-17-12
Shift Leader: Name	**Action Taken:**	**Date:**
[signature]	Fwd to Billing	6-17-12
Jail Manager: **Assistant Jail Manager:** [signature]	**Action Taken** Answer	**Date:** 6/23/12

Inmate received answer:

Inmate signature: ____________ **Date** ____________

Copy to Admin

~~Inmate~~ Captive Request Form

From: Name & ~~Inmate~~ Captive Number	Location	Date
David Schied - 548643	C 203	Sunday 6/17/12

RECEIVED
JUN 18 2012
By

Request:

- ☐ Court Date
- ☐ Holds
- ☐ Court Papers
- ☐ Rehab Staff
- ☐ Papers Notarize
- ☐ Outdate
- ☐ Property
- ☐ Mental Health
- ☐ Reclassification
- ☐ Bond
- ☐ Phones
- ☒ Other

Request Description: Follow-up on yet unresolved "Request Form" submitted 6/12/12 in "Request for Working Calling Card or Reimbursement"

Please just credit my account the $20.

Answer To Inmate:

Inmate Schied's Card did work. Dep. Pfund assisted him w/ making a call.

ADM Derocher

Pod Deputy: Name	Action Taken:	Date:
Lee	Fwd to Billing	6-17-12

Shift Leader: Name	Action Taken:	Date:
[signature]	Fwd to Billing	6-17-12

Jail Manager: / Assistant Jail Manager:	Action Taken	Date:
[signature]	Answer	6/23/12

Inmate received answer:

Inmate signature: ____________ **Date** ____________

~~Inmate~~ Captive Request Form

From: Name & ~~Inmate~~ Captive Number	Location	Date
David Schied - 548643	C 203	6/17/12

Request:

- ☐ Court Date
- ☐ Holds
- ☐ Court Papers
- ☐ Rehab Staff
- ☐ Papers Notarize
- ☐ Outdate
- ☐ Property
- ☐ Mental Health
- ☐ Reclassification
- ☐ Bond
- ☐ Phones
- ☒ Other

Request Description: Follow-up on yet unresolved "Request form" submitted 6/14/12 to "Request for the name of the Medical contract company of nurses + 'jail doctor', and Request to talk w/ nurse on why stopped blood pressure monitoring + results of doctor discussion (bill free)"

On 6/14/12, I submitted a "Request form" asking 3 things related to FREE Medical monitoring and billing. ONLY ONE ITEM OF THE THREE WAS ANSWERED. I still do not have the results of the nurses' discussion with the doctor and the REASON why my blood pressure monitoring was either "alarming" or "stopped". I also still do not have the "NAME of the MEDICAL CONTRACT COMPANY" of nurses + the 'jail doctor'.

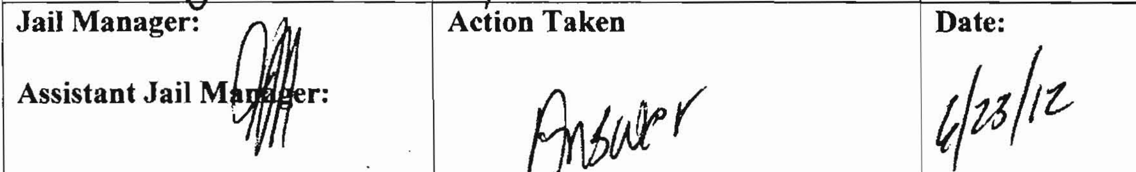
Answer To Inmate:

Inmate Schied's Phone Card is working properly, Dep Pfund assisted him with the proper use of that Card.

Please address one issue per Request!

ADM Derocher

Pod Deputy: Name	Action Taken:	Date:
Lee	Fwd to Admin	6-17-12
Shift Leader: Name	**Action Taken:**	**Date:**
[signature]	Fwd to AJM	6-17-12
Jail Manager: / Assistant Jail Manager:	**Action Taken**	**Date:**
[signature]	Answer	6/23/12



Inmate received answer:

6/18/12 - When I turned in "Request Form" to Dep. Watkins about why I'm in jail, the charge, etc. He said "the answer to 'what's the criminal charge?' is 'contempt'" and/or "criminal contempt".

[illegible]/12 - They served me peanut butter again for breakfast. I reported it and got a different breakfast later but with chiding lambasting [illegible] from Deputy Pfund on duty at the time. She still would not allow me to eat away from the 35-40 others in the room eating peanut butter so I had to wait until a table opened up. I was then [illegible] compelled to write a formal Complaint on another "Inmate Request Form". → "3rd Complaint of serving life threatening peanut products despite acknowledgement of doctor's written notice. * This morning I was served peanut butter in a breakfast tray and compelled to be eating in a room w/ 35+ others also being served peanut butter for breakfast. This follows 2 previous warnings by me and one written notice from my doctor that peanut products are life-threatening to my allergy. * Deputy Pfund suggested that I write w/a request for written permission to eat in the area of "couch" seating next time peanut butter is served to all others to minimize my exposure to particles of the product in the air around the tables."

⇒ I delivered the "Inmate Request Form" of above & tried AGAIN the telephone card + it still did not work. I explained this ongoing problem for the past 10 days w/ this card when I "followed the instructions on the card" (like Deputy Hornicka had told me to do) when the card itself didn't include proper instructions to correspond w/ the telephone prompts (for #1 be "collect" calls, #2 being "debit" calls, & #3 being "calling card" calls. I also explained that 2 nights before I submitted a "kite" (Inmate Request Form) to Deputy Lee making the same request for a "credit" to my account. Deputy Pfund took my card at the [illegible] room desk (10:15am) stating she would use my previously-submitted request for reimbursement to see if I can get a credit to my account instead. I gave her 2-3 hours to work on it & said that after that I'd either take the calling card back + submit a new Inmate Request Form if they failed to arrive at a conclusion about the previously (2nd) submitted one I gave to Dep. Lee. She agreed.

Inmate Request Form

From: Name & Inmate Number	Location	Date
David Schied - # 548643	C-203	6/20/12

Request:

- ☐ Court Date
- ☐ Holds
- ☐ Court Papers
- ☐ Rehab Staff
- ☐ Papers Notarize
- ☐ Outdate
- ☐ Property
- ☐ Mental Health
- ☐ Reclassification
- ☐ Bond
- ☐ Phones
- ☒ Other

Request Description: 3rd request for reimbursement on calling card that DOES NOT WORK despite my "following instructions"

1) 10 Days Ago (or so) Dep. Hoeiska "sold" me a phone card for $20 + told me to simply follow the instructions on the back of the card". These instructions DO NOTHING MORE THAN to state to type in "the following PIN number at the prompt".
2) The phone has 2 series of prompts: a) For English press #1; b) The second prompt says: "For collect calls press #1; for "debit" calls press #2; for "calling card" press #4. THE CALLING CARD DOES NOT INSTRUCT FOR THESE PROMPTS; therefore I USE COMMON SENSE + select #4 (calling card).
3) The next prompt is for a PIN#. Following Hoeiska's instruction to follow the written instructions on the card, I type in the PIN given on the card.
4) The phone recording says it is "not a valid PIN number."

* THIS IS A RECURRING PROBLEM – Please simply need a reimbursement *

Answer To Inmate:

instructions per AJM on how to use card dial 1 for english – then 4 – enter pin – which is [redacted] – then dial number you intend to call – then enter card pin# on back of card.

Pod Deputy: Name	Action Taken:	Date:
Pound	Called and Answered by AJM	6/20/12
Shift Leader: Name	**Action Taken:**	**Date:**
Jail Manager: **Assistant Jail Manager:**	**Action Taken**	**Date:**

Inmate received answer:

6/20/12 - I wrote a 3rd "Inmate Request form" - by request of Dep. Pfund who said she just talked w/ "Billing" + they wanted a "Kite" to accompany the calling card when turned over to them today. The "Inmate Req. form" stated as follows, "3rd Request for reimbursement on calling card that DOES NOT WORK despite my "following instructions". 1) [illegible] Days Ago (or so) Dep. Hociska "sold" me a phone card for $20 + told me to simply 'follow the instructions on the back of the card'. These instructions DO NOTHING MORE THAN to state to type in the 'following PIN number at the prompt'. 2) the phone has 2 series of prompts: a) For English press #1; b) the second prompt says: 'For collect calls press #1; for 'debit' calls press #2; for 'calling card' press #4. THE CALLING CARD DOES NOT INSTRUCT FOR THESE PROMPTS; therefore - USE COMMON SENSE + select #4 (calling card). 3) The next prompt is for a PIN #. Following Hociska's instruction to follow the written instructions on the card I type in the PIN given on the card. 4) The phone recording says it is 'not a valid PIN number'. ★ THIS IS A RECURRING PROBLEM - Please simply credit a reimbursement. ★

- I got handed back the same "Kite" after lunch by Dep. Pfund who said she spoke w/ administrator. Dep. Deroacher who said at first PIN prompt I should type in my PIN #, then dial the # then punch in the calling card PIN #. Dep. Pfund accompanied me to the phone later in the day + this method worked. She could not answer however, my question about what happens when I get down to less than $3.50 credit as a result of being cut off on preceeding phone calls (timed for maximum lenth of around 15 minutes) and new phone calls take $3.50 min. for the first one minute. In fact she did not appear either to know anything about maximum times on the phone w/ involuntary disconnects leaving unused credits on the card — or how to continue phone calls on "telephone credits" when disconnected on limited calling cards (ie, when the card runs out prematurely) and when the continuation of the call may or may not start out again w/ a $3.50 cost for the 1st (continued) minute.

Inmate Request Form

From: Name & Inmate Number	Location	Date
David Schied - # 548643	C-203	6/20/12

Request:

- ☐ Court Date
- ☐ Holds
- ☐ Court Papers
- ☐ Rehab Staff
- ☐ Papers Notarize
- ☐ Outdate
- ☐ Property
- ☐ Mental Health
- ☐ Reclassification
- ☐ Bond
- ☐ Phones
- ☒ Other

Request Description: 3rd request for reimbursement on calling card that DOES NOT WORK despite my "following instructions"

1) 10 Days Ago (or so) Dep. Hoeiska "sold" me a phone card for $20 + told me to simply "follow the instructions on the back of the card". These instructions DO NOTHING MORE THAN to state to type in "the following PIN number at the prompt".
2) The phone has 2 series of prompts: a) For English press #1; b) The second prompt says: "For collect calls press #1; for "debit" calls press #2; for "calling card" press #4. THE CALLING CARD DOES NOT INSTRUCT FOR THESE PROMPTS; therefore I USE COMMON SENSE + select #4 (calling card).
3) The next prompt is for a PIN#. Following Hoeiska's instruction to follow the written instructions on the card, I type in the PIN given on the card.
4) The phone recording says it is "not a valid PIN number."

* THIS IS A RECURRING PROBLEM – Please simply need a reimbursement *

Answer To Inmate:

instructions per AJM on how to use card
dial 1 for english – then 4 – enter pin – which is [redacted] – then dial number you intend to call – then enter card pin# on back of card.

Pod Deputy: Name	Action Taken:	Date:
Pound	Called and Answered by AJM	6/20/12
Shift Leader: Name	**Action Taken:**	**Date:**
Jail Manager: **Assistant Jail Manager:**	**Action Taken**	**Date:**

Inmate received answer:

6/22/12 — I wrote another "Captive Request Form" in "Request for ANSWERS to 5 previously submitted but unanswered 'Inmate Request Forms' (IRF)." I wrote:

(6/17/12) Unanswered IRF #1 = 2nd Request for name of 3rd party contractor providing medical services and nursing; + 2nd Request for results of the nurse and doctor discussions about my blood pressure. (See "nurse Lori")

(6/17/12) Unanswered IRF #2 = 2nd Request for reimbursement on calling card that did not work.

(6/21/12) Unanswered IRF #3 = 3rd Complaint of serving me life-threatening peanut butter and Request for permission to eat in the "couch" area of the POD C at times when peanut butter is served to all other inmates."

Submitted to Deputy King 2:15PM

6/22/12 — I wrote another IRF: "Request for Reimbursement Credit of $3.00 on purchase of calling card due to "lockdown" for 3 minute maintenance visit." — "This morning at approx. 10:00am I attempted to use the remaining minutes of my pre-paid calling card for a call. I made contact w/my party at a cost of $3.50 for the first minute. I talked no more than 4-5 minutes and was ordered by Dep. King to hang up because he was "locking down". I complied and found the reason for the lockdown was for maintenance to wheel in his tools. He spent no more than 3 minutes with the Foosball table in the rec room. This cost to me was neither an emergency nor anything of my doing. It was the "call" of the Sheriff's department to order me to lose $3.00 on 1 minute's worth of calling. I want a refund of that amount credited to my commissary account. (Submitted to Dep. Lee)

6/23/12 Call - Conne "needs a letter (sent to Trish) authorizing him to file writs, Complaint, etc. on my behalf in Fed. Ct. In letter, give Trish authority to act on my behalf also.

6/23/12 Filed "Ride Info for Inmates Housed In" form naming Dave Lonser + Trish Krause as ride + stating my release as 7/2/12 at "05:00(AM)" The form was supposed to be "returned to KRIS". I turned it in to Watkins.

— Dep. Watkins returned 3 "kites" — 2 were copies of the same kite with 2 differing answers on them + w/ one having writing saying it was a copy for admin. The third was completely regarding Medical and the answer HAD NOTHING TO DO WITH MEDICAL. The answer pertained to the calling card instead. I took it to Watkins + he told me that I need to learn how to follow the rules. He said when I submit multiple items on 1 "kite" it goes to multiple departments. I asked him if any of the 3 signatures at the bottom of the "kite" were from the medical department + he answered "no" + did not have ANY answer for why the answer to my medical questions pertained to the calling card. I noted that ALL 3 signatures were written on all 3 kites as if "rubber-stamped" w/out reading them. Also, 2 signatures were dated 6/17/12 (same day as my submission) but with a stamp at the top showing "Received" on 6/18/12. (The copy was not stamped "received" + neither was the kite w/ medical questions ever stamped at all as "Received" — Q: What is the criteria for stamping as "Received" + at what point in the process is this stamp used?)

