ORIGINAL

No. 10A1018

In The
Supreme Court of the United States

David Schied, on behalf of "*Student A*",
Petitioner

v.

SCOTT SNYDER, LYNN MOSSOIAN, KENNETH ROTH, RICHARD FANNING, JR., DAVID SOEBBING, HARVALEE SAUNTO, DONNA PARUSZKIEWICZ, MARY E. FAYAD, SUSAN LIEBETREU, DONALD S. YARAB, CATHERINE ANDERLE, ARNE DUNCAN, in both their individual and official capacities,
Respondents

This Petition for Writ of Certiorari
From The United States Court of District Court for the Eastern District of Michigan
and the United States Court of Appeals for the Sixth Circuit
And
is in Accompaniment of a Second Petition for Writ of Certiorari
also on Appeal from the Eastern District of Michigan and the Sixth Circuit
Cited as Application No. 10A1017
And
is Additionally Accompanied by a Third Petition
for Writ of Mandamus

PETITION FOR WRIT OF CERTIORARI

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

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QUESTIONS PRESENTED

Question #1:

To what extent are attorneys partnering private corporations, acting either individually or collectively while projecting an aura of authority as "*officers of the court*" and the "*representatives of government*" when in litigation, considered "*state actors*" in the context claims filed for deprivation of constitutional rights under 42 U.S.C. §1983, and to what extent are these government officials to be held accountable and responsible for their acts, including their negligence to act, when responding to civil and criminal complaints about their instrumental participation in the "*dishonest government services*" of their clients?

Question #2:

Are state and federal judiciary rulings, whether published or unpublished, unconstitutional or even misleading when they state, "*[P]rivate citizens have no authority to initiate criminal prosecutions*", and issue sanctions – or even warnings of sanctions – for the exercise of a person's "*redress of grievances*", when the citizens in question have exhausted all administrative and judicial remedies, have been barred from access to either a State or Federal grand jury (even when demanding access to the grand jury under 18 U.S.C. §3332), and given that private persons have long had the rights, under numerous State laws, to conduct citizen's arrests, to file written complaints (constituting "*indictments*" by definition), the right (as crime victims) "*to be protected from the accused*"?

Question #3:

At what point is the line crossed between being a "*state actor*" subject to governmental immunities by "*performing governmental functions*", including attorney functions, when the "*discretionary*" actions in question, as part of the functional duties of the state actor, become intentionally abused and effectively "*cross the line*" into tortuous "*private actions*" and/or tortuous public actions otherwise subject to criminal prosecution under 18 U.S.C. §§241 and 242? And when those discretionary abuses do occur by prosecutors and "*law enforcement*" and judges, who may altogether be acting in concert to unconstitutionally deprive citizens of their "*due process*" rights rather than to provide proper "*checks and balances*" on one another (e.g.,., the prosecutor refuses to prosecute a judge or a judge finds no violation based in the factual allegations against another state actor) what other options do law abiding citizens have available to them besides relying upon their own sovereignty and forming their own constitutional "*citizen grand juries*" to hear such matters?

LIST OF PARTIES

Petitioner's contact information appears in the caption of the case on the cover page.

Petitioner is *pro se* and *forma pauperis*.

The Respondents' attorneys are as follows:

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APPENDIX 2F – The documents of this entry consists of two letters, both dated 3/24/10 and written to U.S. Attorney General Eric Holder and to U.S. Attorney Terrence Berg. Each letter was sent as a "*Formal complaint of criminal misconduct by Northville Public Schools superintendent Leonard Rezmierski by violation of campaign finance laws and a June 2001 Michigan Secretary of State ruling*". This complaint was accompanied by a Northville Record newspaper article pointing out that PATRICK WRIGHT, a former Michigan Assistant Attorney General and senior analyst for the Mackinac Center for Public Policy was the first to uncover and publicize this crime by the Respondent Scott Snyder's supervisory administration and their Keller Thoma, PC attorneys.

APPENDIX #1B1 – This is the "*Opinion and Order*" of U.S. District Court Judge Lawrence Zatkoff dismissing Petitioner's complaint against three Sixth Circuit Court of Appeals judges and numerous USDOJ "state agents". The exhibits also include Petitioner's "*Appendix of Referenced Exhibits*" filed by Petitioner prior to that dismissal, which itemizes and summarizes all of the eighty (80) exhibits that were systematically dismissed by Judge Zatkoff along with Petitioner's initial Complaint.

APPENDIX #3A2 – This is the second "*Opinion and Order*" delivered by Judge Zatkoff, in the aftermath of Petitioner complying to the best of his ability, legally and financially, in submitting an "*Amended Complaint*" referencing the 80 exhibits in the first Complaint that he could no longer afford to copy again and resend to all of the government defendants. Also included in this filing were Petitioner's "*Motion for Judge to Disqualify Himself...*" and two other "*constitutional*" motions entitled, "*Motion to Demand this Court Read All Pleadings Plaintiff Files with this Court, and to Adhere Only to Constitutionally Compliant Law and Case Law, and More Particularly, the Bill ofRights in Its Rulings*" and Petitioner's "*Motion to Claim and Exercise Constitutional Rights, and Require the Presiding Judge to Rule Upon this Motion for All Public Officers of this Court to Uphold Said Rights*". This entry also contains a final "*Judgment*" dated 3/25/10 and a third "*Opinion and Order*" issued by Judge Zatkoff dismissing Petitioner's entire case "*with prejudice*", which included a reiteration of an earlier dismissal of Petitioners' request for a criminal grand jury investigation into Petitioner's report of government crimes.

APPENDIX #3A3 – This is a 3-part "*judicial misconduct*" complaint that Petitioner filed with the Judicial Council of the Sixth Circuit Court, against Judge Lawrence Zatkoff, in the aftermath of his dismissing all of Petitioner's Complaint and evidence, and while publishing a final "*Opinion and Order*" in claim that for the quarter-century following Petitioner receiving initial "*probation*" recommended by a jury on a first-time-only-time teenage

offense, which was followed by a "*withdrawal of plea*", a "*dismissal of indictment*", a "*set aside of judgment*" , and a governor's "*full pardon and full restoration of civil rights*", Petitioner was somehow still had a "*conviction*" for all of those two and a half decades.

APPENDIX #3B – This is a letter written in 2009 by the Quality Control Unit of the Michigan State Police's "*Criminal Records Division*" in response to the MSP being provide a copy of the "*Sworn Affidavit of Earl Hocquard*" in evidence that the Lincoln Consolidated Schools was still disseminating, in 2009, copies of an erroneous FBI identification record they received when evaluating Petitioner's qualifications for continued employment in 2003. The letter cited the Lincoln Schools superintendent LYNN CLEARY for the offense while being worded in such a way as to continue "*covering up*" a mock "*Internal Affairs*" investigation from 2007 about which Petitioner had complained that a MSP detective had "*perjured*" his crime report while filing an "*incident report*" on Petitioner's behalf in 2006, so to provide another level of "cover" for the former Lincoln Consolidated Schools superintendent Sandra Harris and a "hostile witness" to Harris' crime, former assistant principle Scott Snyder who had been Petitioner's supervisor prior to Petitioner being fired from his job and denied his right to "challenge and correct" that 2003 FBI report.

APPENDIX #3C – This is a series of email letters of complaint sent by Petitioner to the U.S. District Court Administrator in complaint about Judge Denise Hood's case manager William Lewis.

APPENDIX #3D – This entry includes seven (7) "*Orders*" delivered all at once, a full year ago, by U.S. District Court judge Denise Hood, altogether denying Petitioner's request to remand a case he filed in State court properly back to the case back to State court. These orders not only deny the evidence showing that Plunkett-Cooney attorney Michael Weaver had been defrauding both state and federal courts when continually claiming that Petitioner was "re-litigating" 2003 issues with "*no new incident or occurrence*". The orders have had the effect of depriving Petitioner of his right to "discovery" of these matters, while also forcing Petitioner to become subject to further abuse by attorney Weaver as the criminally "*accused*".

APPENDIX #3E – This is a three-part (3-part) "*judicial misconduct*" complaint that details the malfeasance being carried out by Judge Denise Hood of the U.S. District Court for the Eastern District of Michigan, leading up to her subjecting Petitioner to further illegal abuses "*under color of law*" by Plunkett-Cooney law firm partner Michael Weaver. The complaint

also outlines the number of ways that the case manager for Judge Hood, William Lewis, was instrumentally involved in depriving Petitioner of his constitutional rights to due process as Judge Hood's "*agent*". As of the filing of this instant Petition in the U.S. Supreme Court, this judicial misconduct complaint has been left unresolved and is still "pending" and with the Judicial Council of the Sixth Circuit Court of Appeals.

APPENDIX #3F – This is the "*cover page*", the *Table of Contents*, and the first 24 pages of the "*Introduction*" of Petitioner's "*Motion for Interlocutory Appeal*" which Petitioner filed in the immediate aftermath of Judge Denise Hood's delivery of the seven (7) orders referenced above. It should be noted that though Petitioner filed this "*motion*" a full year ago, this "*Interlocutory Appeal*" remains still "*pending*" before Judge Hood.

APPENDIX #3G – These are two confusing "Orders" issued by Judge Denise Hood a full year ago, both pertaining to the pending "Motion for Interlocutory Appeal". The first Order states that the motion will be litigated as soon as the Defendants' attorney Michael Weaver files a "*response*". This order was erroneously wrongfully produced since at the time of issuance of this Order the defense counsel Weaver's response had already been filed. The second of the two Orders established that correction and reiterated that the motion would be soon heard but without a set date. Both of these Orders reiterated that Judge Hood intended, at least a year ago, to rule while denying the parties "oral argument", a move that Petitioner interprets to be prejudicial and indicative of further "*abuses of judiciary discretion*" given the history of this case.

