No. 11-5937 / 10A1017; No. 11-6015 / 10A1018; and No. 11-5945

In The
Supreme Court of the United States

David Schied,
Petitioner
v.

RONALD WARD, KEN HAMMAN, KIRK HOBSON, PATRICIA MEYER, KAREN ELLSWORTH, JESSICA MURRAY, JENNIFER BOUHANA, PATRICIA HAM, JOE D. MOSIER, in both their individual and official capacities
(No. 11-5937 / 10A1017) *Respondents*

AND
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,
(No. 11-6015 / 10A1018) *Respondents*

BEING "*TWO PETITIONS FOR REHEARING*" OF TWO DENIALS OF TWO PETITIONS FOR '*WRITS OF CERTIORARI*

AND

IN RE: DAVID SCHIED

BEING A "*PETITION FOR REHEARING*" OF DENIAL OF A THIRD PETITION FOR '*WRIT OF MANDAMUS*" (No. 11-5945)

which altogether presented the U.S. Supreme Court justices with clear evidence of crimes being committed by the officials of the executive and judicial branches of Michigan and United States government engaging in TREASON and numerous other felony crimes including "*malfeasance*", "*misprision felony*", "*conspiracy to deprive of rights*", and denial of access to the state and federal grand juries, including the Special Grand Jury as otherwise mandated under 18 U.S.C. §3332.

David Schied
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QUESTIONS PRESENTED

Question #1:

Did the Justices of the U.S. Supreme Court themselves commit felony crimes of "malfeasance", "misprision of felony" and "misprision of treason" when "dismissing" Petitioner David Schied's three "Petitions" for (two) Writ of Certiorari and (one) Writ of Mandamus containing a combination of 116 pages or more of History and Argument and 93 Exhibits of Evidence or more referencing clear civil and criminal violations of Petitioner's constitutional rights and rights as crime victim – which were submitted also as three formalized "Crime Reports" to the U.S. Supreme Court justices – thus opening the door for continuance of these same types of government crimes to be committed against Petitioner well into the future?

Question #2:

Did the Justices of the U.S. Supreme Court themselves commit felony crimes when, by purportedly denying David Schied's two "Petition(s) for Writ of Certioraris" and accompanying "Petition for Writ of Mandamus", uphold the lower court rulings that "[P]rivate citizens have no authority to initiate criminal prosecutions", while also upholding the governments' previous "denial of access" to Petitioner of either petit or grand juries....despite that private persons have long had the right under numerous State laws to conduct citizen's arrests, the right to file written complaints constituting "indictments" by definition, the right under the State Constitution for reported crime victims to "be protected from the Accused throughout the criminal justice process", and the right under 18 U.S.C. §3332 to bring crime reports to the federal "special grand jury" in answer to the special grand jury's continual "duty to inquire" about crimes – including government crimes – being reported within their district?

Question #3:

In the face of all of Petitioner's numerous sworn Affidavits and crime reports constituting criminal "indictments" by definition, as well as the sworn Affidavits of testimony from numerous "Court-watchers" who state they witnessed crimes being committed from the bench by judges, do the three letters sent to Petitioner in notice of the Supreme Court justices' "denials" of Petitions even constitute valid "Orders", particularly when they were issued as "letters" not "Orders" by the Court, when they were issued without signatures of any of the Justices, and when they were issued without any "official seal" of the U.S. Supreme Court?

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 for the case of "*David Schied v. Ron Ward et. al*" are as follows:

Scott Lee Mandel; Richard C. Kraus
Representing all named defendants (inclusive of Representing Joe D. Mosier, Ronald Ward, Ken Hammon, Patricia Meyer, Karen Ellsworth, Jessica Murray, Jennifer Bouhana, Patricia Ham)

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The Respondents' attorneys for the case of "*David Schied v. Scott Snyder et al*." are as follows:

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The Respondents' attorneys for the case of "*In Re: David Schied*" are as follows:

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TABLE OF CONTENTS

PAGE

TABLE OF CITED AUTHORITIES.....v

INDEX OF APPENDICES.....vi

JURISDICTIONAL STATEMENT.....xii

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....1

INTRODUCTION AND OVERVIEW.....2

FACTUAL BASIS FOR THIS INSTANT "MOTION FOR RECONSIDERATION".....3

THE "*THREE LETTERS*" WRITTEN BY WILLIAM SUTTER DO NOT CONSTITUTE LAWFUL "*ORDERS*" OF THE U.S. SUPREME COURT AND THEREFORE, PETITIONER HAS NOT BEEN PROPERLY "*SERVED*" WITH AUTHENTIC "*ORDERS*" IN RESOLVE OF THE THREE CASES.....17