Date: 6/25/12

Midland County Jail Grievance Form

Appeal_____ Step 1 _____ Step 2 _____ Step 3 _____

Describe the nature of your complaint: Incompetence + gross negligence in 'answering' my "kite"

On 6/17/12 I wrote a "Kite": "Follow-up on yet unanswered 'Request Form' submitted 6/14/12 in 'Request for the name of the Medical contract company of nurses + 'jail doctor'; and request to talk w/ nurse on why stopped blood pressure monitoring + results of doctor discussion (all free)"

The body of my "Kite" A WEEK AGO all pertained to the documented "history" behind my inquiry/request and HAD NOTHING TO DO WITH MY 'PHONE CARD'. Deputy Lee forwarded this 'Kite' to her shift leader after signing, and the shift leader forwarded the 'Kite' to the administrative jail manager — the "top dog" — Derocher.

Derocher's Response (on 6/23/12): "Inmate Schied's phone card is working properly. Dep. Pfund assisted him with the proper use of the card. Please address one issue per request."

Complaint: This "Kite" was a follow-up to previous refusal to answer simple question. This "Kite" went through 3 levels of "due process" with documented gross negligence in someth. as simple as proofreading one's own performance. I want an answer to such incompetence and denial of due process.

Inmate Signature: David Schied (all rights reserved)

Print Name: David Schied

If responding after 7/1/12 Send to: P.O. Box 137 Novi, Michigan [48376]

Received by Deputy ________________ Date and Time ____________

Returned by Deputy ________________ Date and Time ____________

Response to Step 1____, Step 2____, Step 3____

Shift Leader Signature ____________________ Date and Time ____________

Jail Management Signature ____________________ Date and Time ____________

~~Inmate~~ Captive Request Form

From: Name & ~~Inmate~~ Captive Number	Location	Date
David Schied	C-203	6/20/12

Request:

- ☐ Court Date
- ☐ Holds
- ☐ Court Papers
- ☐ Rehab Staff
- ☐ Papers Notarize
- ☐ Outdate
- ☐ Property
- ☐ Mental Health
- ☐ Reclassification
- ☐ Bond
- ☐ Phones
- ☒ Other

Request Description: 3rd Complaint of serving life-threatening peanut products despite acknowledgment of doctor's written notice

* This morning I was served peanut butter in a breakfast tray and compelled to be eating in a room with 35+ others also being served peanut butter for breakfast. This follows 2 previous warnings by me and one written notice from my doctor that peanut products are life-threatening to my allergy.

* Deputy Pfund suggested that I write with a request for written permission to eat in the area of "couch" seating next time peanut butter is served to all others to minimize my exposure to particles of the product in the air around the tables.

Answer To Inmate:

Inmate Schied was traded trays when a non-peanut tray was given to me

While in F pod you will not have any exposure to peanut products

Pod Deputy: Name	Action Taken:	Date:
Pfund	FWD	
Shift Leader: Name	**Action Taken:**	**Date:**
Jail Manager: [signature] **Assistant Jail Manager:**	**Action Taken** answered	**Date:** 6/26/12

Inmate received answer:

Inmate signature: ____________ **Date** ____________

Captive

~~Inmate~~ Request Form

From: Name & ~~Inmate~~ Captive Number	Location	Date
David Schied - 548643	C-203	6/22/12

Request:

- ☐ Court Date
- ☐ Holds
- ☐ Court Papers
- ☐ Rehab Staff
- ☐ Papers Notarize
- ☐ Outdate
- ☐ Property
- ☐ Mental Health
- ☐ Reclassification
- ☐ Bond
- ☐ Phones
- ☒ Other

Request Description: Request for ANSWERS to 3 previously submitted but unanswered "Inmate Request Forms" (IRF)

(6/17/12) Unanswered IRF #1 = 2nd Request for name of 3rd party contractor providing medical services and nursing; and 2nd Request for results of the nurse and doctor discussions about my blood pressure (See "nurse Lori")

(6/17/12) Unanswered IRF #2 = 2nd Request for reimbursement on calling card that did not work.

(6/21/12) Unanswered IRF #3 = 3rd Complaint of serving me life-threatening peanut butter and Request for permission to eat in the "couch" area of Pod C at times when peanut butter is served to all other inmates.

Answer To Inmate:

Regarding #1 Send request to medical staff

" #2 The card works if you need assistance on how to use it, ask a correctional deputy

" #3 I answered your request and you will receive it.

Pod Deputy: Name	Action Taken:	Date:
[signature]	forwarded	6/22/12
Shift Leader: Name	**Action Taken:**	**Date:**
Jail Manager: [signature] **Assistant Jail Manager:**	**Action Taken:** answered	**Date:** 6/26/12

Inmate received answer:

Inmate signature: ____________ **Date** ____________

~~Inmate~~ Captive Request Form

From: Name & ~~Inmate~~ Captive Number	Location	Date
David Schied - 548643	C-203	6/22/12

Request:

- ☐ Court Date
- ☐ Holds
- ☐ Court Papers
- ☐ Rehab Staff
- ☐ Papers Notarize
- ☐ Outdate
- ☐ Property
- ☐ Mental Health
- ☐ Reclassification
- ☐ Bond
- ☒ Phones
- ☐ Other

Request Description: Request for Reimbursement Credit of $3.00 on purchase of calling card due to "lockdown" for 3 minute maintenance visit

This morning at approx. 10:00am I attempted to use the remaining minutes of my pre-paid calling card for a call. I made contact with my party at a cost of $3.50 for the first minute. I talked no more than 4-5 minutes and was ordered by Dep. King to hang up because it was "locking down". I complied and found the reason for the lockdown was for maintenance to wheel in his tools. He spent no more than 3 minutes with the foosball table in the rec room. This cost to me was neither an emergency nor anything of my doing. It was the "call" of the sheriff's department to order me to lose $3.00 on 1 minute's worth of calling. I want a refund of that amount credited to my commissary account.

Answer To Inmate:

When a lock down is ordered, everyone locks down for what ever reason is need for safety and security of the facility

you will not be refunded the $3.00

Pod Deputy: Name	Action Taken:	Date:
Lee	Fwd to ~~Billing/Admin~~	6-22-12
Shift Leader: Name	**Action Taken:**	**Date:**
[signature]	Fwd to admin (asm)	6-22-12
Jail Manager: [signature] **Assistant Jail Manager:**	**Action Taken** Answered	**Date:** 6/28/12

Inmate received answer:

Inmate signature: ____________ **Date** ____________

Deputy Sheldon present + witnessed

6/25/12 — I was brought to solitary confinement at 2:30pm after [illegible] to me my crime report + court documents with 2 grievance forms. Shift Leader Close said he would arrange for me to get out this evening to make a phone call but night shift refused. I was forced to eat in a dirty cell from another's living before night shift brought me new liner, jumpsuit and towel + cleaned the room (except for the inside of the toilet bowl). Close also confirmed the charge of "criminal contempt".

6/23/12 + 6/24/12 — Both days peanut butter was served [illegible] + both days I was told I needed to eat at the tables w/ everyone else. Both days I was told that the "record" shows that the nurses relate the allergy to "touch + taste" and not airborn particles. The first day I chose not to eat but sit apart from everyone until an empty table opened + most has finished eating, then ate. The second day I confronted Dep. Horuska about this recurring problem + he called the nurse who he named as "Sarah" stating she had told him it was "medically impossible" for me to be allergic to air borne particles of peanut butter. He said if I had a problem w/ that I needed to have my doctor provide another note stating so. Both the deputies (both days) said I needed to write a "Kite" request if I wanted to eat breakfast in the forbidden-to-eat "couch" area on the days all others were served peanut butter. (These days I was served a special tray however).

6/26/12 — Around 4:00am it smelled a little like carbon monoxide was being pumped into my cell from the air vent. My imagination?

6/28/12 — I informed the 4th nurse (dark hair always dressed in blue w/ glasses) that I was told after 3 "Kites" that I must ask the nurses for the name of the 3rd party contracting medical company they work for. I said that I don't want to submit a medical "Kite" to have that question answered because it would cost me $15.00. She agreed that the "Kite" would be a charge of $15.00. I stated that I would like her to answer me the simple question in person of who she worked for and she stated her refusal to reveal the name of her employer. She stated the alternative to write a Medical "Kite".

6/28/12 — Evening — I asked Dep. McGuire for a Grievance + She said she would provide but did not. Upon reminder she [illegible] again. She brought it back w/ contempt as I stood up [illegible]

6/29/12 — [illegible] I ask Dep. O'Kief for Medical "Kite". He said over course of 3½ hours that he twice asked the nurses for one + "they didn't have any". His bottom line suggestion was for me to "ask the nurse next time she comes." I said the nurse usually does not talk w/ "anyone" + that I could not talk through a closed door [illegible]. He said to [illegible] the [illegible].

Schied
6/13-12

MIDLAND COUNTY
INMATE MEDICAL FORM

Submitted for FREE follow-up to blood-pressure concerns

SICK CALL ________ DATE 6/29/12

and FREE consultation of nurses and the "jail Doctor" Natoli

CELL/POD F-101

and name of 3rd party company

Describe your request (Be specific):

This "Kite" is being sent as the ONLY alternative in the aftermath of my having sent four (4) previous requests for the following information:

1) Name of the 3rd party contractor providing medical services, nurses + the jail doctor;

2) Results of the nurses + doctor discussion regarding the reason for "monitoring" by concern about my blood pressure and the MEDICAL basis for stopping monitoring

* This written request follows the denial of this info by the nursing staff on 6/28/12 AFTER receipt of a directive from the "jail manager" on 6/22/12 that I "send (this) request to medical staff"!

Inmate Signature: Captive's Autograph David Schied (all rights reserved) Print Name: David Schied

Received by Nurse: ________ Date / Time: ________

Response to Inmate Request:

Date / Time: ________ Nurse: ________

Four (4) previous "Request Forms" previously submitted with no resolve.

Midland County Jail Grievance Form

Appeal_____ (circled) **Step 1** _____ **Step 2** _____ **Step 3** _____

Describe the nature of your complaint: ① Refusal of the "Jail" to provide the name of 3rd party medical contractors ② Evidence of HIPPA violation by 3rd party medical contractors and/or Sheriff

① After four (4) written requests for the... a) name of the 3rd party contractor providing medical services, nurses, + jail doctor, and b) the results of the nurses + doctors discussion(s) regarding the reason for "monitoring" by concern about my blood pressure + the MEDICAL basis for stopping monitoring... the "jail manager" wrote back on 6/22/12 that I send the request directly to the medical staff. That notice was received on 6/26/12. In response, I politely asked the nurse on 6/28/12 for the name of her employer as the 3rd party company providing services to the inmates. She refused and said I should fill out a "medical Kite" despite my objection that each one costs $15.00 charge. Nevertheless, when I asked Dep. O'Kief multiple times on 6/29/12 for a medical Kite, he reported that "the nurse is out of them". This constitutes a gross denial of due process "under color" of negligence, procedure, rules, etc.

② I recently received a copy of my doctor's letter addressed to "Midland County Jail" w/ notice of my peanut allergy. The letter presents evidence that the 3rd party nurses "misrepresented" themselves as under the employ of the Midland County Sheriff when requesting medical information w/ my authorization. I protest in belief that this violated my HIPPA rights.

~~Inmate Signature~~ Captive Autograph [signature] (all rights reserved)

Print Name: David Schied

Received by Deputy: O'Kief

Date and Time: (Friday) 6/29/12 10:50am

Returned by Deputy ____________

Date and Time ____________

Response to Step 1____, Step 2____, Step 3____

Shift Leader Signature ____________ Date and Time ____________

Jail Management Signature ____________ Date and Time ____________

Exhibit 9

Inmate Release Sheet

Report Date: 06/15/2012 09:01

Inmate Name
SCHIED, DAVID EUGENE - 08/22/1957 Person ID: 548643

Booking #
73800

Physical Description
Hgt: 507, Wgt: 170, Average, Blue Eyes, Partly Gray Hair, Short Hair, None, Light Skin

Arresting Agency	Arrest Type	Arrest Date/Time
Midland County Jail	New Charge	06/08/2012 18:54

Arrest Charges

Category		Charge Description
U	X	HOUSE FOR ANOTHER JURISDICTION

Warrant Charges

Sentence Charges

Case Number: STATE0013733

Status	Count	Charge Description
Original	1	HOUSE FOR ANOTHER JURISDICTION

Bond Information

Case Number : STATE0013733

Bond Type : Sentenced - No Bond   Bond Amount : $ .00

Payment Amount :   Payment Type :   Date :

Total: $

Type of Release :

Release Comment :

Arrest Cases

Release Information

Case Number: STATE0013733   County: Midland

Sentence Information: Sentence: Straight Time - Start: 06/08/2012 - End: 07/02/2012, 30 Days

Payment Amnt: Payment Type: Date:

Sentence Release Type: Sentence Release Date/Time:

Sentence Release Comment:

Final Release Date/Time :   Release Officer :

~~Captive~~ Inmate ~~Captive~~

~~Inmate~~ Captive Inmate Request Form

From: Name & ~~Inmate~~ Number	Location	Date
David Schied - 548643	C-203	6/19/12

Request:

- ☐ Court Date
- ☐ Holds
- ☐ Court Papers
- ☐ Rehab Staff
- ☐ Papers Notarize
- ☐ Outdate
- ☐ Property
- ☐ Mental Health
- ☒ Reclassification + release
- ☐ Bond
- ☐ Phones
- ☒ Other

Request Description: Information: Please answer the following questions

Why am I being held in jail? YOU ARE SENTENCED TO 30 Days No Bond

What is the criminal charge? Contempt of Court

What act did I allegedly commit? CONTEMPT - WRITE PROSECUTOR FOR REPORT or Details

Who is the harmed party? Clinton County Court

Who is my accuser? Clinton County Court

Answer To Inmate:

Pod Deputy: Name	Action Taken:	Date:
[signature] 4966	Answered ~~Forward to SL~~	6-19-12
Shift Leader: Name	**Action Taken:**	**Date:**
Jail Manager: **Assistant Jail Manager:**	**Action Taken**	**Date:**

Inmate received answer:

Answered by Deputy Watkins — Midland County Sheriff's Dept. A (cvr)

Right after receiving this, Deputy Watkins wrote out the name, address & phone # for the Clinton County prosecutor. He said he was doing that as an afterthought favor because he'd thought I might want to challenge this. (I think he had his head in his ass when writing "Clinton County" on the reverse side ... but you never know the fraud that

He stated with certainty that the info he provided me on the rea reverse side was obtained from "[my] file" and that with certainty the "plea" was marked "Guilty". He insisted that a prosecutor must have been involved in this criminal offense and that the prosecutor should have my whole file. I informed him that I've never been in Clinton County my whole life ~~and that~~ it was Wayne County. He said, "oh yeah, Wayne County" and never made a retraction of the reverse side (of this paper) information. He then gave me Kym Worthy's info (who I stated I have named as a criminal in Wayne County, in a case that has been stuck in the C of A for over a year), telling me she should have a copy of everything because she was the prosecutor. He then talked about a "pay or stay" condition that is often providing choice to people that acts like a bond but in my case there was neither bond nor "pay or stay" conditions meaning I must serve the full 30 days. I told him all was a fraud based on retaliation & he said that is between me, the judge, & the prosecutor. He then reiterated 3 times that the records show I plead guilty to the criminal charge of contempt. (He kept acting like this was all a result of due process.) TRISH read the above

David Schied — #548643
Midland County Jail
105 Fast Ice Dr.
Midland, MI 48642

"Letter and Affidavit"
by David Schied

①

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK

2012 JUN 28 P 1:13

Saturday 6/23/12

To Whom It May Concern,

By this letter, I hereby formalize public notice that I am being unlawfully held captive in the Midland County Jail by felony "fraud" and "deprivation of rights" and "obstruction of justice" and "interference with court proceedings" — including Grand Jury proceedings — committed against me and against the People of Michigan and the People of the United States by Karen Khalil, who is impersonating a "judicial officer" and "judge" for the 17th District Court in Redford Township, of Wayne County, Michigan.