APPENDIX #4A – This is a copy of a "*Defendants' Motion to Strike Pleadings or Alternatively to Dismiss*" recently filed by the Michigan Solicitor General in the Michigan "*Court of Claims*" on behalf of the Michigan Attorney General Bill Schuette. The case was one recently filed by Petitioner naming the State Court Administrator, the Michigan Department of Civil Rights, the Michigan Department of Civil Rights, the Michigan Department of Energy, Labor, and Economic Growth, and the State Administrative Board for their "*deprivation*" of Petitioner's rights to "*due process*" in response to years of "*redress of grievances*" documented against each agency for the past seven and one-half years of Petitioner being deprived of his right to equal opportunity employment and while also being denied his rights to equal criminal protection, equal judicial treatment, and equal

treatment when bringing forth his civil rights complaint to Michigan government officials.

APPENDIX #4B – This entry consists of two letters addressed to the Michigan Attorney General Mike Cox. The first was a "*cover letter*" written by Congressman Thaddeus McCotter in December 2006 in request that Mike Cox show some accountability for Petitioner's 22-page letter, written a month prior and still without a response back, outlining the previous year of malfeasance and gross negligence of Petitioner's criminal complaints about specific acts of corruption in Michigan government.

APPENDIX #4C – This entry contains a recent complaint sent to the Michigan Attorney General Bill Schuette. The letter clearly referenced – as shown by the copies provided – the "*Sworn Affidavit of Earl Hocquard*" and Petitioner's earlier criminal complaint to Oakland County Prosecutor, dated 9/23/10, which was regarding the commission of felony crimes by Plunkett-Cooney law firm "*partner*" MICHAEL WEAVER by his "*fraud upon the courts*", both state and federal courts.

APPENDIX #4D – This is a Detroit Free Press article outlining the "*unequal treatment under the law*" practiced by the Attorney General Mike Cox in Michigan. The article underscores the fact that AG Cox had relied upon the specific language in a statute of the Michigan criminal codes to secure a "*conviction*" of a citizen to s sex crime through the reversal of a lower court ruling, and while using a statute which, if equally applied to Mike Cox himself could have brought "*first-degree criminal sexual conduct" charges against the attorney general*".

APPENDIX #4E – This is the entirety of a civil Complaint that Petitioner filed in the Wayne County Circuit Court with evidence that the Township of Redford is engaging in misleading and extortionist practices by having police officers write tickets and then forcing the citation recipients to come to court to battle directly with the officer, without the presence of a judicial official and with the officer in plain clothes impersonating a prosecutor. The complaint documents how "Notices to Appear" utilizes fraudulent Michigan Bar numbers for "magistrates" that do not exist, and it details how the police officer employs unethical pressure tactics for anyone who disagrees with his offer to pay a lower fine amount, or else....

APPENDIX #4F – This is an Order that was delivered just earlier this week against Petitioner by the Michigan Court of Appeals in denial of Petitioner's "Complaint for Writ of Mandamus", against Wayne County law

enforcement and the Northville Public Schools defendants. The Order is accompanied by the filings of the Wayne County Corporation Counsel on behalf of the Wayne County Sheriff and the Wayne County Prosecutor, both accused by Petitioner of felony malfeasance and fraud upon the court. The documentation provided by this filing, presented in its entirety to this U.S. Supreme Court, proves Petitioner's points about these government agencies.

JURISDICTIONAL STATEMENT

Federal courts:

The date on which the United States Court of Appeals decided my case was January 14, 2011.

An extension of time to file the petition for a writ of certiorari was granted to and including June 13, 2011 on April 18, 2011 in Application No. 10A1017.

The jurisdiction of this Court is invoked under 28 U.S.C. §1257(a). The Court also has jurisdiction under the 5 U.S.C. § 702 (*Right of Review*).

The jurisdictional basis for petitioner's original 42 U.S.C. § 1983 Complaint is that Respondents, while operating in their individual and official capacities, did intentionally ignore and disregard petitioner's civil rights and constitutionally protected rights; and did intentionally ignore and disregard the civil rights of underage disabled children for whom the Respondents otherwise had the duty to protect. Authority is thus provided by 20 U.S.C. Chapter 33 §1400(d)(1), §1401(9) and (14), §1403, §1407(b), §1408(b), §1412, §1413, §1415, §1416, under Education of Individuals with Disabilities. Authority is also provided under the Code of Federal Regulations, Title 34 (Education), Sections 300.34, 300.101, 300.116, 300.220,

300.222, 300.501, 300.556 and 300.600. Additionally, federal jurisdiction is held under the Whistleblower Protection Act of 1989 (5 U.S.C. § 2302).

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

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

The Jurisdiction of the Supreme Court in cases against individuals who are Officers and Officials of the State acting under color of law in regards to State Statue and Constitutional Provisions, and where claims of violations of federally guaranteed Rights challenge the constitutionality of as state law is well established

in the history of the District and Federal Courts in the cases of *Ex parte Young*, 209 U.S. 123 (1908), *Scheuer v. Rhodes*, 416 U. S. 232 (1974), and even more exhaustively in the case of *Sterling v. Constantin*, 287 U.S. 378 (1932)(*infra*).

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

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

> "***It shall be the duty of each such grand jury impaneled within any judicial district to inquire into offenses against the criminal laws of the United States alleged to have been committed within that district.*** Such alleged offenses may ***be brought to the attention of the grand jury by the court or by any attorney appearing on behalf of the United States for the presentation of evidence. Any such attorney***

receiving information concerning such an alleged offense from any other person shall, if requested by such other person, inform the grand jury of such alleged offense, the identity of such other person, and such attorney's action or recommendation."

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

> *"(a) Applicability of statutory and common law: The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of titles 13, 24, and 70 of the Revised Statutes for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, **the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, SHALL be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty.***

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

> *"...are of great magnitude, and the thousands of persons interested therein are entitled to protection from the laws and from the courts equally with the owners of all other kinds of property, and the courts having jurisdiction, whether Federal or State, should at all times be open to them, and, where there is no adequate remedy at law, the proper course to protect their rights is by suit in equity in which all interested parties are made defendants.*"
> *Ex parte Young*, *supra*, at p. 126

The Jurisdiction of the federal courts to make findings of money damages against the Respondents is well established in *Scheuer v. Rhodes* (*supra*).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

(*See* "Appendix A" of the accompanying "*Petition for Writ of Mandamus*" for details)

1) **Article II of the U.S. Constitution** ("*enumerated rights of the executive branch*")

2) **Article III §2 of the U.S. Constitution** (*extend law and equity to all cases*)

3) **Article IV §1 of the U.S. Constitution** *(full faith and credit)*

4) **Article IV §2 of the U.S. Constitution** *(privileges and immunities)*

5) **First Amendment to the U.S. Constitution** *(redress of grievances)*

6) **Fifth Amendment to the U.S. Constitution** (*witness against self; due process; double jeopardy*)

7) **Sixth Amendment to the U.S. Constitution** *(trial by jury)*

8) **Seventh Amendment to the U.S. Constitution** *(no fact tried by jury reexamined)*

9) **Ninth Amendment to the U.S. Constitution** *(limits of enumerated rights)*

10) **Tenth Amendment to the U.S. Constitution** *(rights not delegated are reserved)*

11) **Thirteenth Amendment to the U.S. Constitution** *(bars against peonage; servitude only for the convicted)*

12) **Fourteenth Amendment to the U.S. Constitution** *(equal protection of laws)*

13) **Michigan Constitution, Art. I, §24, William Van Regenmortor Crime Victims' Rights Act (MCL 780.751 through 780.775) and Constitutional Amendment** *(right to reasonable protection from "the Accused")*

14) **MCL 18.351** – *[Crime Victim's Compensation Board (definitions) in defining a "crime"]*

15) **MCL 761.1** – ("*indictment*" is a "*complaint*" defined as "*formal written accusation*")

16) **MCL 764.1(a)** – *(magistrate's duty to issue a warrant upon complaint)*

17) **MCL 767.3** – *(complaint constitutes "probable cause" for judge's inquiry)*

18) **National Crime Prevention and Privacy Compact:**
   a) **Title 42 U.S.C. §14616 (United States)**
   b) **Act 493 of 2008 (MCL 3.1051through 3.1053)**

19) **MCL 28.211 et. seq.** (*Michigan's CJIS Policy Council Act*)

20) 28 Code of Federal Regulations (CFR) §50.12 *(right to retain employment while challenging and correcting FBI identification records)*

21) 15 U.S.C. §1681-1681u (*Fair Credit Reporting Act of 1970 as amended*)

22) 42 U.S.C. § 2000d, ***Title VI of the Civil Rights Act of 1964*** *(discrimination based on race)* *(*See* Appendix entry)

23) 42 U.S.C. §2000e-2, ***Title VII of the Civil Rights Act of 1964*** *(disparate impact)*

24) 42 U.S.C. § 1981(a) *(full and equal benefit of all laws)*

25) 42 U.S.C. § 1983 *(deprivation of rights under color of law)*

26) 5 U.S.C. § 552a(i) (of the *Privacy Act of 1974*)

27) 18 U.S.C. §641 (***theft of public*** *money, property or* ***records***)

28) 18 U.S.C. § 3 (*Accessory after the fact*)

29) 18 U.S.C. § 4 (*Misprision of felony*)

30) 18 U.S.C. §§241 and 242 *"[(Conspiracy to...) Deprive of Rights using 'Color of Law"]*

31) 18 U.S.C., Chapter 96 (*Racketeering Influenced and Corrupt Organizations*)

32) 18 U.S.C. §1962(d) – *(Conspiracy to violate the RICO Act)*

33) Title 18, U.S.C. § 3771 *(Crime Victims' Rights)*

34) 18 U.S.C. §3332 (***special grand jury to inquire and duty of prosecutor to report by citizen request***)

35) MCL 750.462a (Michigan Penal Code – ***"Extortion"***)

36) MCL 338.42 --- MCL 338.46, Act 381 of 1974 *(Occupational License for a Former Offender)*

37) MCL §15.243(1) of Michigan's ***Freedom of Information Act*** (Act 442 of 1976)

38) MCL 380.1230, MCL 380.1230(a) and MCL 380.1230(g) of Michigan Revised School Codes (*disclosure constitutes a criminal misdemeanor*)

39) MCL 380.1230(b) of Michigan Revised School Codes (*disclosure constitutes a criminal misdemeanor*)

40) MCL 722.622(q) of Michigan Child Protection Law (*"Expunge" means remove / destroy*)

41) MCL 780.623 of Michigan Set Aside Law (*disclosure constitutes a criminal misdemeanor*)

42) Article 55.03, Tex. Code of Crim. Procedures. *(Texas Expunction Law)*

43) Article 60.06(b), Texas Code of Criminal Proc. (*Information not subject to public disclosure*)

JUDGMENT(S) (OF "*STATE ACTORS*") SOUGHT FOR REVIEW

On 1/22/10, U.S. District Court judge JOHN O'MEARA issued a single "*Opinion and Order Granting Plaintiff's Application to Proceed in Forma Pauperis and Dismissing Complaint*". (*See* "**Appendix #1A**" in attachment to this instant Petition.) Petitioner also seeks a review of the subsequent Court of Appeals ruling as provided in "*Appendix #1*" of Petitioner's "*Motion to Extend Time to File Petition for Writ of Mandamus*" already in possession of this U.S. Supreme Court.