Since my Kidnapping on 6/8/12 numerous events have unfolded:

1) I formalized a "crime report" and "sworn affidavit" of testimony and "complaint" naming the criminal(s), naming the crimes, and describing the motivation and the circumstances under which I was subjected to numerous crimes. By definition of both State and Federal laws and court rules, my written complaint constitutes an INDICTMENT, giving ANY judge "just cause" to believe (a) crime(s) have been committed. Under such laws, the judge in possession of such information has the DUTY to take such action to issue warrant(s) for the immediate arrest of the perpetrators (i.e., "the accused") and to initiate investigative proceedings.

2) My formalized crime report has been used in conjunction with the written testimonies — set into affidavits — of numerous eyewitnesses to crime(s) committed against me by Karen Khalil, acting outside her jurisdiction and with criminal intent, to subject me to "deprivation of rights" and "peonage"; so to inform

numerous judges — acting in positions of judicial authority in Midland County and Wayne County, Michigan, and in the Eastern District of Michigan's United States District Court. It has come to my attention that two (2) attempts in Midland County and one (1) attempt in Wayne County circuit courts — to file a "Writ of Habeas Corpus" with a "Motion for Show Cause Order" and an "Appeal" of a first "denial" of my immediate release — were all DENIED. Similarly, by information and belief, a "Writ of Habeas Corpus" and "Demand for Emergency Appeal" were both DENIED by the U.S. District Court in Detroit, despite the presentation of my crime report and the other Affidavits as "eyewitness" testimony to the crimes against me.

3) I solicited a formal "request for information" from the Midland County Sheriff's Department holding me captive to find out the following: a) that I am being held in jail on a "conviction" for "criminal contempt"; b) that the "record" — to which I am neither allowed access or a copy — shows a "plea" of "guilt" when I otherwise was never arraigned or offered a plea; c) that the "harmed party" was "Clinton County" and "the accuser" is "Clinton County" when I have NEVER even been to Clinton County in my life; and ~~that the~~ d) that the prosecutor Kym Worthy is somehow connected to or in charge of all this paperwork in Wayne County.

* Note: I currently have a civil case in the Michigan Court of Appeals naming Kym Worthy and numerous of her staff as co-defendants in a case of Racketeering and Corruption — which has been STALLED for over a year despite my pending

"Demand for Criminal Grand Jury Investigation" of Wayne County government corruption involving felony crimes of "cover-up" by Worthy and her staff of lower level ("predicate") crimes being committed against me for years by the Northville Public Schools' administration, as well as against my child stemming as far back as 2004.

4) Since my arrival to the Midland County Jail, I have been issued three (3) threats against my life directly by the staff of the Midland County Sheriff. Upon arrival to this facility against my will — in shackles and chains on my hands and feet — I notified both the "intake deputies" and the "3rd party contracting nurses" that I am deathly allergic to all peanut products. Nevertheless, they served me peanut butter on white bread — not once but ~~twice more~~ — despite my following up with a formal written complaint after the first time and even getting my medical physician (private) to send a letter to that effect ~~This~~ after the second time. This made three (3) times the staff and medical contractors demonstrated gross negligence and dereliction of duty by serving me with peanut butter after these numerous formal warnings.

In urgency of the above-related conditions under which I have been subjected against my will, I hereby authorize Cornell Squires to file documents, "pleadings," "motions," "writs," and all other legal process on my behalf — without need for attorney. He is also authorized to file such

documents that reinforce and support my claim herein to be entitled to "Waiver of All Fees and Costs" as I am an indigent person without financial resources or a job. I therefore qualify as a "forma pauperis" litigant as I have NO ABILITY TO PAY. This includes no ability to even pay the $10.00 required by the Midland County Sheriff's Department in order to have this instant "Letter and Affidavit" notarized.

By my signature below, I also authorize Trish Kraus to execute all power of attorney on my behalf in order for her to take proper care of any other court filings—such as Appeals she may file in Midland County Circuit Court or the Michigan Court of Appeals or Supreme Court. She is also authorized to act as needed to care for my dependent child in my absence.

This "Letter and Affidavit" is deemed valid until I am released from the Midland County Jail or until one month expires from the date of my signature below, whichever is longer.

By the above, I hereby state that I am a born-American without any sort of criminal history other than the fraudulent criminal history unlawfully generated by Michigan government officials. Citing 18 USC Section 3332, I demand access to a Special Grand Jury. I am willing to support the statements above with sworn testimony in any lawful court, state or federal.

Date: 6/23/12 ← Affiant → x [signature] (all rights reserved)

Date: 6/23/12 ← Witness signature → x Clyde J. West

printed name of witness: Clyde J. West

Exhibit 10

~~Inmate~~ Captive Request Form

From: Name & ~~Inmate~~ Captive Number	Location	Date
David Schied - #548643	C-203	6/25/12

Request:

- ☒ Immediate Court ~~Date~~ Hearing
- ☐ Holds
- ☒ Deliver Court Papers
- ☐ Rehab Staff
- ☐ Papers Notarize
- ☐ Outdate
- ☐ Property
- ☐ Mental Health
- ☐ Reclassification
- ☐ Bond
- ☐ Phones
- ☒ Other Formal crime report

Request Description: Deliver the accompanying documents to Sheriff Nielson for proper + IMMEDIATE handling to the prosecutor and "chief" judge of the circuit court

1) Crime Report, Demand for Immediate Release, + Demand for Grand Jury Investigation;

2) Affidavit of Indigency and Motion for Waiver of Fees and Costs;

3) Petition for Immediate Consideration and Writ of Habeas Corpus and accompanying Motion for 'Show-Cause' Order or Immediate Release from Unlawful Captivity (including Exhibits "A" and "B")

* Request to speak with the prosecutor and the judge TODAY

Answer To Inmate:

Pod Deputy: Name	Action Taken:	Date:

Shift Leader: Name	Action Taken:	Date:

Jail Manager: Assistant Jail Manager:	Action Taken	Date:

Inmate received answer:

Inmate signature: ____________ **Date** ____________

6/25/12

Midland County Jail Grievance Form

Appeal____ **Step 1** ____ **Step 2** ____ **Step 3** ____

* Combined Grievance, Crime Report, and Demand For Immediate Release to Midland County Sheriff's Department

Describe the nature of your complaint:

* Additional documents attached to this grievance form include the following:
1) David Schied's "Crime Report, Demand for Immediate Release, and Demand for Criminal Grand Jury Investigation";
2) Petition for Immediate Consideration of Writ of Habeas Corpus and Motion for Show Cause Order or Immediate Release from Unlawful Captivity; ~~and Demand for Criminal Grand Jury Investigation~~ Affidavit of Indigency and Motion for Waiver of Fees and Costs

This grievance is in direct response to the "Answers" received back from Deputy Watkins on a previously submitted "Inmate Request Form" stating that my "accuser" and "harmed party" are Clinton County, that I "pled guilty," and that I am being held on "criminal contempt," and that prosecutor Kym Worthy in Wayne County has the criminal file.

Captive Autograph! ~~Inmate Signature~~

David Schied (all rights reserved)

Print Name
David Schied

Received by Deputy ____________ Date and Time ____________
Returned by Deputy ____________ Date and Time ____________

Response to Step 1____, Step 2____, Step 3____

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Shift Leader Signature ____________ Date and Time ____________
Jail Management Signature ____________ Date and Time ____________

David Schied's "CRIME REPORT, DEMAND FOR IMMEDIATE RELEASE, and DEMAND FOR CRIMINAL GRAND JURY INVESTIGATION"

Date: 6/23/12 (submitted to the Midland County Sheriff, Gerald Nielson)

"The Accused": Karen Khalil; the corporate "person" of the 17th District Court, the Wayne County Circuit Court, the Michigan Court of Appeals, the Redford Township Police Department, the Wayne County Office of the Prosecutor, the Office of the Michigan Attorney General, and Redford Township — each acting through their various "agents" in their individual and "official" corporate capacities.

"the Crimes": a) Conspiracy to deprive of rights under color of law (18 USC § 241-242); b) Obstruction of Justice; (c) Interference with a victim/witness; d) Conspiracy to cover-up felony crimes of racketeering and corruption by "Accessory After the Fact"; (e) peonage; (f) Affixing an official (government) seal or signature to a fraudulent document; (g) fraud and fraud upon the court.

Dates of the crime or crimes: As a "predicating factor" to the latest criminal occurrence on 6/8/12, there is a longstanding public record available with specific reference to various dates of criminal occurrences which are supported by "exhibits" of "evidence" and an outstanding "Demand for Criminal Grand Jury Investigation". The records can be found in numerous case filings associated with four (4) court cases that were "open" and "pending" as of the date of the latest crimes by Karen Khalil and the Redford Police Dept. on 6/8/12.

The FIRST case naming 17th District Court judges Karen Khalil and Charlotte Wirth, Redford Police Chief Greenstein, Captain James Foldi, police officer "D" Gregg, the Redford Township supervisor and other "DOES" is currently "under consideration" in the Michigan Supreme Court. The SECOND and THIRD cases were dismissed without litigation of the facts and "under color of law" by the Michigan Court of Appeals to be pending in the Michigan Supreme Court by seperate due dates that have either now expired or are soon to expire. The FOURTH case is in the Wayne County Circuit Court.

It was recently transferred from Judge Daphne Curtis to Judge Hathaway after Judge Curtis responded to a "motion for judge to disqualify herself based on judicial and criminal misconduct" by recusing herself from the case and granting David Schied's motion before a courtroom of witnesses. All four cases named the Redford Township acting through its various "agents" as named in the Michigan Supreme Court case. Also, all four cases bring forth David Schied's "Demand for Criminal Grand Jury Investigation".

The latest of this "chain" of crimes occurred on the morning of 6/8/12 and continues to occur at the time of this writing by David Schied being held against his will (my will) by the Midland County Sheriff and his agents who are yet to be named as co-conspirators in these crimes.

Narrative Crime Report

* Note: This report is being constructed of my own free will; however, I am under conditions of duress and imprisoned against my will. Therefore, I do not have precise references to Michigan Compiled Laws and to United States Codes, nor to other documents — though they are clearly available to the public — through my multiple court cases and various filings as referenced above. Note also that the Michigan Supreme Court case all provide an explicit of these crimes as entirely supported by evidence submitted in each case by various "exhibits".

In short, I wish to include the above-referenced public documents herein as my statements and Evidence — in part — to this instant "crime report". In addition, I offer the following statements in support of my criminal complaint against the named "accused":

In late 2010, I received a speeding ticket by "D. Gregg" which I disagreed with. The following day I called the police station to file a complaint and subsequently filed a complaint on that Redford

police officer. Captain Foldi responded on behalf of "chief" Greenstein stating — without address of the FACTS of the Complaint — that he found "no violation" by the officer. He stated that I would be entitled to challenge the officer further by responding to the "Notice of Hearing" that I was to receive from the 17th District Court.

In responding to the "Notice of Hearing" I received, I entered the courtroom only to find officer "D. Gregg" dressed in plain clothes and operating in the room adjacent to the courtroom while impersonating a district attorney. There was NO MAGISTRATE as indicated there would be on the "notice of hearing" referencing State Bar of Michigan # P-0444, a fraudulent number listed for the magistrate on the "Notice of Hearing" but does not exist in the record of the BAR. "D. (Dwayne) Gregg" was "extorting" money from each person in the courtroom — including me — telling them that if they did not accept his "plea bargain" for "guilt" and immediate payment, they would be forced to return and "pay more" in front of "the judge".

Subsequently, because Officer Gregg DENIED me the ability to challenge this ticket with a "cross-complaint," and while threatening me "contempt of court" — a judicial action for which he had no authority — I filed my cross-complaint in circuit court. The judge in Wayne County refused to allow me to "remove" the ticket to the higher court however, despite court rules providing for such an action. As a result, the lower court judge (Khalil) continued proceedings against me, issuing notice to the Secretary of State for suspending my driver's license.

Meanwhile, various notices were sent to me by the 17th District Court indicating further evidence of FRAUD and MAIL FRAUD. The "DOE" named Judith Pimpner sent out notices sometimes referencing herself as the "court administrator" and sometimes as the "clerk". Such notices, which

offered "certification" of mailing contained no legal signature as otherwise required. Moreover, in response to my sending official court documents in accompaniment of a payment to the court, these documents never made it to the record. Instead, I received the payment back along with a FRAUDULENT "Motion for Just Cause Hearing" signed digitally by an unknown person without completion of the section of the "affidavit" stating the interest that person had in "my" case, and with Judge Khalil issuing an "Order for Just Cause Hearing" despite that the notary section of the affidavit — upon which that Order was issued — was left entirely blank.

Throughout this time, the Wayne County judge denied me due process, leading to sworn and notarized Affidavits by court-watchers testifying that Judge Robert Columbo, Jr. had committed numerous "crimes from the bench" including TREASON. In addition, based upon my Evidence, the Michigan Secretary of State Ruth Johnson requested that the Attorney General's office investigate the 17th District Court for fraud upon the Secretary of State's office. The AG's "criminal division chief" Richard Cunningham thereafter conducted a "mock" investigation and reported back to the Secretary of State that "no violation" was found by Judge Khalil or the "agents" of the court. These results NEVER ADDRESSED THE FACTS OR EVIDENCE.

The "show cause" order signed by "Judge" Khalil in mid-2011 stated that "if payment is made beforehand no appearance is needed"; so I made the "extortion" payment and again sent other documents for filing in request for motion hearings. Again, these documents never made it into the official "Registry of Actions". Confirmation of receipt of this second payment and court filings was registered however by "certified" mail and by phone confirmation with the clerk signing that

card, and with a 3rd party affidavit confirming that the clerk had stated she had given the payment and court documents directly to "Judge" Karen Khalil.

The court records show that Judge Khalil retained the payment and held the "show cause" hearing anyway; issuing a warrant for my arrest and changing the "traffic citation" to a criminal misdemeanor and causing me to hire an attorney. Upon my voluntary arrival to court "Judge" Khalil admitted she withheld payment, but she refused to address the other motion documents. She threatened me with jail time and held an arraignment before "accepting" my earlier payment and dismissing the case. These actions by "Judge" Khalil directly counter the actions that Richard Cunningham had informed me and Ruth Johnson would be the way Judge Khalil would be handling this case.

When Judge Robert Colombo dismissed my "cross-complaint", I filed my Appeal in the Michigan Court of Appeals. Despite that I had established a history of "Waiver of Costs and Fees" at the lower court and properly filed Affidavit(s) of Indigency according to Michigan Court Rules, judges of the Michigan Court of Appeals DENIED my motion(s) so to cause my case to quickly be dismissed. This is what brought that FIRST case to the Michigan Supreme Court. The SECOND case in the Court of Appeals was a result of my filing a "Motion for Waiver of Fees" on a seperate "Complaint for Writ of Mandamus for Waiver of Fees" on costs to get the lower court transcripts sent to the Court of Appeals. That too was DENIED and the Court of Appeals waited several months before then—again—dismissing this SECOND Complaint without litigating the facts and Evidence.

The THIRD case in the Michigan Court of Appeals was associated

with the FOURTH case on "appeal" of the original "traffic citation" case in Wayne County Circuit Court. When filing that "appeal" I similarly filed a seperate "Complaint for Writ of Mandamus for Waiver of Fees on Transcripts and for Correction of the Lower 17th District Court Record". Judge Daphne Curtis DENIED that Complaint on both counts, causing me to have to file an appeal of that action in the Court of Appeals where, again, I was DENIED my "Motion for Waiver of Costs and Fees" by Court of Appeals Judge Elizabeth Gleicher.

The "appeal" of the original "traffic citation" case is the FOURTH case in the Wayne County Circuit Court. It recently changed hands to a new judge after I filed a motion confronting Judge Daphne Curtis with further evidence that Judge Karen Khalil was denying me due process of "Correcting the Lower Court Record" and "Waiving Fees on Transcripts" after Judge Curtis had directed me to bring these issues back to Karen Khalil.

As a result of my activism against corruption in these multi-levels of courts, I was telephoned three weeks ago by a Redford Township resident who believed himself to be the victim of local government corruption and felony extortion. His name is Brent Mulman (spelling uncertain), and he had requested me and numerous others to attend Court with him for the sole purpose of taking notes on our observations of his case as he was to be going before Judge Karen Khalil on an "informal hearing" for a civil ordinance violation. We all arrived to the 17th District Court in seperate cars on 6/8/12 in Redford Township. Brent Mulman was accompanied by five (5) court-watchers, with one being me.

When we entered the courtroom, court was already in session with "Judge" Khalil presiding. About a half-hour after we sat down, the city inspector called Brent Mulman into the prosecutor's office for a pre-hearing conference, and I and another court-watcher named Ron Keller accompanied him in silence, taking notes on a brief dialogue. We then sat back down with the crowd of others in the courtroom. About another half-hour later I got up to use the restroom, and upon re-entering the courtroom and taking my seat in the pew, I noticed Judge Khalil's head following me. I believe then that Judge Khalil recognized me.

About fifteen minutes to a half-hour after that, Brent Mulman got up and headed towards my direction and towards the rear of the courtroom. Judge Khalil instructed him forward—without calling his case—then she told him to sit in the jury box. As I took notes on these events, I was ordered to stand by the bailiffs, then I heard a screaching shout to "sit down", so I sat back down and began again to write what I had just seen. The next thing I knew, the bailiffs were screaming at me to again "stand up", and soon after I stood up, I was handcuffed and taken out of the courtroom under arrest.

Since then I have been inquiring of every law enforcement agency the basis for my "incarceration" and all I get are differing accounts. What is consistent however, is testimony that is available from all of the other court-watchers that corroberates my account of the events as described above.

I was unlawfully denied "due process" and arrested by this "judge" Karen Khalil by motivation of retaliation against me for these other court filings naming her as a criminal co-conspirator

in "predicating" crimes, and by means of constructing even MORE FRAUDULENT "OFFICIAL" DOCUMENTS of the Court in denial of my due process rights, including my right to file the two cases "dismissed" from the Court of Appeals into the Michigan Supreme Court — a gross "obstruction of justice" as the "30-day sentence" Khalil issued against me assured that I would complete the needed filings before the Supreme Court deadline. Clearly also, because in all courts I had a "Demand for Criminal Grand Jury Investigation" pending, her actions were constructed to prevent me from testifying before the grand jury that I have been demanding. The offenses of these other Court of Appeals and Wayne County Circuit Court judges therefore are "Accessory After the Fact" in contributing to the "predicate" offense by "secondary" cover-ups.

Under penalty of perjury I assert that the above statements are true to the best of my knowledge. If called upon to testify, I will reassert the same in any lawful court, state or federal. In accordance with the above I have been FALSELY IMPRISONED by Karen Khalil and therefore DEMAND AN IMMEDIATE RELEASE. In addition, I formalize this — yet another — DEMAND FOR CRIMINAL GRAND JURY INVESTIGATION by reference to 18 USC Section 3332.

Further Affiant sayeth not.

Dated: 6/24/12 Affiant: x [signature] (all rights reserved)

Dated: 6/24/12 Signature Witness: x Clyde J. West (printed Clyde J. W

State of Michigan
County of ~~Midland~~ Wayne

(1)

In Re: Schied

PETITION FOR IMMEDIATE CONSIDERATION
and
WRIT OF HABEAS CORPUS
and accompanying
MOTION FOR "SHOW-CAUSE" ORDER OR IMMEDIATE RELEASE
FROM UNLAWFUL CAPTIVITY

CATHY M. GARRETT
WAYNE COUNTY CLERK
2012 JUN 28 P 1:12

David Schied
Midland County Jail
105 East Ice Dr.
Midland, MI 48642
(until 6/30/12)

David Schied
P.O. Box 1378
Novi, Michigan [48376]
(after 6/30/12)

FILED
2012 JUN 28 A 11:30
U.S. DIST. COURT CLERK
EAST. DIST. MICHIGAN
DETROIT

— DEMAND FOR CRIMINAL GRAND JURY INVESTIGATION

HERE come the Petitioner, David Schied, a law-abiding constituent of Michigan since 2003, and with no criminal history other than that fraudulently generated by Michigan government officials in retaliation against Mr. Schied for his blowing the whistle on government racketeering and corruption. Petitioner Schied comes now before this court with EXTRAORDINARY CIRCUMSTANCES, with a formal CRIME REPORT, with a jail house GRIEVANCE, with a DEMAND FOR RELEASE, and with a DEMAND FOR

CRIMINAL GRAND JURY INVESTIGATION.

BACKGROUND HISTORY OF FACTS AND BASIS FOR PETITION FOR IMMEDIATE CONSIDERATION

1. Petitioner incorporates as "EXHIBIT A" his "CRIME REPORT, DEMAND FOR IMMEDIATE RELEASE, AND DEMAND FOR CRIMINAL GRAND JURY INVESTIGATION" as if stated herein verbatim in its entirety of eight (8) pages.

2. "Exhibit A" makes reference to four (4) court cases: One in the Michigan Supreme Court; two pending "Leave of Appeal to the Michigan Supreme Court"; and one pending in the Wayne County Circuit Court— —all naming "Judge" Karen Khalil, the Redford Township police, and the Redford Township itself of "criminal racketeering and corruption". These four cases are all supported with a plethora of "Exhibits of Evidence" showing the extent of fraud and other crimes being perpetrated by Judge Khalil and the 17th District Court.

3. Petitioner incorporates by reference the public documents in the Michigan Supreme Court naming Judge Karen Khalil as a "domestic terrorist", along with these public "exhibits of evidence", as if included herein verbatim; and by need of the FACT that Petitioner has been FALSELY IMPRISONEN by "Judge" Khalil and has no ability to file these documents in this instant.

4. "Exhibit A", along with the public documents in the Supreme Court, provide <u>ANY JUDGE</u> with "reasonable cause" to believe that a crime (or crimes) have been committed. "Exhibit A" alone constitutes an "INDICTMENT" by definition of Michigan's Compiled Laws.[Footnote 1]

Footnote 1 Because Petitioner is incarcerated and without research materials, he must rely upon "estimation" when referencing statutes. To his best recollection MCL 767.1 or thereabouts of 764.3 of the "Revised Judicature Act" and areas of Michigan's Penal Code state that a written "Complaint" <u>is</u> an "indictment" and gives "any judge" cause to issue an immediate arrest warrant and start investigative proceedings with the prosecutor.

5. The available "history" of this case presents clear evidence of the "extraordinary" nature of this instant case; therefore "immediate consideration" of Petitioner's "Writ of Habeas Corpus" and accompanying "Motion for 'Show-Cause' Order..." is warranted.

WRIT OF HABEAS CORPUS

6. Petitioner restates paragraphs 1-5 as if written herein verbatim.

7. Petitioner includes and reasserts herein by reference all statements made under penalty of perjury in the eight (8) full pages of "Exhibit A" as if written herein verbatim.

8. The Evidence provided by inclusion of "Exhibit A" and by reference to the Michigan Supreme Court case (along with the availability of the three other court cases) provides reasonable Evidence and a "question of fact" that Judge Karen Khalil acted outside of her authority — and with criminal intent

and outside her jurisdiction when she "targeted" Petitioner as an otherwise quiet "court-watcher" on an entirely unrelated court case; and when she executed — or ordered the execution — of a false arrest upon Petitioner and assigned a fraudulent case number to Petitioner's case file and arrest and incarceration.

9. Petitioner submits herein as "EXHIBIT B" his "Midland County Jail Grievance FORM" as EVIDENCE that there is "reasonable cause" to believe that the fraudulent paperwork generated by "judge" Karen Khalil after having arrested Mr Schied includes a fraudulent claim that Petitioner had pled and/or was "found" GUILTY of "criminal contempt" by "due process", and that a prosecutor was somehow associated with those proceedings when that is clearly NOT the case.

10. Petitioner asserts that there are in exhistance at least

five (5) sworn and notarized Affidavits of eyewitnesses to the events in the courtroom on 6/8/12 corroborating Petitioner's account of what occurred as stated in "Exhibit A".

11. Based on the FACTS, Petitioner has the right to have this instant "Writ of Habeas Corpus" addressed and answered in the context of the Evidence; and for a finding that there IS NO VALID OR LAWFUL BASIS FOR PETITIONER TO BE INCARCERATED.

BASIS FOR "SHOW-CAUSE" ORDER OR IMMEDIATE RELEASE

12. Petitioner restates paragraphs 1-11 as if written herein verbatim.

13. The available Evidence provides reasonable cause to believe that Petitioner David Schied has been falsely imprisoned, and that crimes have been committed in violation of his constitutionally-guaranteed rights. Therefore, the demand for an immediate

show-cause order or immediate release is warranted.

DEMAND FOR RELIEF

1) Petitioner requests his immediate release from captivity and/or reasonable evidence of his accuser, the harmed party, and proof that "due process of law" has taken place.

2) Petitioner requests an immediate investigation into his criminal allegations by the convening of a multi-county — or preferably — a federal special grand jury investigation under 18 USC §3332.

I hereby submit this filing as truthful to the best of my knowledge, and under penalty of perjury.

Respectively,

David Clokey (all rights reserved)
P.O. Box 1378
Novi, Michigan [48376]
But temporarily at the Midland County Jail

State of Michigan
County of Midland

Re: Schied

AFFIDAVIT OF INDIGENCY
and
MOTION FOR WAIVER OF FEES AND COSTS

David Schied
Midland County Jail
105 East Ice Dr.
Midland, MI 48642
(until 6/30/12)

David Schied
P.O. Box 1378
Novi, Michigan [48376]
(after 6/30/12)

—DEMAND FOR CRIMINAL GRAND JURY INVESTIGATION—

AFFIDAVIT OF INDIGENCY

I, David Schied, acting under penalty of perjury do solemnly declare that I HAVE NO ABILITY TO PAY for the instant proceedings before the Court. Moreover, I have an "inextricably intertwined" case in the Michigan Supreme Court for which I have been GRANTED "forma pauperis" status as I am indigent. I also am a crime victim with my crime report in accompaniment of this Affidavit.