In providing the "*Background Facts*" for this instant case at the lower court, this federal judge, JOHN O'MEARA, disseminated misinformation to the public as constructed into his "*official*" court ruling. **There is an extensive list of the statements made by this ruling of Judge O'Meara "*misrepresenting*" the actual background of this case and causing additional harm against Petitioner, as well as his dependent young child "*Student A*", by compounding the defamation of the Respondents and depriving Petitioner of certain constitutional rights. Though too lengthy to detail herein, a copy of the "*judicial misconduct complaint*" that was filed against Judge O'Meara is also provided in "Appendix #1A".**

Note also that such damages to Petitioner David Schied's reputation and career, as also the parent filing this case "*pro se*" and "*forma pauperis*" on behalf of his dependent child "*Student A*", are compounded by Judge O'Meara having deprived Petitioner of his constitutional "*due process*" rights, and by this judge's misstatements being repeatedly re-published on the Internet through "*FindaCase.com*". (*See* the final exhibit of "Appendix #1A")

Sixth Circuit Court judges Damon Keith, Eric Clay, and Raymond Kethledge established their ruling on 1/19/11 (See "*Appendix #1*" of Petitioner's "*Motion to Extend Time to File Writ of Certiorari*") in claim that despite Petitioner having filed a 63-page brief on appeal on behalf of his dependent child "*Student A*", after having also filed a three and a half inch (3 ½") thick packet of eight-eight (88) factual exhibits with his 223-page complaint in the U.S. District Court, and despite Petitioner having filed proper "*Responses*" to Respondents' numerous motions to dismiss without the Respondents ever addressing any of those factual allegations and supporting evidence, that "*the complaint's factual allegations are insufficient to plausibly support the legal conclusions asserted by Schied*".

For the past several years, Petitioner has been exercising his right to hold his government accountable, by exercising his First Amendment right to redress of his grievances, He has executed these actions by relying upon his State constitutional rights as a crime victim to be "*reasonably protected from the accused*", and while asserting his criminal allegations in writing through sworn and notarized "*criminal complaints*" which, by definition under the State laws (MCL 761.1 and MCL 750.10) constitute "*indictments*", and "*reasonable cause*" for ANY judge to take proper

action (MCL 767.3) to initiate an investigation of the allegations and to conduct an "*immediate arrest*" of "*the accused*" (MCL 764.1).

Petitioner has been attempting to hold "*state actors*" (i.e., the judges, the Michigan Attorney General, the U.S. Attorney for the Eastern District of Michigan, and the U.S. Attorney General Eric Holder) accountable to their "*duties*" and to their sworn "*Oaths of Office*" as state and federal "*law enforcement*" officials. Except for the fact that these Sixth Circuit Court of Appeals judges provided a ruling giving "*relief*" to these state "*actors*", **all the officials named by Petitioner's original Complaint, as well as the attorneys representing these State and Federal government "*Respondents*", are otherwise required to provide viable "*affirmative defenses*" when accused by citizens of felony "*abuse of discretion*" and refusing to properly enforce the state and federal codes and statutes.**

The long history of constitutional violations by the Michigan attorney general MIKE COX has been recently resumed by the newly elected attorney general BILL SCHUETTE, who employs virtually "*the same*" staff of attorneys who were working for AG Cox to concertedly "*cover up*" the "*fraud upon the courts*" of their "*peer group*" of attorneys from the KELLER THOMA and PLUNKETT-COONEY law firms in southeastern Michigan. Petitioner similarly has a long history of documented evidence, some of which is now being provided to this U.S. Supreme Court, of similar malfeasance by the U.S. Attorney General ERIC HOLDER and the judges of the U.S. District Court for the Eastern District of Michigan (EDM).

The common thread between these two State and Federal "*law enforcement*" offices and the United States courts, as is found in the evidence below, is that they,

like U.S. Supreme Court Justice JOHN ROBERTS, JR. and JAMES DUFF in regard to Petitioner's complaint about the malfeasance of Sixth Circuit Court judges and the actions of the Circuit Executive Clarence Maddox [1], either fail to respond altogether or they respond with gross omissions and misstatements of the actual facts of this case.

FIRST SET OF EXAMPLES OF "*FRAUD*" BY LAW ENFORCEMENT:

1) **Appendix #2A and #2B** contain two sworn and notarized Affidavits signed by crime witness Earl Hocquard.

   a) **"Appendix 2A"** includes testimony and evidence proving that the Lincoln Consolidated Schools has been criminally misusing and disseminating to the public under the Freedom of Information Act an erroneous 2003 FBI identification record that was used in 2003 to deprive Petitioner of his right to equal employment opportunity and his statutory right, under 28 CFR §50.12 to "*challenge and correct*" that FBI report, and while intending to cause harm to Petitioner from 2003 to the present.

   b) **"Appendix 2B"** includes similar testimony and evidence from Earl Hocquard showing that the Northville Public Schools has been criminally disseminating, under FOIA, a 2004 Texas court "*Order of Expunction*" that Petitioner had obtained by successfully exercising his federal right, under 28 CFR §50.12, to have the 2003 (and 2004) erroneous FBI identification records updated and "*cleared*".

[1] *See* the letter submitted as "*Appendix #5*" to Petitioner's "*Motion to Extend Time To File Petition for Certiorari*".

c) Both of these Affidavits, along with their supporting "*exhibits*" were provided to the Michigan Attorney General , the U.S. Attorney, and to the U.S. Attorney General, as well as to U.S. District Court judge JOHN O'MEARA. Provided also to those named above was an extensive list of state and federal laws that have been repeatedly violated – criminally – by the personnel of these two (Lincoln and Northville) school districts, done in retaliation for Petitioner exercising his rights to redress of grievances and to proper "*due process*" of his civil and criminal claims against the school district officials.[2]

d) Neither of these Affidavits was even acknowledged, much less properly addressed, by any of these "*state actors*" whose duties otherwise require that they address these types of pertinent civil and criminal matters.

2) **Appendix 2C** is letter signed 3/30/07 by former U.S. Attorney STEPHEN MURPHY who soon afterwards became a federal judge for the Eastern District of Michigan. The letter, also signed by Murphy's paralegal JONATHAN SONBAY, acknowledged in 2007 that Petitioner was reporting "*criminal activity regarding government officials*" but "*concluded that this [was] not an actionable matter to be undertaken by [the U.S. Attorney's] office*".

3) **Appendix 2D** is a letter Petitioner wrote personally to U.S. Attorney Eric Holder, Jr. on 9/16/09 The complaint named numerous other USDOJ employees that had altogether denied Petitioner his First and Fifth Amendment rights to due

[2] These two Affidavits were labeled as "*Exhibits A*" and "*Exhibit D*" and sent to the named parties and their attorneys along with Petitioner's "*Motion to Claim and Exercise Constitutional Rights, and Require The Presiding Judges to Rule Upon This Motion for All Public Officers of This Court to Uphold Said Rights*", which was subsequently"*denied as moot*" by Judge O'Meara when issuing his lower federal court ruling captioned, "*Opinion and Order Granting Plaintiff's Application to Proceed in Forma Pauperis and Dismissing Complaint*" dated 1/22/10. **(*See* "Appendix #1")**

process when bringing "*redress of grievances*" to the attention of federal government "*actors*". The letter details how Petitioner is being repeatedly held to "*answer*" to the same offense ("*Double Jeopardy*") and while being assigned a "*conviction*" by the executive branch of Michigan government without proper exercise of Petitioner's constitutional right to a trial by jury; and while also being deprived due process of a jury to "*hear*" Petitioner's civil or criminal complaints about violations of Petitioner's constitutional rights under also the Sixth and Seventh Amendments. **This is a letter that was never directly answered by U.S. Attorney General Eric Holder. Instead, it was "*answered*" more than a year later on 12/6/10 by the "*chief*" of the USDOJ's "*Civil Rights Division*", JONATHAN SMITH, and his paralegal ANDY BAXTER, who provided only a "*form*" letter of rhetoric containing the unsupported "*discretionary denial of service*" by issuance of the statement, "*[I]t does not appear that the issue(s) you raised fall within our areas of authority*". (See "*Appendix 2D1*" in the accompanying "*Petition for Writ of Certiorari*" of Application No. 10A1017 for a copy of that response.)**

4) Appendix 2E is a compilation of five letters, all dated 2/11/10, with clear inquiry to U.S. Attorney General Eric Holder, to U.S. Attorney Terrence Berg, to Michigan Attorney General Mike Cox, to the U.S. District Court (for the EDM), and to the Sixth Circuit Court of Appeals....sent in follow up to Petitioner's previous submission to each of these civil and criminal authoritative entities of copies of Petitioner's "*Sworn and Notarized Criminal Complaint (2/10/10)*" about which **Petitioner NEVER received a specific address or resolve by ANY of these government agencies.** [A copy of this criminal complaint dated 2/10/10 is located

in "*Appendix #3*" of the accompanying "*Petition for Writ of Certiorari*" (Application No. 10A1017)] [3]