I am NOT employed and have ~~ ~~ been unemployed for two full years. For these past 2 years I have sustained myself solely on federally funded school loans while I attended graduate school. I have no other source of income and no assets. My vehicle is a broken down 1993 Honda Accord.

Dated: 6/24/12 Affiant: x [signature] (all rights reserved)

Dated: 6/24/12 Signature Witness: x [signature] (printed: Clyde J. West)

Motion for Waiver of Fees and Costs

1. Petitioner David Schied files this instant motion "forma pauperis", and with a formal "Affidavit of Indigency" which is attached in accordance with Michigan Court Rules.

2. Petitioner requests this "Waiver" be applied to the following court filings

   a) PETITION FOR IMMEDIATE CONSIDERATION;
   b) WRIT OF HABEAS CORPUS;
   c) MOTION FOR "SHOW-CAUSE" ORDER OR IMMEDIATE RELEASE FROM UNLAWFUL CAPTIVITY;
   d) Any and all other court filings related to this matter

Relief Requested

Relief is requested as cited in #2 above.

I hereby submit this filing as truthful to the best of my knowledge, and under penalty of perjury.

David Schied (all rights reserved)
P.O. Box 1378
Novi, Michigan [48376]
But temporarily at the Midland County Jail

Exhibit 11

6/25/12

Midland County Jail Grievance Form

Appeal ✓ **Step 1** ✓ **Step 2** _____ **Step 3** _____

completed 6/25/12 8:20-11:15am

2nd Submission Interference with a Victim/Witness + Criminal Proceedings; 6/25/12 → Dereliction of Duty; Deprivation of Rights Under "Color of" protocol and formality

Describe the nature of your complaint:

Dereliction of Duty:

Midland County Sheriff Department deputies Wallace and Close — as "agents" and "representatives" of Sheriff Gerald Nielson did DENY acceptance of Petitioner/Crime Victim David Schied's formal crime report, and did DENY my accompanying "Request to speak with the prosecutor and the judge TODAY". Further, while refusing to conduct a requested investigation of this matter after admitting that the Sheriff's Department is an "investigative agency", Deputy Wallace returned my crime report constituting an INDICTMENT by definition of Michigan's Compiled Laws and directed me to MAIL them myself in multiple envelopes despite the unavailability of multi envelopes and an AFFIDAVIT OF INDIGENCY included in the package requested to be forwarded to the Court.

Interference with a Victim/Witness + Criminal Proceedings

Deprivation of Rights Under "Color of" Protocol and Formality — The sheriff's deputies have the DUTY to act upon "reasonable cause to believe" that a crime has been committed. Michigan Compiled Laws (MCL 761.1 or thereabouts) defines a criminal INDICTMENT as a "formal written complaint" naming the person or persons + the crimes. I provided that. As such, an "indictment" INITIATES CRIMINAL PROCEEDINGS and again under Michigan's compiled laws, calls for an IMMEDIATE investigation and ARREST WARRANTS to be issued WITHOUT DELAY. Deputies Wallace + Close claim that a crime report "belongs in the mail" not in the hands of the Sheriff's representative "agents". I disagree. ADDITIONALLY, I/he clearly showed Dep. Wallace a GRIEVANCE pertaining to Dep. Watkins. This form should have been signed upon receipt but was handed back without signature or "Response". Therefore, this is the "step 1" "escalation of that previous complaint.

~~Inmate Signature~~ copyright autograph (David Schied, all rights reserved) Print Name: David Schied

Received by Deputy ____________________ Date and Time ______________

Returned by Deputy ____________________ Date and Time ______________

Response to Step 1____, Step 2____, Step 3____

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Shift Leader Signature ____________________ Date and Time ______________

Jail Management Signature ____________________ Date and Time ______________

State of Michigan
County of ~~Midland~~ Wayne

1

In Re: Schied

PETITION FOR IMMEDIATE CONSIDERATION
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MOTION FOR "SHOW-CAUSE" ORDER OR IMMEDIATE RELEASE FROM UNLAWFUL CAPTIVITY

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Exhibit A

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK
2012 JUN 28 P 1:12

David Schied's "CRIME REPORT, DEMAND FOR IMMEDIATE RELEASE, and DEMAND FOR CRIMINAL GRAND JURY INVESTIGATION"

David Schied's "CRIME REPORT, DEMAND FOR IMMEDIATE RELEASE, and DEMAND FOR CRIMINAL GRAND JURY INVESTIGATION"

Date: 6/23/12 (submitted to the Midland County Sheriff, Gerald Nielson)

"The Accused": Karen Khalil; the corporate "person" of the 17th District Court, the Wayne County Circuit Court, the Michigan Court of Appeals, the Redford Township Police Department, the Wayne County Office of the Prosecutor, the Office of the Michigan Attorney General, and Redford Township - each acting through their various "agents" in their individual and "official" corporate capacities.

"the Crimes": a) Conspiracy to deprive of rights under color of law (18 USC § 241-242); b) Obstruction of Justice; (c) Interference with a victim/witness; d) Conspiracy to cover-up felony crimes of racketeering and corruption by "Accessory After the Fact"; (e) peonage; (f) Affixing an official (government) seal or signature to a fraudulent document; (g) fraud and fraud upon the court.

Dates of the crime or crimes: As a "predicating factor" to the latest criminal occurrence on 6/8/12, there is a longstanding public record available with specific reference to various dates of criminal occurrences which are supported by "exhibits" of "evidence" and an outstanding "Demand for Criminal Grand Jury Investigation". The records can be found in numerous case filings associated with four (4) court cases that were "open" and "pending" as of the date of the latest crimes by Karen Khalil and the Redford Police Dept. on 6/8/12.

The FIRST case naming 17th District Court judges Karen Khalil and Charlotte Wirth, Redford Police Chief Greenstein, Captain James Foldi, police officer "D" Gregg, the Redford Township supervisor and other "DOES" is currently "under consideration" in the Michigan Supreme Court. The SECOND and THIRD cases were dismissed without litigation of the facts and "under color of law" by the Michigan Court of Appeals to be pending in the Michigan Supreme Court by seperate due dates that have either now expired or are soon to expire. The FOURTH case is in the Wayne County Circuit Court.

~~guaranteed rig~~

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK
2012 JUN 28 P 1:12

EXHIBIT B

Combined GRIEVANCE, CRIME REPORT, and DEMAND FOR IMMEDIATE RELEASE TO MIDLAND COUNTY SHERIFF GERALD NIELSON

Midland County Jail Grievance Form

Appeal_____ Step 1 _____ Step 2 _____ Step 3 _____

*Combined GRIEVANCE, CRIME REPORT, and DEMAND FOR IMMEDIATE RELEASE TO MIDLAND COUNTY SHERIFF GERALD NIELSON

Describe the nature of your complaint:

*Additional documents attached to this grievance form include the following:
1) David Schied's "Crime Report, Demand for Immediate Release, and Demand for Criminal Grand Jury Investigation;
2) Petition for Immediate Consideration of Writ of Habeas Corpus and Motion for Show Cause Order or Immediate Release From Unlawful Captivity;
3) Affidavit of Indigency and Motion for Waiver of Fees and Costs

This grievance is in direct response to "Answers" received back from Deputy Watkins on a previously submitted "Inmate Request Form" stating that my "accuser" and "harmed party" are Clinton County, that I "pled guilty" to and am being held on the charge of "criminal contempt", and that prosecutor Kym Worthy in Wayne County has the criminal file.

~~Inmate Signature~~ Captive Autograph

[signature] (all rights reserved)

Print Name

David Schied

Received by Deputy ____________ Date and Time ____________
Returned by Deputy ____________ Date and Time ____________

Response to Step 1____, Step 2____, Step 3____

Shift Leader Signature ____________ Date and Time ____________
Jail Management Signature ____________ Date and Time ____________

[redacted]-IS 48643
[redacted]and County Jail
[redacted]05 East Ice Dr.
Midland, MI 48642

"Letter and Affidavit"
by David Schied

Saturday 6/23/12

To Whom It May Concern:

By this letter, I hereby formalize public notice that I am being unlawfully held captive in the Midland County jail by felony "fraud" and "deprivation of rights" and "obstruction of justice" and "interference with court proceedings" — including Grand Jury proceedings — committed against me and against the People of Michigan and the People of the United States by Karen Khalil, who is impersonating a "judicial officer" and "judge" for the 17th District Court in Redford Township of Wayne County, Michigan.

Since my kidnapping on 6/8/12, numerous events have unfolded:

1) I formalized a "crime report" and "sworn affidavit" of testimony and "complaint" naming the criminal(s), naming the crimes, and describing the motivation and the circumstances under which I was subjected to numerous crimes. By definition of both State and Federal laws and court rules, my written complaint constitutes an INDICTMENT, giving ANY judge "just cause" to believe (a) crime(s) have been committed. Under such laws the judge in possession of such information has the DUTY to take such action to issue warrant(s) for the immediate arrest of the perpetrators (i.e., "the accused") and to initiate investigative proceedings.

2) My formalized crime report has been used in conjunction with the written testimonies — set into affidavits — of numerous eyewitnesses to crime(s) committed against me by Karen Khalil, acting outside her jurisdiction and with criminal intent, to subject me to "deprivation of rights" and "peonage"; so to inform numerous judges — acting in positions of judicial authority in

Exhibit #12

Original -
Court has duplicate

Refused 6-21-12 by Kathleen

STATE OF MICHIGAN
SEVENTEENTH JUDICIAL CIRCUIT
WAYNE COUNTY

REQUEST FOR EXPEDITED "RECORD OF ACTIONS"

AND

"TRANSCRIPT AND DIGITAL VIDEO RECORD AND/OR COPY OF AUDIO/VISUAL HEARING RECORD"

REQUESTOR:	patricia kraus
DRIVERS LICENSE #:	K620676067498
REQUESTOR PHONE #:	734-637-4720 OR 248-946-4016
BILLING ADDRESS:	4322 ELIZABETH ST WAYNE MICHIGAN 48184
DELIVERY METHOD:	HOLD FOR PICK UP BY: "kraus"
DATE REQUEST SUBMITTED:	THURSDAY – JUNE 21, 2012
NAME COURT CLERK:	
NAME COURT REPORTER/MONITOR:	
DATE REQUEST SENT TO TRANSCRIBER:	
CASE NUMBER:	
DOCKET NUMBER:	
CASE NAME:	CHARTER TOWNSHIP OF REDFORD VS david schied
CASE TYPE:	CIVIL
DATE OF HEARING:	JUNE 8, 2012
NAME 17TH DISTRICT JUDGE:	KAREN KHALIL
Testimony (specify 3rd party witnesses):	

Denied By Court in Review of Affidavit P. Kraus 6-21-12

TRANSCRIBED TRANSCRIPT: *one original and one certified copy* ________
DIGITAL VIDEO RECORD : ________
AUDIO TAPE NUMBER DVD/CD DUPLICATES : ________
ESTIMATED TOTAL : ________

*** Rates are under General Statues 51-63(c) ***

patricia kraus
Requestor Name

4322 Elizabeth St Wayne, Michigan 48184
Requestor Street Address City, State, Zip Code

Amount of Deposit Paid - Cash - Check - Money Order

patricia kraus
Signature of Ordering Party

p kraus
Signature of Recipient

Printed and Signature of Court Recorder/Monitor

MCR 8.109(E) Furnishing Transcript the court reporter or recorder shall furnish without delay, in legible English, a transcript of the records taken by him or her (or any part thereof) to any party on request. The reporter or recorder is entitled to receive the compensation prescribed in the statute on fees from the person who makes the request.

MCR 600.2543 Circuit Court Reporters or Recorders; fees for transcripts; fees as part of taxable costs Michigan Compiled Laws (2009) (1) The circuit court reporters or recorders are entitled to demand and receive per page for a transcript ordered by any person the sum of $1.75 per original page

Approved, SCAO

Original - Return
1st copy - Witness
2nd copy - File

SCHIED, DAVID v CHARTER TWP OF
Hon. Robert J. Colombo, Jr. 04/25/2(

11-004881-CP

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	SUBPOENA Order to Appear and/or Produce

Court address

Police Report No. (if applicable) 313-224-517

Plaintiff(s)/Petitioner(s)		Defendant(s)/Respondent(s)
☐ People of the State of Michigan ☑ David Schied	v	Charter Township of Redford, et. al.
☒ Civil ☐ Criminal		Charge
☐ Probate In the matter of		

In the Name of the People of the State of Michigan. TO: Tracey Schultz-Kobylarz; Brian Greenstein; James Foldi; Sgt. "D" Gregg; Karen Khalil; Charlotte L. Wirth; Charter Township of Redford

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

YOU ARE ORDERED:

☐ 1. to appear personally at the time and place stated below: You may be required to appear from time to time and day to day until excused.

☐ The court address above ☒ Other: Production of Documents as outlined below by the following due da

Day	Date	Time
	on or before 9/9/11	

☐ 2. Testify at trial / examination / hearing.

☒ 3. Produce/permit inspection or copying of the following items: All records, documents, transcripts, audio and video recordings, witness statements, radar reports, police reports, court docket sheets / "Defendant Sign-in sheets" and all other requested materials outlin in Plaintiff's "First Interrogatory Questions for Defendants" and "Subpoena for D Transcripts, and Video Recordings"

☐ 4. Testify as to your assets, and bring with you the items listed in line 3 above.

☐ 5. Testify at deposition.

☐ 6. MCL 600.6104(2), 600.6116, or 600.6119 prohibition against transferring or disposing of property is attached.

☐ 7. Other:

☒ 8.

Person requesting subpoena		Telephone no.
Plaintiff David Schied		248-946-4016
Address P.O. Box 1378		
City Novi,	State MI	Zip 48376

NOTE: If requesting a debtor's examination under MCL 600.6110, or an injunction under item 6. this subpoena must be issued by a judge. For a debtor examination, the affidavit of debtor examination on the other side of this form must also be completed. Debtor's assets can also be discovered through MCR 2.305 without the need for an affidavit of debtor examination or issuance of this subpoena by a judge.