5) **Appendix 2F** consists of two letters, both dated 3/24/10 and written to U.S. Attorney General Eric Holder and to U.S. Attorney Terrence Berg. Each letter was sent as a "*Formal complaint of criminal misconduct by Northville Public Schools superintendent Leonard Rezmierski by violation of campaign finance laws and a June 2001 Michigan Secretary of State ruling*". This complaint was accompanied by a Northville Record newspaper article pointing out that PATRICK WRIGHT, a former Michigan Assistant Attorney General and senior analyst for the Mackinac Center for Public Policy, had been quoted as stating, (*See* also "**Appendix 2F**")

> "[*S*]*omeone else needs to make the call....(about this "very egregious" violation of campaign finance reform)....If the individual (i.e., the Northville Public Schools administrators LEONARD REZMIERSKI and DAVID BOLITHO being represented by Respondents' attorney at Keller Thoma law firm) who did this is found out, there's a possibility of a misdemeanor...and a penalty for the school district up to $20,000*". [4]

SECOND SET OF EXAMPLES OF "*FRAUD*" BY FEDERAL JUDGES:

U.S. District Court Judge Lawrence Zatkoff

The "*common thread*" or "*chain pattern*" of deprivation of Petitioner rights is also found hidden in the gross omissions and misstatements of facts being proffered

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[3] **Note that Petitioner has evidence, by "*Certificate of Mailing(s)*" stamped by the post office dated 2/11/10, that the attorneys for the other Defendants named in this instant case were also served with copies of this 2/10/10 criminal complaint; so it should be clear that all of the Respondents in this instant case before this U.S. Supreme Court are all already very familiar with this very detailed criminal complaint document.**

[4] The question remains today as to why Patrick Wright, as a former government official sworn to support and uphold the constitution and the laws of the State, did not file the criminal complaint himself. Nevertheless, even as Petitioner David Schied provided this complaint to the Michigan attorney general and to the U.S. Attorney General Eric Holder, Jr., neither did anything as a result. Again, neither even provided Petitioner with a reply to this criminal allegation, even despite that it was supported by a former Michigan assistant attorney general and a local newspaper.

to the public by the State and Federal judges. While the "*Petition for Writ of Mandamus*" brings some focus to these various fraudulent judicial Orders, Opinions and Judgments, it should suffice to take a closer look at one that was presented by Judge Lawrence Zatkoff, to see how he systematically deprived Petitioner of his constitutional rights to "*due process*", and to have a jury be properly presented with the facts of Petitioner's complaint. A study of this case clearly reveals that Judge Zatkoff acted to provide favorable protections to the Sixth Circuit Court judges and the USDOJ officials Petitioner had named as "*Defendants*" in that 2009 case, which also spelled out actions that constituted numerous crimes under 18 U.S.C. §242 collectively depicted as a "*conspiracy to deprive of rights*" (18 U.S.C. §241) .

On 11/26/08, Petitioner had filed a "*pro se*" civil Complaint against Sixth Circuit Court judges ("*chief*") ALICE BATCHELDER, EUGENE SILER, (Jr.) and JULIA GIBBONS, and federal law enforcement employees STEPHEN MURPHY, former U.S. Attorney TERRENCE BERG, FBI agents ROD CHARLES, ANDREW ARENA and JEROME PENDER, GRANT ASHLEY, and DAVID HARDY, former USDOJ Pardons attorney MARGARET LOVE, former U.S. Attorney General MICHAEL MUKASEY, USDOJ Civil Rights Department supervisors MARIE O'ROURKE and SHANETTA CUTLAR, Texas Attorney General GREG ABBOTT, Texas Dept. of Public Safety director THOMAS DAVIS, Jr., and their representative Texas attorney SCOTT GRAYDON. (*See* the accompanying "*Petition for Writ of Mandamus*" for further details.)

As the evidence now being presented to this U.S. Supreme Court clearly shows, Judge Zatkoff used "*color of law*" as his tool for **systematically dismissing all**

of Petitioner's eighty (80) Exhibits along with Petitioner's initial Complaint (by Order issued on 12/29/08) and then dismantling and "*striking*" (on 2/10/09) the most relevant parts of Petitioner's "*Amended Complaint*" while also dismissing Petitioner's persistent "*Demand for Criminal Grand Jury Investigation*". (*See* "Appendix #1B1" as the "*Opinion and Order*" and the "*Appendix of Referenced Exhibits*" summarizing all of the eighty (80) exhibits that were dismissed by Judge Zatkoff along with Petitioner's initial Complaint.)

In the second "*Opinion and Order*" delivered by Judge Zatkoff, in the aftermath of Petitioner complying to the best of his ability, legally and financially, in submitting an "*Amended Complaint*" referencing the 80 exhibits in the first Complaint that he could no longer afford to copy again and resend to all of the government defendants. Also included in this filing was Petitioner's "*Motion for Judge to Disqualify Himself...*" and two other "*constitutional*" motions detailed below.

One in possession of the above-referenced documents, Judge Zatkoff then took the following set of actions: (*See* "Appendix 1B2")

a) He struck from the Amended Complaint all references to the original Complaint and to any of the 80 exhibits dismissed by the earlier Order;

b) He denied Petitioner's motion for this judge to disqualify himself while basing that decision only on the claim that Petitioner had exhibited a "*displeasure*" in having the entirety his carefully constructed complaint and ALL of his supporting 80 exhibits completely abolished from the case record;

c) He denied as "*moot*" Petitioner's "*Motion to Demand this Court Read All Pleadings Plaintiff Files with this Court, and to Adhere Only to Constitutionally Compliant Law and Case Law, and More Particularly, the Bill ofRights in Its Rulings*" [dkt item 11];

d) He denied as "*moot*" Petitioner's "*Motion to Claim and Exercise Constitutional Rights, and Require the Presiding Judge to Rule Upon this Motion for All Public Officers of this Court to Uphold Said Rights*" [dkt 12];

e) He denied Petitioner's request for a criminal grand jury investigation, stating that the Court has no authority to initiate prosecutions, yet while neglecting to acknowledge that the judges have the ability to convene and instruct grand juries, and have the duty to act "*affirmatively*" upon notice by a reported crime victim that crimes are continuing to be committed.

On 3/25/10, Judge Zatkoff issued a "*Judgment*" along with another "*Opinion and Order*" dismissing Petitioner's case "*with prejudice*", which included reiteration of dismissal of Petitioners' request for a criminal grand jury investigation. (See also "Appendix 1B2" for this final Judgment and Order by Judge Zatkoff)

Judge Zatkoff followed the "*same pattern*" of his predecessors in publishing as wrongful "*fact*" that in 2003 Petitioner was still somehow "*convicted*", again while naming the 1977 offense – twice in his public ruling – without providing "*full faith and credit*" to Petitioner's clemency and expungement documents; and while significantly OMITTING that the 2003 FBI report was *erroneous* and that Petitioner had been deprived of his right to challenge and correct that report. Instead, Judge Zatkoff chose to uphold the government's institution of "*Double*

Jeopardy" against Petitioner by their having resurrected a quarter-century old set aside and pardoned offense (for which even the remaining records related to the "*arrest*" had been obliterated through a court "*Order of Expunction*"), and by their assigning Petitioner a "*conviction*" without proper due process of a jury trial.

In response to this intentional "*miscarriage of justice*" and the purposeful deprivation of many facets of Petitioner's constitutional rights, Petitioner filed a "*Judicial Misconduct Complaint*" on Judge Zatkoff, which further detailed the significant number of "*omissions and misstatements*" included in Zatkoff's "*official ruling*". These documents published by Zatkoff served only to harm Petitioner even more by providing the government criminals with the only reliable support that they otherwise would never have had to back their "*bare assertions*" that Petitioner's factual accounts are "*baseless*" and that Petitioner is simply filing "*frivolous*" complaints as a "*vexatious litigant*". (*See* "**Appendix 1B3**" for a copy of that 3-part judicial misconduct complaint.)

U.S. District Court Judge Denise Hood

In December 2009, Petitioner filed a "*new*" case referencing a "*new incident or occurrence*" of the Lincoln Consolidated Schools having again disseminated the 2003 erroneous FBI identification record to the public under FOIA request of Earl Hocquard as placed into his "*Sworn and Notarized Affidavit*" (*See* again, "**Appendix 2A**" attached to this instant Petition and "*Appendix C1*" of the accompanying "*Petition for Writ of Mandamus*" for copies of these Affidavits.) The case was filed in the Washtenaw County Circuit Court.

In January 2010, the attorney upon whom Petitioner has filed multiple attorney misconduct complaints and a sworn and notarized "*crime report*" (*see* "***Appendix 2A***" of the accompanying "*Petition for Writ of Certiorari*" in the case of Application No. 10A1017), unilaterally "*removed*" that State court Complaint to the U.S. District Court by ***fraudulently*** claiming that this newly filed case was "*not a new incident or occurrence*" and that Petitioner was merely trying to re-litigate the termination of his contracted employment at the Lincoln Consolidated Schools ("*Schied v. Sandra Harris and the Lincoln Consolidated Schools Board of Education et. al*") as wrongfully determined the Washtenaw County Circuit Court in 2005 and unconstitutionally upheld by the Michigan Court of Appeals in 2006.

The deceitful assertions of that attorney, MICHAEL WEAVER, a partner of the Plunkett-Cooney law firm, and his persistently fraudulent claims that the Lincoln Consolidated Schools administration had done nothing illegal, were in direct contrast to correspondence sent between Petitioner and the Michigan State Police in 2009 as reminder that the actions of the Lincoln Consolidated Schools (in 2003, in 2006, and again in 2009) were minimally "*criminal misdemeanor*" offenses.