FAILURE TO OBEY THE COMMANDS OF THE SUBPOENA OR APPEAR AT THE STATED TIME AND PLACE MAY SUBJECT YOU TO PENALTY FOR CONTEMPT OF COURT.

8/24/11 David Schied

Date Judge/Clerk/Attorney / Sui Juris Party Bar no.

Court use only
☐ Served ☐ Not served

SUBPOENA

Case No.

PROOF OF SERVICE

TO PROCESS SERVER: You must make and file your return with the court clerk. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NON-SERVICE

☐ **OFFICER CERTIFICATE**
I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notarization not required)

OR

☑ **AFFIDAVIT OF PROCESS SERVER**
Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)

☑ I served a copy of the subpoena, together with FIRST INTERROGATORIES (Attachment) (including any required fees) by

☐ personal service ☑ registered or certified mail (copy of return receipt attached) on: 8/29/11

Name(s)	Complete address(es) of service	Day, date, time
JEFFREY CLARK	33900 SCHOOLCRAFT, LIVONIA MI 48150	8/29/11

☐ I have personally attempted to serve the subpoena and required fees, if any, together with ______ (Attachment) on the following person and have been unable to complete service.

Name(s)	Complete address(es) of service	Day, date, time

Service fee	Miles traveled	Mileage fee	Total fee
$ 8.00	—	$ —	$ 8.00

Signature: Sandra Hanks
SANDRA HANKS

Title

Subscribed and sworn to before me on SEPTEMBER 1, 2011 (Date), NEW OAKLAND County, Michigan.

My commission expires: JUNE 11, 2014 (Date) Signature: [signature] Deputy court clerk/Notary public DARLENE SALISBURY

Notary public, State of Michigan, County of OAKLAND

2013 SEP

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the subpoena and required fees, if any, together with ______ (Attachment)

______ on ______ (Day, date, time)

______ (Signature) on behalf of ______

AFFIDAVIT FOR JUDGMENT DEBTOR EXAMINATION

I request that the court issue a subpoena which orders the party named on this form to be examined under oath before a judge concerning the money or property of:
for the following reasons:

______ Signature

Subscribed and sworn to before me on ______ (Date), ______ County, Michigan.

My commission expires: ______ (Date) Signature: ______ Deputy court clerk/Notary public

Notary public, State of Michigan, County of ______

Exhibit 13

Isaac Meeks III witnessed my giving the entire crime report package to Deputy Wallace. She said she is giving it to the shift leader. I pointed out that the Grievance form should have name, date, + time of receipt of the Grievance. I saw her sign the "Request Form". She stated she would give it to her "shift leader" as the next step, and AFTER I fully explained the contents, after I repeated number times I wanted to go before a judge today, + after I repeatedly said I wanted to see a ~~judge~~ prosecutor. She admitted that the Sheriff's office WAS an investigative agency but stated it would not go to Sheriff Nielsen as I was requesting. Date: 6/25/12 Time: 8:20 am

In witness of the above:

x Isaac D C Meeks III 6/25/12

Isaac D. Meeks, III Date

UNITED STATES ATTORNEY'S OFFICE
EASTERN DISTRICT OF MICHIGAN
211 W. Fort Street, Suite 2001
Detroit, Michigan 48226
(313) 226-9100

URGENT

CITIZEN INFORMATION FORM

Thank you for contacting the United States Attorney's Office. Our office is responsible for prosecuting violations of federal laws and for representing officers and agencies of the federal government in civil actions. We are not an investigative office, but rely on appropriate federal investigative agencies for case referrals and can only undertake those cases falling within our authority.

To better assist you, please complete this form. Please be specific so that we can determine if federal jurisdiction exists, and if so, which federal agency would be best for you to contact for further assistance.

You may take this form with you and when completed, mail it to the above address. Upon review, we will provide a written response within five (5) business days.

Please print:

DATE: 6-28-12

NAME: Patricia Kraus Petitioner for David Schied

ADDRESS: 4322 Elizabeth St
Wayne. Mi. 48184

TELEPHONE: 734.637.4720

- Have you ever presented a complaint or provided information to this office before? Yes

If so, when? 3/11? How? (i.e., phone, mail) Mail

- List all public agencies you have contacted regarding this matter as well as the date you contacted that agency:

AGENCY	DATE CONTACTED
Midland County Court	6/12 writ 6/21 writ
Midland County Sheriff	6/12 6/21 6/26
3rd District Court Wayne County	6/27 6/21 6/22
3rd Circuit Court Wayne County	6/27
US District Court Eastern District Northern Division	6/2

- Were you referred to our office by any agency or public official? ____________________

  If yes, who? ____________________

- If you have an ~~attorney that~~ is currently or has previously represented you in this matter, provide their name and telephone number:

  Patricia Kraus 734·637·4720

- Are there any court actions pending in this matter? YES!

  If yes, what court? see page #1

Briefly state the details of the information you are providing or the basis of your complaint. If you have any relevant documents, please attach copies only. **DO NOT ATTACH ORIGINAL DOCUMENTS**.

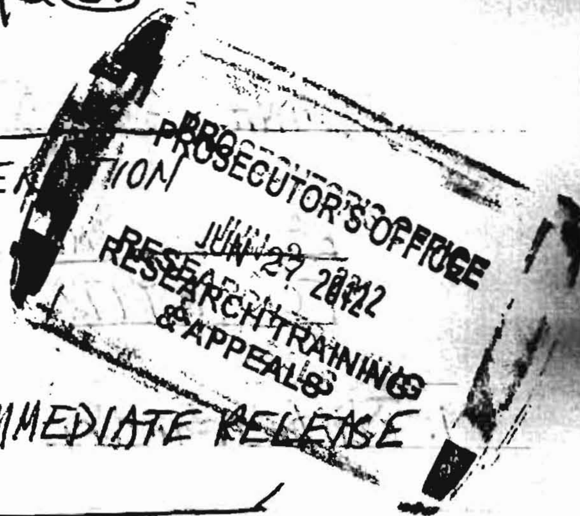
SIGNATURE: P. Kraus 9:37 am 7/28/12

Revised: 3/2009

State of Michigan
County of ~~Midland~~ Wayne (DS)

(1)

In Re: Schied



PETITION FOR IMMEDIATE CONSIDERATION
and
WRIT OF HABEAS CORPUS
and accompanying
MOTION FOR "SHOW-CAUSE" ORDER OR IMMEDIATE RELEASE
FROM UNLAWFUL CAPTIVITY

David Schied
Midland County Jail
105 East Ice Dr.
Midland, MI 48642
(until 6/30/12)

David Schied
P.O. Box 1378
Novi, Michigan [48376]
(after 6/30/12)

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK
2012 JUN 28 P 1:15

— DEMAND FOR CRIMINAL GRAND JURY INVESTIGATION

HERE come the Petitioner, David Schied, a law-abiding constituent of Michigan since 2003, and with no criminal history other than that fraudulently generated by Michigan government officials in retaliation against Mr. Schied for his blowing the whistle on government racketeering and corruption. Petitioner Schied comes now before this court with EXTRAORDINARY CIRCUMSTANCES, with a formal CRIME REPORT, with a jail house GRIEVANCE, with a DEMAND FOR RELEASE, and with a DEMAND FOR

David Schied
P.O. Box 1378
Novi, MI 48376
248-946-4016
(no phone calls please; email or in-person conferences only)

Delivery of this document was made in person in the company of at least one witness

3.31.2011

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

Re: Report of large scale conspiracy of multi-tiered government crimes (misdemeanor and felony); Request and/or Demand for access to a federal grand jury; for reporting these crimes (as they occurred individually and collectively) to a federal special grand jury as statutorily provided under 18 U.S.C. § 3332.

To U.S. Attorney Barbara McQuade:

For the past 7 ½ years I have been properly reporting to State and United States government officials, both in the judiciary and in law enforcement, that crimes are being committed against me by Michigan school district officials. I have also been reporting that these crimes involve codified laws and regulations governing strict "*contracts*" between the Federal government and the State of Michigan that are being criminally violated, and with multi-tiered felony "*cover-ups*" of these crimes by government officials operating in both the judiciary and in law enforcement, and at both the State and the Federal levels.

In 2007, I reported some of these crimes to former U.S. Attorney Stephen Murphy, now a U.S. District Court judge. He, through his "*assistants*" at the U.S. Attorneys' office, refused to assist me in this matter other than to direct me to the FBI and to the Federal courts. From 2007 to the present, I have pursued both avenues only to uncover additional evidence of an even larger cover-up of these crimes by malfeasant FBI agents, DOJ employees, and federal judges who were unwilling to address the exact facts, evidence, and laws which I have been persistently citing as I continue to gather further evidence of the reoccurrences of the original crimes by Michigan school district officials and their cohorts.

I have properly filed "*judicial misconduct*" complaints only to find the "*same pattern*" of cover-up by these "*self-policing*" systems, at both the State and Federal levels. Like the actions of the malfeasant prosecutors and judges I have meticulously tracked, those charged administratively with the "*oversight responsibility*" of their lower-level government systems have ignored the obvious, conducted mock or nonexistent "*investigations*", and have fraudulently published official "*findings*" designed solely to whitewash the offenses of those they are responsible for investigating and evaluating. In doing so, these higher level government "*agency*" officials repeat the harmful criminal offenses of their predecessors; again, while violating both State and Federal statutes, as well as depriving me personally of my rights, and while committing compounded crimes against me.

Exhibit 14

March 25, 2013 REGISTERED MAIL / RETURN RECEIPT

Barbara L. McQuade, Esq.
United States Attorney - Eastern District of Michigan
United States Attorneys Office
211 W. Fort Street, Suite 2001
Detroit, MI 48226

NOTICE:
Demand to present evidence to a Grand Jury
Regarding criminal acts violating the U.S. Code

Dear Ms. McQuade:

Please advise when I can present evidence to the Grand Jury regarding corruption and criminal acts.

I have evidence that at crimes were committed, at least under:

18 USC Chapter 1§ 4 - Misprision of felony
18 USC Chapter 11 - BRIBERY, GRAFT, AND CONFLICTS OF INTEREST
18 USC Chapter 13 - CIVIL RIGHTS
18 USC Chapter 19 - CONSPIRACY
18 USC Chapter 31 - EMBEZZLEMENT AND THEFT
18 USC Chapter 47 - FRAUD AND FALSE STATEMENTS
18 USC Chapter 41 - EXTORTION AND THREATS
18 USC Chapter 63 - MAIL FRAUD AND OTHER FRAUD OFFENSES
18 USC Chapter 73 - OBSTRUCTION OF JUSTICE
18 USC Chapter 79 – PERJURY
18 USC Chapter 95 – RACKETEERING
18 USC Chapter 96 - RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
18 USC Chapter 115 - TREASON, SEDITION, AND SUBVERSIVE ACTIVITIES

Per *18 USC Part 1 Chapter 15 § 2382 - Misprision of treason,* as a teacher and a commissioner, I have taken Oaths to protect the United States and the Constitution. I have an affirmative duty to report treason against them, and would be guilty of misprision of treason if I abdicated this duty.

For the record, in the 2005, I had contact with the U. S. Attorneys office, including the Public Corruption Unit, as well as Stephen J. Murphy, Lynn Helland, Wendy Johnson, and Gina Balaya documenting courtroom corruption; and again in 2009 with Lynn Helland.

Circa March 2011, after your presentation at a professional women's breakfast at an Oakland County school, you and I had a one-on-one conversation regarding evidence of bribes to BOTH my judge (John J. McDonald) and attorney (Paul J. Nicoletti). You commented that *you weren't going after some judge for getting free tickets.* I responded that I am a librarian and checked the public records and learned that my attorney and judge both paid off mortgages, and purchased new real estate within the same 21 days after my property rights were transferred; as well as other unlawful events including my embezzled insurance check, secret, hidden, never-served orders for liens on my property etc. I mentioned that I had been in contact with the FBI including Mike O'Connor and you stated he retired.

Public records documenting corruption and fraud-on-the-court include:

Oakland County Circuit Court case: **97–000323 – CK**
COA Case Number: **259208**
SCt Case Number: **128692**

For the court of public opinion, some public records have been uploaded on ripoffreport.com Report #**809182.**

Pursuant to 18 USC Chapter 1 § 4, The U. S. Attorneys Office has knowledge of commissions of felonies by a court and failure to report these crimes is a criminal offense. Pursuant to 18 USC Chapter 216 - SPECIAL GRAND JURY § 3331- 3334, a special grand jury shall be impaneled due to criminal activity.

I anticipate a prompt response to my request to present evidence to a Grand Jury regarding crimes committed by officers-of-the-court and judges. Please advise when and where I can present this evidence.

Best Regards,

Karen Stephens
16567 Forestview Dr.
Clinton Twp. MI 48036

586 286 3136

April 26, 2013 REGISTERED MAIL / RETURN RECEIPT

Barbara L. McQuade, Esq.
United States Attorney
Eastern District of Michigan
211 W. Fort Street, Suite 2001
Detroit, MI 48226

C: Department of Justice:
Office of Professional Responsibility
Office of Inspector General
Acting Associate Attorney General

2nd NOTICE:
Demand to present evidence to a Grand Jury
Regarding criminal acts violating the U.S. Code

Dear Ms. McQuade:

This is a follow up to my certified letter, dated March 25, 2013 which has either slipped through the cracks or is being ignored by the United States Attorneys Office.

Previously, I sent, the prima facie evidence of bribes from Frankenmuth Mutual Insurance Company to Judge John McDonald and Attorney Paul Nicoletti who both paid off mortgages and purchased new real estate without selling their residences within the same 21 days after my property rights were transferred to a builder so the builder could sell an unlawful, non-code compliant home for over $100,000 more than my contract. Additionally, Paul Nicoletti embezzled my $25,000 Frankenmuth check by depositing it in his account without my endorsement; then a secret, hidden, never-served order was entered into the file giving Mr. Nicoletti rights to my $25,000 check and liens on my property for $182,000 for bogus attorney fees he claimed, 4 months after he withdrew while the case was stayed due to my pending Motion to Disqualify Judge John J. McDonald.

By all appearances, the U.S. Attorneys office selectively prosecutes corruption, bribes, RICO violations, etc.; and turns a blind eye to crimes involving judges and officers-of-the-court. I have knowledge of the FBI investigation.

Due Process is a requirement of the U.S. Constitution. Violation of the United States Constitution by a judge deprives that person from acting as a judge under the

law. He/she is acting as a private person, and not in the capacity of being a judge. Judicial immunity does not apply to judges acting in their personal capacity.

The U.S. Supreme Court described the duty of a federal prosecutor in **Berger v. United States**, 295 U.S. 78, 88 (1935), as follows:

> "The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer. He may prosecute with earnestness and vigor - indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one."

The United States Supreme Court has clearly, and repeatedly, held that any judge who acts without jurisdiction is engaged in an act of treason. **U.S. v. Will**, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Ed.2d 392, 406 (1980); **Cohens v. Virginia**, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821).

Public record documents in these matters were sent to the Center for Public Integrity in 2003, who responded:

I appreciate your sharing considerable findings with us and your efforts ***to expose corruption****.*[emphasis added]

Corruption has already been determined by a reputable 3rd party, The Center for Public Integrity.

I have also been interviewed re: THE MOVIE by the non-profit, LawlessAmerica.com. This interview is posted at the link below and elsewhere.

http://www.youtube.com/watch?v=mFtm0UtYR2Y

Standard of Review

In United *States v. Williams*, 504 U.S. 36 at 47 (1992), Justice Antonin Scalia, delivered the opinion of the Supreme Court:

"[R]ooted in long centuries of Anglo-American history," *Hannah v. Larche*, 363 U. S. 420, 490 (1960) (Frankfurter, J., concurring in result), the grand jury is mentioned in the Bill of Rights, but not in the body of the Constitution. It has not been textually assigned, therefore, to any of the branches described in the first three Articles. It "'is a constitutional fixture in its own right.'" *United States v. Chanen*, 549 F. 2d 1306, 1312 (CA9) (quoting *Nixon v. Sirica*, 159 U. S. App. D. C. 58, 70, n. 54, 487 F. 2d 700, 712, n. 54 (1973)), cert. denied, 434 U. S. 825 (1977)."

So, since the grand jury is not part of the three branches of government set forth in the Constitution – Justice Scalia also says the grand jury "is an institution separate from the courts, over whose functioning the courts do not preside." – it is perfectly reasonable to characterize the grand jury as the "fourth branch of government." [emphasis added]

In the same place, Justice Scalia says this: ". . . In fact, the whole theory of its function is that it belongs to no branch of the institutional Government, serving as a kind of buffer or referee between the Government and the people. See *Stirone v. United States*, 361 U.S. 212, 218 (1960); *Hale v. Henkel*, 201 U.S. 43, 61 (1906); G. Edwards, The Grand Jury 28-32 (1906). Although the grand jury normally operates, of course, in the courthouse and under judicial auspices, its institutional relationship with the Judicial Branch has traditionally been, so to speak, at arm's length. Judges' direct involvement in the functioning of the grand jury has generally been confined to the constitutive one of calling the grand jurors together and administering their oaths of office. See United *States v. Calandra*, 414 U.S. 338, 343 (1974); Fed.Rule Crim.Proc. 6(a). [504 U.S. 36, 48]"

Also included is the March 25, 2013 1st Notice, as well as a copy of the USPS Certified mail receipt and Return Receipt green card.

I anticipate a prompt response to my request to present evidence to a Grand Jury regarding crimes committed by officers-of-the-court and judges. Please advise when and where I can present this evidence.

A response from your office is appropriate !

Best regards,

Karen L. Stephens
16567 Forestview Dr.
Clinton Twp., MI 48036

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Barbara McQuade, Esq
U.S. Attny. Eastern Dist. of MI
211 W. Fort St.
Ste. 2001
Det. MI 48226

COMPLETE THIS SECTION ON DELIVERY

A. Signature
x [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7003 3110 0006 2745 5842

PS Form 3811, February 2004 Domestic Return Receipt

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

DETROIT MI 48226

Postage	$ $0.46	0632
Certified Fee	$3.10	03
Return Receipt Fee (Endorsement Required)	$2.55	Postmark
Restricted Delivery Fee (Endorsement Required)	$0.00	
Total Postage & Fees	$6.11	03/26/2013

Sent To Barbara McQuade
Street, Apt. No.; or PO Box No. 211 W. Fort St. 2001
City, State, ZIP+4 Det. MI 48226

7003 3110 0006 2745 5842

U.S. Department of Justice

United States Attorney's Office
Eastern District of Michigan

211 W. Fort Street, Suite 2001
Detroit, Michigan 48226
Telephone: (313) 226-9700

April 17, 2013

Karen Stephens
16567 Forestview Dr.
Clinton Twp. MI 48036

Dear Ms. Stephens:

This is in response to your letter dated March 31, 2013, where you allege there is public corruption.

Please note the United States Attorney's Office is not an investigative agency. The United States Attorney's Office is responsible for representing federal agencies in civil litigation and prosecuting criminal cases referred to our office by the various federal investigative agencies

Accordingly, we will take no further action on your request.

Very truly yours,

BARBARA L. McQUADE
United States Attorney

Leslie Krawford, Legal Assistant

April 29, 2013

Certified Mail/Return Receipt
7011 3500 0002 2668 9226

Barbara L. McQuade, Esq.
United States Attorney
Eastern District of Michigan
211 W. Fort Street, Suite 2001
Detroit, MI 48226

C: Department of Justice:
Office of Professional Responsibility
Office of Inspector General
Acting Associate Attorney General

3rd NOTICE:

Demand to present evidence to a Grand Jury
Regarding criminal acts violating the U.S. Code
18 USC 3332

Dear Ms. McQuade:

I.

I am in receipt of a responsive letter from the U.S. Attorney's office dated April 17,2013 under the signature of Leslie Krawford, Legal Assistant. However, the envelope's postmark is 6 days later (April 23, 2013) as scanned below. Postmarks don't lie.

U.S. Department of Justice
United States Attorney
Eastern District of Michigan
211 W. Fort Street, Suite 2001
Detroit, Michigan 48226-3277

Official Business
Penalty for Private Use $300

Karen Stephens
16567 Forestview Dr.
Clinton Twp. MI 48036

48036150867

II

Additionally, this letter references *"your letter dated March 31,2013"*; however, my letter was dated March 25, 2013 NOT March 31, with header copied below..

March 25, 2013 *REGISTERED MAIL / RETURN RECEIPT*

Barbara L. McQuade, Esq.
United States Attorney - Eastern District of Michigan
United States Attorneys Office
211 W. Fort Street, Suite 2001
Detroit, MI 48226

NOTICE:
Demand to present evidence to a Grand Jury
Regarding criminal acts violating the U.S. Code

III

Ms. Krawford's letter states:

"Please note the United State Attorney's Office is not an investigative agency."

My March 25,2013 letter does NOT reference any type of investigative issues. The subject heading reads:

.

NOTICE:
Demand to present evidence to a Grand Jury
Regarding criminal acts violating the U.S. Code

I then mailed a follow up letter to your office with copies to the DOJ in D.C. the morning of 4/25/13 as copied below. If I had received Ms. Krawford's letter, I would have included it with the packets sent to DOJ in D.C; which will now be copied with this response. Ms. Krawford's letter was delivered in the afternoon of April 25, 2013.

CLINTON TWP BRANCH
CLINTON TOWNSHIP, Michigan
480389997
2502330832-0096
4/25/2013 (800)275-8777 09:37:58 AM

Sales Receipt

Product Description | Sale Qty | Unit Price | Final Price

WASHINGTON DC 20530 $0.66
Zone-4 First-Class
Letter
1.60 oz.
Expected Delivery: Mon 04/29/13
Return Rcpt (Green Card) $2.55
Certified $3.10
Label #: 70123050000084484918

Issue PVI: $6.31

WASHINGTON DC 20530 $0.66
Zone-4 First-Class
Letter
1.60 oz.
Expected Delivery: Mon 04/29/13
Return Rcpt (Green Card) $2.55
Certified $3.10
Label #: 70123050000084484925

Issue PVI: $6.31

DETROIT MI 48226 $0.66
Zone-1 First-Class
Letter
1.40 oz.
Expected Delivery: Sat 04/27/13
Return Rcpt (Green Card) $2.55
Certified $3.10
Label #: 70033110000827455636

Issue PVI: $6.31

IV

I have knowledge that there was an F.B.I investigation. During one of my interviews with a F.B.I. agent, another agent popped-in and stated: *"you do good work."* Additionally, I am a librarian, trained in public document research; and a biographee in numerous *"Who's Who"*. I was employed in the auto industry in the capacity of domestic and international "industrial espionage" otherwise known as "competitive intelligence." The documentation regarding Judge McDonald and Attorney Paul Nicoletti as well as others was presented to the F.B.I. and the U.S. Attorney's office; as well as non-profits who *thanked me for my efforts to expose corruption.*

This documentation is also residing at:
http://www.youtube.com/watch?v=_ecJi0vBYfw

V

As a taxpayer, I am appalled that this irrelevant, nonsensical response, (April 17, 2013) was sent by the U.S. Attorney's office; or in the alternative, is a cover-up of the judge, attorney and the insurance company.

- ✓ Authority: USC 3332 Demand for Criminal Grand Jury
- ✓ Again, my request is for information regarding presenting evidence to a Grand Jury regarding corruption involving judges, attorneys and an insurance company. THIS IS NOT A REQUEST FOR THE U.S. ATTORNEY TO CONDUCT AN INVESTIGATION !

Regards,

Karen L. Stephens
16567 Forestview Dr.
Clinton Twp., MI 48036

U.S. Department of Justice

United States Attorney
Eastern District of Michigan

TEL (313) 226-9776

FAX (313) 226-3561

211 W. Fort Street
Suite 2001
Detroit, Michigan 48226

May 15, 2013

Karen L. Stephens
16567 Forestview Dr.
Clinton Twp., MI 48036

Re: Request to Present Evidence to a Grand Jury

Dear Ms. Stephens:

I am in receipt of your letter dated April 26, 2013 to Barbara L. McQuade in which you request an investigation into allegations of public corruption. Investigations are the responsibility of law enforcement agencies. Thus, this matter would need to be examined by the FBI or other law enforcement agency before this office would become involved. If you feel you are the victim of a crime, or have information about official corruption, I suggest that you contact a local law enforcement agency or the FBI.

Very truly yours,

BARBARA L. McQUADE
United States Attorney

Daniel L. Lemisch
Assistant United States Attorney
Chief, Criminal Division

Exhibit 15

741 F.2d 336, Trezevant v. City of Tampa

James C. TREZEVANT, Plaintiff-Appellant,

v.

CITY OF TAMPA, a municipal corporation, et al., Defendants-Appellees.

James C. TREZEVANT, Plaintiff-Appellee,

v.

CITY OF TAMPA, a municipal corporation, Hillsborough County Board of Criminal Justice, et al., Defendants-Appellants.

Nos. 83-3370, 83-3038.

United States Court of Appeals, Eleventh Circuit.

Sept. 6, 1984.

Rehearing and Rehearing En Banc Denied Oct. 11, 1984.

Motorist cited for traffic violation brought civil rights action against munici-

the time of or after his arrest and *Miranda* warning as evidence of insanity. We note only that this issue is not presented in this case.

pality and county board of criminal justice under civil rights statute, alleging that his incarceration during booking process, even though at all times he had sufficient cash on hand to post bond, was an unconstitutional deprivation of his right to liberty. The United States District Court for the Middle District of Florida, William J. Castagna, J., entered judgment on a jury verdict in favor of motorist, and municipality and county board appealed. Motorist cross-appealed amount of attorney fees awarded. The Court of Appeals, Fay, Circuit Judge, held that: (1) evidence was sufficient to support verdict in favor of motorist; (2) award of $25,000 was not excessive; and (3) trial court properly severed time spent on unsuccessful counts from attorney fee award and properly refused to enhance fee award.

Affirmed.

1. Civil Rights ⇐13.13(3)

Evidence that motorist cited for traffic violation was incarcerated for 23 minutes during booking process, even though he had never been arrested and at all times had sufficient cash on hand to post bond pending court disposition of citation, was sufficient to support finding that municipality employing officer who cited motorist and county board of criminal justice, which operated facility in which motorist was incarcerated, had unconstitutionally deprived motorist of his right to liberty. 42 U.S.C.A. § 1983.

2. Civil Rights ⇐13.7

Municipality may be liable under civil rights statute for an unconstitutional deprivation when deprivation is visited pursuant to government "custom" even though such custom has not received formal approval through body's official decision making channels.

3. Civil Rights ⇐13.7

Official policy or custom of a municipality must be moving force of constitutional violation before civil liability will attach to municipality under civil rights statute. 42 U.S.C.A. § 1983.

4. Civil Rights ⇐13.13(3)

Evidence, including facts that municipal police officer who cited motorist for traffic violation escorted motorist to central booking and that county deputies then processed motorist in normal course of business and in accordance with what they considered to be governmental policy, was sufficient to support finding that motorist's unconstitutional incarceration during booking process, even though motorist at all times had sufficient cash on hand to post bond, was result of an official policy, thus rendering both municipality and county board of criminal justice liable to motorist for unconstitutional deprivation of right to liberty. 42 U.S.C.A. § 1983.

5. Civil Rights ⇐13.17(6)

Jury verdict of $25,000 in favor of motorist who was unconstitutionally deprived of his liberty when incarcerated during booking process following citation for traffic violation was not excessive in view of evidence of motorist's back pain during period of incarceration and jailor's refusal to provide medical treatment, as well as fact that motorist was clearly entitled to compensation for incarceration itself and for mental anguish that he had suffered from entire episode. 42 U.S.C.A. § 1983.

6. Civil Rights ⇐13.17(18)

In determining appropriate attorney fee award under civil rights attorney fees statute, trial court properly severed time spent on unsuccessful counts, except to extent that such time overlapped with related successful counts, and properly refused to enhance award. 42 U.S.C.A. § 1988.