One of those letters (*see* "Appendix 3B"), written by the Quality Control Unit of the MSP's Criminal Records Division, cited the Lincoln Schools superintendent LYNN CLEARY for the offense while being worded in such a way as to continue "*covering up*" a mock "*Internal Affairs*" investigation from 2007 that Petitioner David Schied was requesting to have reopened to re-establish that in 2005 and 2006 a Michigan State Police (MSP) detective had "*perjured*" his crime report, and that his supervisory "*lieutenants*", "*inspectors*", and the MSP Internal Affairs division

had feloniously conspired to cover up. [5] (*See* a copy of the MSP "*Internal Affairs*" KARLA CHRISTENSEN'S "*conclusion*" to their so-called "*investigation*" of the matter, dated 6/29/07, as the final document entry in "Appendix 3B".)

That previous "*cover-up*", shown thus to extend to the MSP's "*Criminal Records Division*" by the deceptive wording of this most letter from the Criminal Division's Cpt. CHARLES BUSH, also pertained to a developing pattern of intentional criminal retaliation against Petitioner by the Lincoln Schools administration, the Lincoln Schools' Board of Education, and regional and state law enforcement, because Petitioner had filed a civil court case in 2004 and a criminal complaint in 2005 against former Lincoln superintendent SANDRA HARRIS.

Though Petitioner had filed a "*Response*" to the attorney Weaver's "*Notice of Removal*", with evidence showing Judge Denise Hood that the attorney was clearly committing "*fraud upon the court*", Judge Hood did nothing while allowing further motions and other discovery activity to take place between Petitioner, a purported "*crime victim*", and this attorney Weaver, the person acting in his private capacity on behalf of the "*the Accused*", the Lincoln Consolidated Schools Defendants. Attorney Weaver was a person who was (and still is) otherwise committing felony crimes himself against Petitioner, and against the United States courts, by using fraudulent court filings to cover up a long trail of crimes by his clients and himself. [6]

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[5] See the accompanying "*Petition for Writ of Mandamus*" for further details on this "*conspiracy to aid-and-abet*" Sandra Harris and the Lincoln Consolidated Schools so to cover up the MSP's and the Attorney General's own "*malfeasance*" in failing to address this Michigan employer's violations of the National Crime Prevention and Privacy Compact, which was set up by Congress to ensure that the 50 States abide by the codes set into place to protect the privacy rights of individuals under 5 U.S.C. §552a and to protect the constitutional "*due process*" rights of citizens subjecting themselves to fingerprinting and background checks while applying for employment.

[6] Aside from acting as a private contractor employed by "*the Accused*", who are by definition "*state actors*", attorney Weaver was also acting on his own accord as a "*state actor*" by his employment as a

Judge Denise Page Hood's initial negligence in refusing to hold a hearing to allow Petitioner's complaint to be remanded back to the Washtenaw County Circuit Court amounted to yet numerous other constitutional violations of Petitioner's rights to "*due process*", and his victim's rights to be "*reasonably protected from 'the Accused*". This judge's "*case manager*", WILLIAM LEWIS, then exacerbated this problem by using "*color of*" procedure and compounded negligence to accentuate these persistent delays by Judge Hood. Therefore, Petitioner issued a separate written complaint with the U.S. District Court Administrator DAVID WEAVER regarding William Lewis. As shown, that federal court administrator took "*no further action*" after finally responding with an abrupt message stating that he had looked into the matter. (*See* **"Appendix 3C"**)

Seven months after filing his case against the Lincoln Consolidated Schools in State court while relying upon the validity of the "*Sworn and Notarized Affidavit of Earl Hocquard*", Petitioner's Complaint was still being held "*hostage*" in the Judge Hood's federal court, and with numerous motions being filed, by Petitioner to compel attorney Weaver to directly answer Petitioner's undeniable *"statements of admissions*", with Petitioner attempting to move Judge Hood for sanctions against Weaver for his "*fraud on the court*" and by Weaver's additional fraud when attempt to move the court to "*quash*" all of Petitioner's motions.

At that time (i.e., a full year ago), **Judge Denise Hood produced seven (7) "*Orders*" all at once,** denying Petitioner's request to remand the case back to State court, denying Petitioner's motion for sanctions and to compel discovery, and

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"*court officer*", being licensed by the Michigan State Bar corporation to practice law within the U.S. District Court for the EDM, which is by definition, a government "*agency*".

granting Weaver's petitions to compel discovery from Petitioner by way of subjecting Petitioner to further constitutional violations through added deposition questioning by Weaver. [7] (*See* "Appendix 3D" as the 14-page set of Orders)

Upon receipt of Judge Hood's seven (7) Orders, Petitioner immediately filed a "*Judicial Misconduct*" complaint with the Judicial Council of the Sixth Circuit Court. (*See* "Appendix 3E" of that detailed Complaint dated 8/6/10.) NOTE: IT IS NOW A FULL YEAR LATER AND THIS JUDICIAL MISCONDUCT COMPLAINT IS STILL UNRESOLVED AND LEFT PENDING.

Petitioner also immediately filed a 75-page "*Application for Leave of Interlocutory Appeal*", dated 8/7/10, stating his objections with the unconstitutional

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[7] As noted in Petitioner's "*Petition for Writ of Mandamus*", it was through Weaver's first two depositions that Weaver was successfully able to defraud the State court into providing him with a judgment Order in 2004 compelling Petitioner, in violation of his Fifth Amendment rights, to testify against himself by answering questions about the Texas "*set aside*" and "*pardon*", each respectively indicating that Petitioner had once pled guilty and been "*convicted*" before issuance of a court Order (in 1979) otherwise "*withdrawing the plea*" and "*dismissing the indictment*" to effectively "*wipe the slate clean*" by a formal "set aside" of the 1977 judgment. By Weaver's persistent prompting and dominance over the court through his "*fraud*", that Washtenaw County Circuit Court judge MELINDA MORRIS then denied "*full faith and credit*" to the "*letter*" and the "*spirit*" of the set aside and pardon documents and ruled that Petitioner had a "*conviction*" for the quarter-century following his receipt of BOTH a Texas court Order of set aside AND a Texas governor's full pardon. That judge then also never ventured to explore Petitioner's persistent claim that the 2003 FBI identification record received by SANDRA HARRIS at the Lincoln Consolidated Schools was erroneous (and this it had obviously been for that previous quarter century). As common sense would have it, since Petitioner was reasoning that the 2003 FBI report was erroneous because it still reflected in 2003 a disposition of "*conviction*" and a status of "*probation*", it was because the State of Texas never updated their records after Petitioner's receipt of the 1979 "*set aside judgment*". That mistake in the record itself was what allowed Petitioner to become "*eligible*" for a Texas governor's "*full pardon*" in 1983 when he otherwise should never have been eligible "because there was nothing left to pardon" after receipt of the 1979 "*set aside*". Because this circuit court judge (Morris) had acted so hastily in depriving Petitioner of numerous of his constitutional rights, essentially instilling another "*conviction*" without providing Petitioner with constitutional "*due process*" and a jury trial, he has since been subjected to "*Double Jeopardy*" by a conspiracy of "*state actors*" refusing to recognize that the judges of the Michigan Court of Appeals amplified that lower court "*miscarriage of justice*" by again disregarding Petitioner's claims about the 2003 FBI record being outdated and erroneous, about Petitioner being deprived of his rights to keep his job in 2003 while properly "*challenging and correcting*" that FBI report under entitlement of 28 CFR § 50.12, at the time, and that at least one Texas attorney general (Dan Morales: DM-349) has otherwise opined that anyone with the "*discretionary*" type of set aside, such as the one received by Petitioner in 1979, is not even eligible for a pardon "*for lack of an object to pardon*".

"*miscarriage of justice*" set into place by that federal judge Denise Hood. (*See* "Appendix 3F" as the "*cover page*", the *Table of Contents*, and the "*Introduction*" constituting the first 24 pages of that Appeal) NOTE ALSO THAT TO DATE THIS "*INTERLOCUTORY APPEAL*" HAS STILL NOT BEEN "*HEARD*' AS IT HAS BEEN "*SUSPENDED*' AND "*PENDING*' FOR THIS PAST FULL YEAR.)

Subsequent to receiving Petitioner's "*Motion for Interlocutory Appeal*', in what can only be described as yet more evidence of corruption in the U.S. District Court for the EDM, Judge Hood issued an "*Order for Submission and Determination of Plaintiff's Motion for Interlocutory Appeal*' on 9/16/10 stating that attorney Weaver had NOT filed a response yet when that was entirely incorrect and Weaver had actually filed his "*Response*" on 8/27/10. Subsequent to Petitioner notifying Judge Hood's case manager that such types of Orders served as additional instances of "*fraud*' in the official court record, Judge Hood filed a "*Corrected Order for Submission and Determination of Plaintiff's Motion for Interlocutory Appeal*'. It should be noted however, that BOTH of these last two Orders filed in this case a full year ago made clear, "*a determination will be made by the Court WITHOUT oral arguments once a response has been filed.*" [8] (See "Appendix 3G" as copies of both of these questionable orders by Judge Hood.)

RECENT EXAMPLES OF "*FRAUD*' BY LAW ENFORCEMENT, ATTORNEYS, AND COURTS:

Michigan's Solicitor General John Bursch and the Attorney General Bill Schuette

[8] This second Order seriously contradicts itself by first stating, "...*it appearing that a response to this motion was filed on August 27, 2010....*", then stating, "...*therefore,....a determination will be made...once a response has been filed.*" Additionally, Petitioner views the refusal of this judge to allow Petitioner to appear in open court for oral argument on this matter to be just another element in the overall reasoning that this judge is committing numerous constitutional violations of Petitioner's "*due process*" rights while acting "*under color of law*".