Robert V. Williams, Tampa, Fla., for James C. Trezevant.

Chris W. Altenbernd, Tampa, Fla., for defendants-appellees in No. 83-3370.

Bernard C. Silver, Asst. City Atty., Tampa, Fla., City of Tampa.

Donald G. Greiwe, Chris W. Altenbernd, Tampa, Fla., for Hillsborough County Bd. of Criminal Justice.

Appeals from the United States District Court for the Middle District of Florida.

Before FAY, VANCE and HATCHETT, Circuit Judges.

FAY, Circuit Judge:

In Florida a motorist who receives a traffic citation may sign a promise to appear or post a bond pending court disposition. Mr. Trezevant elected to post a bond, had the necessary cash with him to do so, but found himself in a holding cell behind bars. Feeling that such a procedure deprived him of his civil rights (to remain at liberty), he brought this action. The jury agreed with his contentions and we affirm.

This matter was tried before the Honorable William J. Castagna, United States District Court, Middle District of Florida, beginning on October 20, 1983. The amended complaint then before the trial court contained four counts. Count I charged that the City of Tampa and Officer Eicholz deprived Mr. Trezevant of his civil rights by improperly arresting him. Count II similarly charged the Hillsborough County Board of Criminal Justice ("HBCJ") and Deputy Edwards with improperly incarcerating Mr. Trezevant. Counts III and IV were included as pendent common law and state law claims against the same defendants. Count III was voluntarily dismissed by the plaintiff and Count IV was disposed of on a motion for directed verdict against the plaintiff.[1] The jury returned a verdict of $25,000 in favor of the plaintiff and against the HCBJ and the City of Tampa. The individual defendants were absolved of all liability.

The case is now before this court on cross appeals pursuant to 28 U.S.C. § 1291. Mr. Trezevant has appealed the amount of attorney's fees awarded to him and the City of Tampa and the HBCJ have appealed the judgment against them. The parties have raised multiple issues on appeal but we find that a determination of three is dispositive of the entire matter. These three issues are whether the evidence supports the verdict rendered by the jury; whether the amount of the verdict rendered is excessive; and whether the trial court erred in the amount of attorney's fees awarded pursuant to 42 U.S.C. § 1988.

FACTS

On the morning of April 23, 1979, the plaintiff, James C. Trezevant, was en route from his home in northwest Hillsborough County to his office in central Tampa. When he reached the intersection of Habana Avenue and Columbus Drive he stopped for a red light, he was third in line at the intersection. When the light changed, Mr. Trezevant and the two cars in front of him proceeded through the intersection. Just south of the intersection the other two cars came to a sudden stop and turned into a parking lot. In order to avoid a collision, Mr. Trezevant came to a screeching halt. Having avoided an accident, he then proceeded on. Six or seven blocks later, Mr. Trezevant was stopped by Officer Eicholz of the Tampa police department and was issued a citation for reckless driving.[2] Officer Eicholz explained to Mr. Trezevant that if Trezevant did not sign the citation he would have to post a bond. Mr. Trezevant elected to go to central booking and post a bond.

Central booking has two entrances. In 1979, one of the entrances was used by bail bondsmen and lawyers to post bail bonds. Through a series of halls, this entrance leads to a glass window adjacent to the central booking desk. The only other entrance was used by policemen who were taking arrestees to be booked. This second entrance opened into a large room adjacent to the booking desk. Officer Eicholz escorted Mr. Trezevant to central booking and when they arrived he frisked Mr. Trezevant and took him through the door nor-

1. This ruling has not been appealed.

2. Officer Eicholz issued a total of three citations: (1) reckless driving, (2) failure to produce a motor vehicle registration certificate, and (3) refusal to sign a traffic citation. The parties agreed that the third citation was a nullity there being no such offense.

mally used by policemen with arrestees in custody. Officer Eicholz walked up to the central booking desk and presented the jailer on duty with Mr. Trezevant and with the citations that Mr. Trezevant had refused to sign. The jailer took Mr. Trezevant's valuables and his belt and shoes and placed Mr. Trezevant in a holding cell until he could be processed. Mr. Trezevant was in the holding cell for a total of twenty-three minutes.

Mr. Trezevant always had enough cash to bond himself out. No one ever told Mr. Trezevant what he was being incarcerated for; he was not allowed to call an attorney before he was incarcerated; and, he was incarcerated with other persons who were under arrest for criminal violations. Further, while he was being held in the holding cell, Mr. Trezevant suffered severe back pain and his cries for medical assistance were completely ignored.

Mr. Trezevant's complaint centers around the fact that he was incarcerated for a civil infraction. It is true that because Mr. Trezevant could not produce his vehicle registration he could have been arrested. However, it is also true that no one ever thought that Mr. Trezevant was not the owner of the car he was driving. The only reason that he was escorted to central booking was that he had elected to post a bond for the civil infraction of reckless driving. Officer Eicholz consistently maintained that he did not arrest Mr. Trezevant.

SUFFICIENCY OF THE EVIDENCE

The City of Tampa and the HBCJ contend that the trial court erred in failing to grant a directed verdict in their favor. A directed verdict decides contested substantive issues as a matter of law, thus we apply the same standard as was applied by the district court:

> Courts view all the evidence, together with all logical inferences flowing from the evidence, in the light most favorable to the non-moving party....
>
> "... [I]f there is substantial evidence opposed to the motions, that is, evidence of such quality and weight that reasonable and fair-minded men in the exercise of impartial judgment might reach different conclusions, the motion should be denied, and the case submitted to the jury."

Neff v. Kehoe, 708 F.2d 639 (11th Cir.1983) (*quoting Boeing Co. v. Shipman*, 411 F.2d 365 (5th Cir.1969)).

Applying this standard to the case at bar, the City of Tampa and HBCJ would have us find that there was no evidence of a policy that caused the deprivation of the plaintiff's rights. They would each have us look at their actions in this matter individually. The City of Tampa contends that Officer Eicholz properly escorted Mr. Trezevant to central booking and turned him over to HBCJ for processing. The City argues that once Officer Eicholz reached the booking desk and handed the citations to the deputy on duty, the City was absolved of all further responsibility. Even though Officer Eicholz was present and observed that Mr. Trezevant was being incarcerated, the City believes that Officer Eicholz had no responsibility to object to the incarceration.

The HBCJ, on the other hand, argues that it did nothing wrong because all that its personnel did was accept a prisoner from Officer Eicholz on citations that were marked for arrest.[3] The HBCJ would have us hold that their deputy did not do anything wrong because he believed in good faith that Mr. Trezevant was under arrest and that the deputy had no obligation to make any inquiry of Officer Eicholz concerning Mr. Trezevant's status. We cannot agree with either the city or the HBCJ.

The United States Court of Appeals for the Fifth Circuit has recently dealt with a similar legal issue. In *Garris v. Rowland*, 678 F.2d 1264 (5th Cir.1982), a warrant was issued and Mr. Garris was arrested even though a follow-up investigation prior to

3. Some confusion surrounds the three citations. The jury could have concluded that Officer Eicholz had not completed the citations until after Mr. Trezevant was placed in the holding cell. The check showing that Mr. Trezevant had been arrested was apparently a mistake.

Mr. Garris' arrest had revealed that the charges against Mr. Garris were without substance. The Court found that while the City of Fort Worth Police Department had a policy that required follow-up investigations by a second police officer, there was no policy to coordinate the follow-up investigations with the original investigation so as to prevent the arrest of innocent people:

> There was no policy or method providing for cross-referencing of information within the department to prevent 'unfounded' arrests such as occurred here, nor was there a policy providing for the follow-up investigator ... to check with the original investigator ..., who in this case was aware of Rowland's intention to arrest Garris and could have prevented such action. In summary, the record establishes that during this entire police operation, leading up to Garris' unlawful arrest, numerous mistakes occurred, all of which resulted from various officers carrying out the policies and procedures of the Fort Worth Police Department.

Garris, 678 F.2d at 1275. We find this reasoning to be persuasive.

[1] In the case at bar, Mr. Trezevant's incarceration was the result of numerous mistakes which were caused by the policemen and deputies carrying out the policies and procedures of the City of Tampa and the HBCJ. There was certainly sufficient evidence for the jury to find, as it did, that pursuant to official policy Officer Eicholz escorted Mr. Trezevant to central booking where he was to be incarcerated until the HBCJ personnel could process the paper work for his bond. We cannot view the actions of Officer Eicholz and the jailer in a vacuum. Each was a participant in a series of events that was to implement the official joint policy of the City of Tampa and the HBCJ.[4] The failure of the procedure to adequately protect the constitutional rights of Mr. Trezevant was the direct result of the inadequacies of the policy established by these defendants. The trial court correctly denied the motions for directed verdict and submitted the case to the jury.

[2, 3] In *Gilmere v. City of Atlanta*, 737 F.2d 894 (11th Cir.1984), this court explained that a municipality may be liable under 42 U.S.C. § 1983 (1982) if unconstitutional action is taken to implement or execute a policy statement, ordinance, regulation or officially adopted and promulgated decision. *Gilmere* at 901. Liability may also attach where the unconstitutional deprivation is "visited pursuant to government 'custom' even though such custom has not received formal approval through the body's official decision making channels." *Gilmere* at 901 (quoting *Monell v. Department of Social Services*, 436 U.S. 658, at 690–91, 98 S.Ct. 2018 at 2035–36, 56 L.Ed.2d 611, *rev'g in part Monroe v. Pape*, 365 U.S. 167, 81 S.Ct. 473, 5 L.Ed.2d 492 (1961)). However, the "official policy or custom must be the moving force of the constitutional violation" before civil liability will attach under § 1983. *Gilmere*, 737 F.2d at 901 (*quoting Polk County v. Dodson*, 454 U.S. 312, 102 S.Ct. 445, 454, 70 L.Ed.2d 509 (1981)).

[4] In *Gilmere*, the plaintiff based her claim on the theory that the constitutional deprivation was the result of official custom; she made no claim that it was the result of official policy. However, our court found that the evidence conclusively showed that the municipal defendant had no official custom that caused the alleged constitutional deprivation. In the case at bar, however, there was sufficient evidence for the jury to find that Mr. Trezevant's unconstitutional incarceration was the result of an official policy. Officer Eicholz escorted Mr. Trezevant to central booking and the HBCJ deputies then processed Mr. Trezevant in the normal course of business and in accordance with what they considered to be governmental policy. The fact that no motorist prior to Mr. Trezevant had elected to not sign a citation but rather post a bond is hardly justification for having no procedure. The record is devoid of any explanation as to why Mr. Trezevant was not allowed to use the entrance and

4. The City of Tampa was one member of the group that supervised the HBCJ.

window routinely used by attorneys and bondsmen. The imposition of liability on these municipal defendants is in full compliance with the standards explained in *Gilmere*.

THE AMOUNT OF THE AWARD

The defendants have also challenged the amount of the award and contend that the amount is excessive. The standard for review of this issue was stated in *Del Casal v. Eastern Airlines, Inc.*, 634 F.2d 295 (5th Cir. Unit B 1981):[5]

> In order for an award to be reduced, 'the verdict must be so gross or inordinately large as to be contrary to right reason.' *Machado v. States Marine-Isthmian Agency, Inc.*, 411 F.2d 584, 586 (5th Cir. 1969). The Court 'will not disturb an award unless there is a clear showing that the verdict is excessive as a matter of law.' *Anderson v. Eagle Motor Lines, Inc.*, 423 F.2d 81, 85 (5th Cir. 1970). The award, in order to be overturned must be 'grossly excessive' or 'shocking to the conscience.' *La-Forest v. Autoridad de las Fuentas Fluviales*, 536 F.2d 443 (1st Cir.1976).

[5] There was evidence of Mr. Trezevant's back pain and the jailer's refusal to provide medical treatment and Mr. Trezevant is certainly entitled to compensation for the incarceration itself and for the mental anguish that he has suffered from the entire episode. This award does not "shock the court's conscience" nor is it "grossly excessive" or "contrary to right reason." Finally, there is no indication that the jury considered this amount to be punitive as opposed to compensatory.

ATTORNEY'S FEES

[6] Mr. Trezevant has challenged the trial court's determination to sever the time spent on the unsuccessful counts from the fee award and its determination not to enhance the fee award. In the order on fees, the trial court expressly considered the various factors delineated in *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir.1974), and also found that the pendent claims had been "clearly without merit".

The United States Supreme Court has recently interpreted 42 U.S.C. § 1988. It held:

> [T]he extent of a plaintiff's success is a crucial factor in determining the proper amount of an award of attorney's fees under 42 U.S.C. § 1988. Where the plaintiff has failed to prevail on a claim that is distinct in all respects from his successful claims, the hours spent on the unsuccessful claim should be excluded in considering the amount of a reasonable fee. Where a lawsuit consists of related claims, a plaintiff who has won substantial relief should not have his attorney's fee reduced simply because the district court did not adopt each contention raised. But where the plaintiff achieved only limited success, the district court should award only that amount of fees that is reasonable in relation to the results obtained.

Hensley v. Eckerhart, 461 U.S. 424, 103 S.Ct. 1933, 1943, 76 L.Ed.2d 40 (1983).

The trial court correctly recognized that the fee award should exclude the time spent on unsuccessful claims except to the extent that such time overlapped with related successful claims. The court then excluded the time spent on the unsuccessful claims because those claims were clearly without merit. Finally, the court considered the award in light of the work performed in this case and found that the award was a reasonable fee for the services performed. We find that the trial judge correctly applied the law and did not abuse his discretion.

CONCLUSION

For the reasons stated, we find that the jury verdict was supported by sufficient

5. Decisions of the United States Court of Appeals for the Fifth Circuit handed down prior to the close of business on September 30, 1981, are binding as precedent in the Eleventh Circuit. *Bonner v. City of Prichard, Ala.*, 661 F.2d 1206 (11th Cir.1981). *Del Casal* was decided on January 16, 1981, and, so, is binding precedent in the Eleventh Circuit.

evidence; the verdict was not excessive; and, the trial court did not abuse its discretion in setting the attorney fee award. Accordingly, the judgment of the district court is AFFIRMED.