The accompanying "*Petition for Writ of Mandamus*" provides a plethora of documents to support Petitioner's claim that both State and United States courts have instrumentally committed a gross "*miscarriage of justice*" through rulings that "*cherry-pick*" which facts and laws to "*litigate*". As shown in these court rulings, in contrast and context of Petitioner's longstanding claims, the judges have exhibited a clear *pattern* of dismissing all of Petitioner's complaints by providing a higher credence to the "*conclusionary*" statements of the governments and their attorneys as "*defendants*" and "*appellees*", than to Petitioner's itemized accounting of what has actually occurred at every step of his persistent exercise of his First Amendment right to "*redress*" of his yet unresolved "*grievances*".

The result has now cultivated into Judge John O'Meara issuing an Order warning Petitioner, "*under color of law*" and by use of deceptive "*semantics*", that any further assertions of Petitioner's constitutional rights, even as a reported crime victim entitled to the right of "*reasonable protection from 'The Accused'*", will be met with sanctions against Petitioner by the federal court.

The accompanying "*Petition for Writ of Certiorari*" for the second U.S. Supreme Court case, filed under Application No. 10A1017, provides a plethora of documents to support Petitioner's claim that both the "*law enforcement*" of Michigan and the United States are similarly engaged in using "*color of law*" to persistently deprive Petitioner of his constitutional rights to "*due process*" and to "*full faith and credit*", in both the "*spirit*" as well as the "*letter*" of two Texas "*clemency*" court Orders and a Texas governor's full pardon. These are documents that have been used against Petitioner for these past 7 ½ years, and are still being

used in such way as to constitute a deprivation of Petitioner's Article IV rights to "*Privileges and Immunities*", while subjecting Petitioner to Fifth Amendment violations of "*Double Jeopardy*", so to effectively deprive Petitioner of his right to equal opportunity employment and to thus "*cover-up*" and detract attention from the real crimes being carried out today by the administrators of TWO school districts freely disseminating a 2003 FBI identification record and a 2004 Texas court "*Order of Expunction*" under the Freedom of Information Act.

Yet despite such a long history of over 25 different levels of attempted "*redress*" in State and Federal courts, the Office of the Michigan Attorney General persists in exacerbating these injustices through "*the same repeated pattern*" of either "*non-action*" or by "*fraudulent responses*" characterized by rhetoric and/or gross "*omissions and misstatements*" of the actual facts, and while motioning both State and Federal courts for the continued deprivation of Petitioner's civil and constitutional rights.

The latest examples of such fraud by the "*new*" Michigan Attorney General BILL SCHUETTE (who still operates with the same staff that was used by the former attorney general MIKE COX) are found in two cases currently being "*played out*" now in the Michigan Court of Appeals and in the Michigan Court of Claims described as follows:

First, it is noted that the Michigan Solicitor General JOHN BURSCH has filed a "*waiver of right to file a response*" to this instant *Petition for Writ of Certiorari* "*unless one is requested by the Court*". This letter, dated 4/26/11 but not

sent to Petitioner until a week later on 5/2/11 shows this individual, Bursch, to be employed by the Michigan Attorney General Bill Schuette. (*See* "Appendix 3A")

The unstated implication by Bursch's action is to send the clear personal message to the Supreme Court Clerk, WILLIAM SUTER, that the Michigan attorney general regards this case as so insignificant, even so "*frivolous*", that it does not even garnish a response to this Supreme Court, a government institution which otherwise should be holding the Michigan attorney general's office ultimately the most responsible for the corruption going on in Michigan and the sanctioning of these criminal offenses taking place against Petitioner in multiple counties (Washtenaw, Wayne, Livingston, and Ingham counties) of this State.

Yet on the other hand, the Michigan attorney general is indeed busy filing other types of legal "*Responses*" in the Michigan "*Court of Claims*" as demonstrated by Bill Schuette's 6/13/11 filing of "*Defendants' Motion to Strike Pleadings or Alternatively to Dismiss*" Petitioner's case naming the Michigan Court Administrator, the Michigan Department of Civil Rights, the Superintendent and Board of Education for the Michigan Department of Education, the Michigan Department of Energy, Labor and Economic Growth, the Michigan State Administrative Board, and the Office of the Michigan Attorney General. ("Appendix 4A")

Notably, this ("*fraudulent*") filing by the attorney general in the Court of Claims follows what is clearly a long history of correspondence between Petitioner and the Office of the Michigan Attorney General (AG), even as acknowledged by a "*formal inquiry*" by Congressman Thaddeus McCotter in 2006 requesting some

personal accountability from AG Mike Cox in the face of Petitioners' allegations dating back to 2006. (*See* "Appendix 4B")

This response by the Michigan Solicitor General Bursch, again dated 4/26/11, was dated after Petitioner had brought another letter of Complaint, dated 3/31/11, to the attorney general's attention. That complaint clearly referenced – as shown by the copies provided – the "*Sworn Affidavit of Earl Hocquard*" (referenced on p. 5 of this letter in testimonial as witness to the latest crimes committed by the Lincoln Consolidated Schools and the Northville Public Schools in 2009). That complaint to the attorney general also referenced the "*Crime Report dated 9/23/10 addressed to Oakland County Prosecutor Jessica Cooper*" which was regarding the commission of felony crimes by Plunkett-Cooney law firm "*partner*" MICHAEL WEAVER by his "*fraud upon the courts*", including the U.S. District Court for the EDM with Judge Paul Borman (2008), and later with Judge Denise Hood (2010 to the present), presiding over two different cases. (*See* "Appendix 4C" as Petitioner's letter to Attorney General Bill Schuette)

As shown by the Solicitor General's "*Court of Claims*" filing itself (*see* again "Appendix 3B"), AG Bill Schuette's office is misleadingly claiming, despite the vast amount of evidence to the contrary, that "*[I]t is not clear from the pleadings what precisely Defendants have done that would support a cause of actions against them*". On the very first page of his "*Statement of Facts*", the Attorney General / Solicitor General uses, of all things, the 3/25/09 "*Opinion and Order*" of Judge Zatkoff, a case against three federal judges and numerous "*agents*" of the USDOJ,

to "*succinctly summarize...the history of [Petitioner's] litigation against [the] various government agencies and officials*" being sued in the State of Michigan.

The above-referenced filing by Bill Schuette, as also submitted by his assistant attorney general ERIC GRILL, demonstrates a clear case of "*dishonest government*" at work, in using "*color of*" previous case law and intentionally misleading arguments laced with significant "*omissions and misstatements*", to purposefully "*defraud*" the court. Such actions, particularly when submitted electronically and by mail to the various state and federal Courts (i.e., when it involves the Sixth Circuit Court it additionally constitutes "*interstate fraud*"), are prosecutable felony crimes being committed by these Michigan "*state actors*", who are otherwise acting as private citizens outside both their job duties and their Oaths of Offices, and while attempting to operate "*under color of*" their official government capacities so to obtain entitlement to "*government immunity*". (*See* United States of America v. Bernard B. Kerik", U.S. District Court, S.Dist.N.Y; S1 07 Cr.1027 (SCR) Dec 2, 2008] the federal grand jury indicted a government official for mail and wire fraud by determination that citizens are, under government's charter with the City of New York, *"entitled to honest government services*".)

Notably, the argument by these State government officials to the Court of Claims judge HON. PAULA J. MANDERFIELD is that "*immunity from tort liability*" should apply, and that Petitioner's claims "*fail to state a claim and must be dismissed*" by reason that the solicitor general's argument concludes (without acknowledging the crimes of the Lincoln and Northville public school officials) is because Petitioner "*was convicted*". (*See* from middle of page 6 going forward in this

document.) There is no reasonable "*affirmative defense*" for this type of fraudulence upon the Court, and upon the public (and future courts reviewing this information) by the publishing of these types of misleading court pleadings.

This U.S. Supreme Court should therefore retract AG Bill Schuette's "*waiver of response*" and provide an Order requiring this attorney general to defend against Petitioner's claim that his office staff, virtually the same staff employed by the former Attorney General Mike Cox while this instant case proceeded through the U.S. District Court and the Sixth Circuit Court of Appeals, has been committing similar deceptions constituting "*fraud*" upon these and other numerous courts. The attorneys being employed by the Michigan Attorney General have long been acting in a "*conspiracy*" fashion to criminally deprive Petitioner of his Fourteenth Amendment rights to "*equal treatment*", to "*equal protection*", and to "*equal employment opportunity*"; as well as Petitioner's other constitutional rights to "*full faith and credit*", "*privileges and immunities*" (including immunity against "*double jeopardy*"), and to "*due process*". .

The Office of the Michigan Attorney General has a long history of holding a "*double-standard* with unequal treatment of individuals under the law. For instance, on 1/15/07 the Detroit Free Press ran an article underscoring the fact that AG Mike Cox had relied upon the specific language in a statute of the Michigan criminal codes to secure a "*conviction*" of a citizen to s sex crime through the reversal of a lower court ruling, and while using a statute which, if equally applied to Mike Cox himself could have brought "*first-degree criminal sexual conduct" charges against the attorney general*". (See "Appendix 4D" as a copy of this

published article.) Therefore, by the evidence presented by this Petitioner, the Michigan attorney general and his staff have been clearly providing favorable treatment toward their government cohorts, and while depriving Petitioner, and other Michigan citizens, of "*honest government services*".

Judicial Corruption From the Courts of the Wayne County's Redford Township to the Judges of the Michigan Court of Appeals

The evidence submitted in the three (3) Petitions now before this U.S. Supreme Court overwhelmingly show that the Michigan Court of Appeals and Supreme Court may indeed be setting the "*precedence*" and example for others in Michigan government to follow in sanctioning an environment of "*runaway*" corruption. The following case description is no different, except for the fact that it, like the one outlined immediately above, is the most recent instance of such corruption as it too is still an "*open*" case:

THE "*REDFORD TOWNSHIP*" CASE IN WAYNE COUNTY CIRCUIT COURT

On 4/21/11, Petitioner was compelled to file and 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.

In short, 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 as a bogus reference for the "*magistrate*" who was supposed to appear that day in court but failed altogether to appear.

When Petitioner (and all others) arrived in court that day, Petitioner (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. 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. The officer called each person (including Petitioner) on the list one at a time and brought them into the office designated for the Prosecutor. This officer 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. [9]

In Petitioner's case, Petitioner pointed out that this police officer had been conducting himself in an illegal manner, and the officer retorted by threatening Petitioner with "*contempt of court*" as well as a stiffer fine on the ticket. Petitioner

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[9] **Note that the "*judicial misconduct*" complaints on these two Michigan judges, Karen Kahlil and Charlotte Wirth, can be found in "*Appendix #6*" to Petitioner's "*Motion to Extend Time to File Writ of Certiorari*". In addition, as presented in "*Appendix 2B*" of Petitioner's other "*Petition for Writ of Certiorari*" (Application No. 10A1017) the Judicial Tenure Commission has discretionarily "*denied and dismissed*" the complaints against these two judges along with numerous other judicial misconduct complaints filed recently by Petitioner.**

accepted the challenge and upon filing a separate case in the Wayne County Circuit Court, Petitioner provided notice to the Township police and judges that the speeding ticket had been "*removed*" to a higher court. Thereafter, when Petitioner declined to o another "*Notice to Appear*" at the Redford district court a second time to deal with the ticket (out of fear of being confronted by the lone officer and threatened with extortion again), the judges of this court ignored Petitioner'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, and they instead fined Petitioner for "*failing to appear*". **[*See* the entirety Petitioner's "*Complaint*" (minus exhibits) against the "*state actors*" of this Redford Township in "Appendix 4E"]**

Petitioner has since been subject to magnified charges and a threat, again *under color of law*, to have his driver's licensed taken from him by the Secretary of State, and have an arrest warrant issued if he does not pay on the compounded amount of the district court's determined amount owed. This is despite that Petitioner has long ago successfully "*served*" these government "*actors*" with a proper "*Summons and Complaint*" giving clear notice that the case of the "*traffic citation*" case is no longer in the jurisdiction of this Township court. Nevertheless, **the government officials of this township continue to run a "*racket of criminal extortion*" against Petitioner, and while using the government officials of the executive branch (i.e., the police) to substitute for an official of the judicial branch for the purpose of extorting money from other citizens of and/or passing through this Redford Township community.**

The Constitution of the United States draws very clear boundaries on the extent to which the three branches of government may be entitled to exercise their "*enumerated rights*". Article II and Article III holds that there should be clear distinctions between "*power*" of the executive branch and that of the judicial branch. Petitioner therefore needs the "*immediate consideration*" of this United States Supreme Court in addressing this unconstitutional – and criminal – government behavior.

THE WAYNE COUNTY LAW ENFORCEMENT AND SCHOOL DISTRICT CASE IN THE MICHIGAN COURT OF APPEALS

Less than a week ago, on 6/13/11, Michigan Court of Appeals judges KIRSTEN KELLY, MICHAEL TALBOT, and CHRISTOPHER MURRAY issued a multifaceted Order in denial of Petitioner's "*Complaint for Writ of Mandamus*" and Petitioner's "*Motion for a Temporary Restraining Order and/or Cease-And-Desist Order*" against the "*Northville Public Schools Appellees*" and the "*Wayne County Appellees*" as the Wayne County Sheriff and the Office of the Wayne County Prosecutor KYM WORTHY. As Petitioner is now currently bringing his "*Petition for Writ of Mandamus*" before this U.S. Supreme Court, Petitioner had first done so beforehand – on multiple occasions – in State court, without any success and without any form of constitutional "*due process*" being provided by the Michigan Court of Appeals judges. (*See* **"Appendix 4F" as that Order followed by other documents as referenced below leading to that unconstitutional Order being issued against Petitioner.**)

In his other filing for "*Petition for Writ of Certiorari*" (Application No. 10A1017), Petitioner submitted "*Appendix #5*" consisting of a recent filing of an

initial "*Answer*" on behalf of Wayne County by attorney JOSEPH ROGALSKI representing the Wayne County Executive ROBERT FICANO and the Wayne County Corporation Counsel, a government entity that Petitioner asserts – by a preponderance of evidence – is also criminally engaged in "*racketeering and corruption*" at the taxpayer's expense in Wayne County. Petitioner has supported similar claims about the judges of the Wayne County Circuit Court, Judge Jeanne Stempien and "*chief*" Judge Virgil Smith, by also submitting numerous "*Affidavits of Court-Watchers*" as "*reasonable people*" who have first-hand knowledge that what Petitioner is claiming about this corruption in the Wayne County Circuit Courts is entirely correct. (*See* "*Appendixes #7, 8, 9, 10, 11, and #12*" of the accompanying Petition Application No. 10A1017 for that testimony in evidence.)

Also within "**Appendix 4F**" is further evidence of the felony corruption going on between the Michigan State Bar attorneys employed by the Wayne County Corporation Counsel and those Michigan State Bar members being employed as judges for the Michigan Court of Appeals. "*Appendix 3G*" contains a copy of attorney Rogalski's "*brief in support*" of that previous "*Answer*", which was intentionally drafted in such a way as to be "*served*" upon Petitioner AFTER the Court of Appeals had rendered its decision.

This evidence shows that Rogalski's arguments hold the "*same pattern*" of gross omissions and misstatements as is found elsewhere with government using "*color of*" procedure over substance in attempt to have Petitioner's constitutional and civil rights complaints again dismissed. The "*Statement of Facts*" (beginning on the first of the *unnumbered* pages) again exhibit an additional instances of naming

the 1977 offense while failing to provide "*full faith and credit*" to the effect of the Texas court "*Order of Expunction*" prohibiting the "*use and dissemination*" of the information contained in that document, which otherwise lay at the root cause of that instant Complaint and "*Motion for Writ of Mandamus*".

The document, in fact, significantly misrepresents the facts about this case in that it altogether "*omits*" any mention that Petitioner was deprived of his right to challenge and correct the erroneous FBI report in 2003, altogether "*omits*" that Petitioner's "*plea was withdrawn*" and the "*indictment was dismissed*" by a Texas court Order of "*set aside*" in 1979, altogether "*omits*" the *"Sworn Affidavits(s) of Earl Hocquard*" that prove the Lincoln Consolidated Schools has been criminally disseminating an erroneous 2003 FBI identification record since 2003 and that the Northville Public Schools co-appellees in that case had been doing the same with the Texas court "*Order of Expunction*" since 2005, or that the evidence shows the Northville appellees to be taking such actions after having provided Petitioner with written assurances to honor the Texas expungement Order by either "*returning or destroying*" that document provided to them by petitioner in good faith to support his family with a job while exercising his right under 28 CFR §50.12 to "*challenge and correct*" the erroneous FBI records being issued to Michigan school districts in 2003 and 2004. (*See "Appendix 2B"* **for reference to these broken written promises, provide a year apart in 2004 and again in 2005 by KATY DOERR-PARKER.)**

To challenge Petitioner's allegations and plethora of factual exhibits, Rogalski has nothing more to rely upon besides all of previous court rulings of all of the previous court judgments depriving Petitioner of his civil and constitutional

rights. Clearly, by this evidence submitted to the U.S. Supreme Court, these Michigan Court of Appeals judges were only too willing to comply in following suit with the unconstitutional rulings of these other State and Federal judges.

Adding insult to the injury, the evidence offers reason why Petitioner actually got Rogalski's "*Brief*" after the Court of Appeals rendered its decision, precluding Petitioner's "*due process*" right to even file his final "*Reply*" argument in response to Rogalski's submission. This was brought about by the fact that though the evidence submitted this U.S. Supreme Court shows that Rogalski clearly had the correct address for Petitioner at P.O. Box 1378 in Novi, Michigan, this brief was (likely intentionally) sent to the wrong post office box (i.e., "P.O. Box 1078") creating an over 10-day delay in Petitioner receiving this timely document by the rerouting that resulted. **Ever since that filing the Clerk of the Michigan Court of Appeals has demonstrated his "*meeting of the minds*" in this deprivation of Petitioner's due process rights by following suit in sending the Court notices while emulating the erroneous documents of Rogalski rather than by reference to Petitioner's own court filings. (*See* the final exhibit of "Appendix 4F" as a post card "notice" sent to Petitioner at the wrong address provided by Rogalski for Petitioner, indicating that this is the address now being referenced by the Court of Appeals and causing this and all future correspondence to become late when served by the Court upon Petitioner.)**

This again is just another instance of Petitioner having to shoulder the burden, being subjected to "*collateral sanctions*" and prejudicial treatment a result of being forced by "*state actors*" into "*double jeopardy*" while being deprived of his

right to timely respond to court notices by "*color of*" this being just a very convenient "*mistake*" on the part of these professional attorneys for the "Wayne County Appellees" and the clerk(s) of the Michigan Court of Appeals.

Furthermore, in dismissing this "*Complaint for Writ of Mandamus*" case, these three Sixth Circuit Court of Appeals judges, Keith, Clay, and Kethledge, not only provided an extra layer of "*cover*" to these government defendants from the "*executive*" branch of government, they also issued Petitioner a stern judicial warning that "***further appeals claiming a right to criminally prosecute others for perceived transgressions will result in sanctions***". (See "***EXHIBIT #1***" of Petitioner's original filing of "*Motion to Extend Time to File Certiorari*" already in possession of this U.S. Supreme Court)

This is a violation of Petitioner's First Amendment right to continue bringing his grievances given the plethora of facts to show these grievances have been and are continually warranted. Meanwhile, these judges are continually allowing these state actors to repeatedly get away without addressing either facts or the evidence. This is a violation of Petitioner's rights under Article III §2 ("*trial by jury*") and a violation against the People of the United States under Art. III, §3 ("*treason*" and "*conspiracy to treason*") of the Constitution.

Petitioner therefore appeals to this United State Supreme Court for a review of a long history of State and Federal judges depriving Petitioner of the "*due process*" provisions of the 14th Amendment, by using a slick combination of semantics, gross omissions and misstatements about the facts presented by Petitioner, and by mischaracterizing and publicly defaming Petitioner while also

constructing fraudulent official court records. As has been compiled in the THREE petitions now being presented before this U.S. Supreme Court, the number of instances of state and federal judges engaging in such fraud upon the public has exceeded 25 various levels of numerous state and federal courts with complaints initiated by Petitioner.

OVERVIEW OF THE RELEVANT HI8TORY OF THE INSTANT CASE

Petitioner has been suffering a long string of civil rights abuses and crimes by government since 2003. These abuses and crimes have been fashioned at both "*predicate*" and "*secondary*" levels as both misdemeanor and felony offenses against Petitioner by school district administrators, state and federal law enforcement, and state and federal judges depriving Petitioner, as a public special education schoolteacher, of numerous Constitutional and statutory provisions pertaining to privacy, due process, privileges, immunities, employment, and the peaceful pursuit of happiness. The characteristic of these government crimes, as well as the cover-up by the governments' "*peer groups*", are properly defined under the RICO Act.

The two instant cases now on appeal (Application #'s 10A1017 and 10A1018), both "*denied*" and "*dismissed*" by judges of the Eastern District of Michigan and the Sixth Circuit Court of Appeals, each have an underlying basis that involves a "*dual stream*" of civil rights offenses. The common thread between these "*dual streams*" of civil and constitutional rights violations in this instant case (Application No. 10A1018) is the administration of the Northville Public Schools and the attorneys they employ from the Keller Thoma, PC law firm in Detroit.

The evidence is amply clear. The school district administration as "*state actors*" are operating with this Keller Thoma law firm as private citizens (i.e., attorneys) who otherwise operate in the capacity of "*government*" itself (i.e. as "*officers of the court*") while literally "*representing*" the interests and the actions in government, and acting as their "*instrument*" in the courts. As such the local administrators and "*the Accused*", Keller Thoma attorney/Respondent RICHARD FANNING, JR., are inextricably intertwined to such extent that the actions of this attorney can only be fairly attributed to "*government*". "*[T]he state must be involved not simply with some activity of the institution alleged to have inflicted injury upon a plaintiff but with the activity that caused the injury.*" (407 F.2d 73 (2d Cir. 1968).

SCOTT SNYDER, Petitioner's former boss at the Lincoln Consolidated Schools while Snyder and Petitioner were both employed there in 2003, witnessed superintendent Sandra Harris' criminal actions of disseminating the "nonpublic" information from the erroneous FBI report about the time Harris denied Petitioner his right to "*challenge and correct*" that FBI report and terminated him. In 2004, Snyder then became employed by the Northville Public Schools where Petitioner had turned to for part-time employment while pursuing his rightful challenge and correction of the erroneous 2004 FBI identification record that was also provided to the Northville school administration by the Michigan State Police (MSP). Snyder was provided the job as the elementary school principal where Petitioner's young child attended first grade.

In the months that followed Snyder's hiring, Snyder candidly revealed that he had come to know the explicit details of what the 2003 FBI report contained, only he and others at the Lincoln Consolidated Schools were never made privy to the fact that Petitioner had attempted to "challenge and correct" that report before being fired by Harris. Armed with that information, Petitioner filed a crime report with the MSP only to find Snyder becoming a "hostile witness" since Harris was the one providing Snyder with a supervisory recommendation for his employment at Northville Schools.

Subsequent to Snyder being named as a crime witness against Harris, Snyder also took his hostilities out on Petitioner's young child, suspending him from school and blaming the child for getting into fights on the playground when the child was otherwise being bullied by other students. The bullying was the result of the child having a high IQ and, despite Petitoner's parent efforts to get his child properly placed into an accelerated program of learning based upon standardized testing over numerous years, the District administration also deprived the child of that "*equal opportunity*" because by then they were aware that Petitioner was pursuing civil court action against Harris and the Lincoln Consolidated Schools. The failure to provide FAPE (*Free Appropriate Public Education*) to the child cause him to act out in class by persistently blurting out answers and drifting off task.

The inability of the regular education teachers to challenge this child in class thus brought retaliation against the child at lunchtime on the playground and the principal, Scott Snyder, used that opportunity to retaliate against Petitioner by repeatedly suspending this child from school. When Petitioner challenged Snyder on

these decisions under the Family Educational Rights to Privacy Act (FERPA), Snyder both refused to address the matter or to allow petitioner, on behalf of the child, to challenge or amend the disciplinary records that Snyder was placing into the child's permanent student file.

As a special education teacher with a child who also had a slight articulation disorder entitling his to "*special education*", Petitioner attempted to employ federal law to compel the District administration to justify the school suspensions by Snyder; and the documentation is in the court records showing how, just as the government worked with the Keller Thoma attorneys to deprive Petitioner of his constitutional rights by defrauding the courts, the Northville Public Schools administration and the Keller Thoma attorneys did the same in regard to Petitioner's procedural challenges on behalf of the child under the Individuals With Disabilities in Education Act (IDEA).

Just Petitioner's seeking each new level of "*redress*" and remedy under 42 U.S.C. §1983 brought in return even more of the aforementioned constitutional rights violations against him, each new administrative level for Petitioner's grievances on behalf of his child met with the same level of "*investigation*" and "*denial*" Petitioner's claims on behalf of his child. Despite the overwhelming evidence and repeated arguments, each new level of grievance was exhausted with Petitioner only gathering more evidence of the "*conspiracy to cover-up*" the real basis for Scott Snyder's retaliatory suspensions of Petitioner's child.

Thus the two "*streams*" of offenses are defined by the above in this case, one stream being in retaliation for Petitioner exercising his rights as an adult crime

victim, and the other being in retaliation for Petitioner seeing a repeated "*redress*", on behalf of the child, of the discriminatory procedural violations of his child's Fourteenth Amendment right to "*equal treatment*" to both education and to proper "*due process*" under IDEA.

CONCLUSION

Ultimately, the underlying cause of Petitioner being subjected to a "*hostile workplace environment*" and summarily terminated from his employment without just cause (case No. 10A1017) stems from unconstitutional actions occurring against Petitioner and his young child (which began in early elementary school) since Fall 2003, and by the administration, employees, and attorneys representing principally three (3) Michigan school districts. Petitioner's two Complaints from the U.S. District Court for the Eastern District of Michigan were both filed under 42 U.S.C. §1983, for "*deprivation of rights under color of law*".

Petitioner has also had many other cases in both State and United States courts, filed as both criminal "*racketeering and corruption*" cases and as public policy and civil rights cases, which have included the names of other individuals employed as Michigan and United States law enforcement officials. As show the "*Petition for Writ of Mandamus*" and more importantly, by the extensive **Appendixes** accompanying the three (3) Petitions now that are before this U.S. Supreme Court as incorporates herein by reference. All of these previous court cases were unconstitutionally dismissed, with instances of gross negligence, malfeasance, and "*fraud upon the court*" being documented throughout the "*official*" records of this case as well as those other previous cases.

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

The violators of Petitioner's right to privacy were the school district administrators of the LINCOLN CONSOLIDATED SCHOOLS and the NORTHVILLE PUBLIC SCHOOLS. Notably, the administration of the Northville Public Schools and their attorneys from the KELLER THOMA, P.C. law firm are instrumentally involved, directly or indirectly, with both cases (Applications No. 10A1017 and 10A1018) now on appeal in this United States Supreme Court.

REASON FOR GRANTING THE PETITION

I. This Case Presents Issues of Fundamental National Importance

There can be no serious doubt that this case, as well as Petitioner's two other cases, one being a "*Petition for Writ of Certiorari*" on behalf of Petitioner's dependent child for numerous constitutional violations, and another being a "*Petition for Writ of Mandamus*" for an Order to stop the crimes of peonage and

oppression that are occurring against Petitioner and his now-broken family, are issues of great national importance.

At the most fundamental level, the question this case raises pertains to the "*state action doctrine*" which was borne out of the 14th Amendment and is prohibitory upon the States with regard to State action of a particular character. (The Civil Rights Cases, 109 U.S. at 10 and 11.) It specifically addresses, through both civil and criminal codes and statutes such as 42 U.S.C. §1983 and 18 U.S.C. § 241 and §241 the numerous types of abuses of "*discretion*" and the "*public function*" by when government officials act tortuously outside the bounds of their official Duties and their sworn Oaths of offices.

These actions are violations of numerous of the constitutional rights of "*Student A*", and Petitioner's constitutional rights as articulated further in the accompanying *Petition for Writ of Mandamus*. Therefore, Petitioner requests that thus U.S. Supreme Court take action on these illegal offenses; particularly since the Evidence in the "Appendix" makes clear that Petitioner has exhausted every available administrative and judicial remedy only to find a continual, an ever-growing, and all-encompassing body of government adding to that deprivation of constitutional rights. As shown in the other Petitions now before this U.S. Supreme Court, Petitioner has also been constructively barred from presenting these criminal complaints to the federal special grand jury under 18 U.S.C. §3332.

Relief Sought

Whereas 18 U.S.C. § 3332 (Powers and duties of the special grand jury) states that,

> *"(a) 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 request that he be entitled to bring his allegations against the named government officials in the Eastern District of Michigan before a Grand Jury.

Petitioner also requests that this Court do as follows:

(1) Grant this instant Petition for Certiorari for review by the Justices of this Supreme Court of the United States.

(2) Remand this instant case back to the lower court for a jury trial on the merits.

(3) Grant such other relief as the Court deems appropriate.

Respectfully submitted,

By:_____

DATED: June 18, 2011

VERIFICATION

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

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

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

David Schied
Pro Se

Executed on June 18, 2011.

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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of June, 2011, I served the following documents upon the Respondents' attorneys as indicated below, by depositing in the United States Mail with sufficient postage addressed also as follows:

1) Petition for Certiorari (Application No. 10A1018);

2) *Certificate of Service*;

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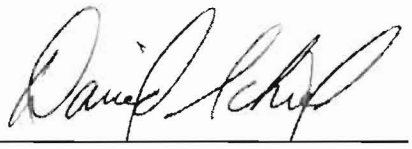
Respectfully submitted,

By: 

DATED: June 18, 2011