ARGUMENT.....18

RELIEF SOUGHT.....20

AFFIDAVIT OF VERIFICATION.....(21)

CERTIFICATE OF SERVICE.....(22-23)

TABLE OF CITED AUTHORITIES

CASES PAGE NUMBER

In re Simon,
297 F. 942, 34 ALR 1404 (2nd Cir. 1924).....17
Leas & McVitty v. Merriman,
132 F. 510 (C.C. W.D. Virginia 1904).....17
Middleton Paper Co. v. Rock River Paper Co.,
19 F. 252 (C.C. W.D. Wisconsin 1884).....17
Miles v. Gussin,
104 B.R. 553 (Bankruptcy D.C. 1989).....17
Scanbe Mfg. Co. v. Tryon,
400 F.2d 598 (9th Cir. 1968).....17
Taylor v. U.S.,

45 F. 531 (C.C. E.D. Tennessee 1891).....17
U.S. v. Murphy,
82 F. 893 (DCUS Delaware 1897).....17
U.S. v. Sharrock,
276 F. 30 (DCUS Montana
1921).....17

TEXAS COURT CASES

State of Texas v. Rudy Valentino Cuellar (2001).....7

STATE ATTORNEY GENERAL OPINIONS

Texas Attorney General Opinion of Dan Morales (JM-349).....6-7
Texas Attorney General Opinion of John Cornyn (JC-0396).....7

FEDERAL STATUTES AND RULES

28 C.F.R. §50.12.....7

28 U.S.C. § 1691.....17-18

18 U.S.C. §3332.....2, 20

OTHER

Freedom of Information Act.....4,

Crime Prevention and Privacy Rights Compact.....7

INDEX TO APPENDICES

APPENDIX A – Three "*letters*" NOT constituting "*official orders*" presented for this instant review;

APPENDIX B – "*Stipulation and Order*" issued in Livingston County Circuit Court, Michigan;

APPENDIX C – 20-page "*Plaintiff's 'Motion for Reconsideration...*" in case filed in the Michigan Court of Claims No. 11-50-MZ;

APPENDIX D – Numerous "waivers of right" as presented by the government in the three cases presented herein;

APPENDIX E – 13-pages of "*Judgment*" and "*Order Granting Motion for Summary Judgment and Dismissing Action*" issued by U.S. District Court judge Denise Page Hood, which are followed by 45 pages of Petitioner's "*Judicial Misconduct*" complaint against Judge Hood, which was filed many months PRIOR to the Order and over a year PRIOR to the Judgment issued by Judge Hood.

APPENDIX F – 2-page "*Michigan Supreme Court Presentation*" (speech) and accompanying 3-page letter to the Michigan Supreme Court clerk dated 7/20/09 and 2-page "*press release*" issued by the Michigan Supreme Court; followed by 3-page "*Order*" and "*Memorandum*" issued by Court of Appeals "***judges***" Donald Owens and **Richard Bandstra** in 2009; followed by a "*cover page*" of a court filing of the Michigan Attorney General as represented by "***attorney***" **Richard Bandstra**; followed by 16 pages of "*Orders of Denial*" and constructive "*dismissals*" of Petitioner's numerous filings of documents including "*Motion for Waiver of Fees*" on Appeals and for Transcripts, mostly issued AFTER Petitioner's protest speech in front of the Michigan Supreme Court.

APPENDIX G – 2-page letter sent "*certified mail*" to the Judicial Council of the Sixth Circuit referencing 29-30 yet "*unresolved*" judicial misconduct complaints on federal judges as listed by complaint numbers; followed by a letter from Circuit Executive Clarence Maddox to Petitioner.

JURISDICTIONAL STATEMENT

Federal courts: Petitioner brings this joint "*Motion for Reconsideration*" under Federal Rules of Appellate Procedure rules 7.101(B)(1)(b), 7.203(F)(2) and 7.215(I).

Petitioner's original Complaints were submitted along with numerous "*Sworn Affidavit(s)*" and formalized "*Criminal Complaint(s)*" established for the "*official record*". That "*crime reports*" put the U.S. District Court, the Sixth Circuit Court, and now this U.S. Supreme Court on notice that the Respondents have committed crimes of Title 18, U.S.C., §242, *DEPRIVATION OF RIGHTS UNDER COLOR OF LAW*, Title 18, U.S.C. §241, CONSPIRACY AGAINST RIGHTS, Title 18, U.S.C.,

§246, *DEPRIVATION OF RELIEF BENEFITS* among numerous other "*high crimes and misdemeanors*". The Jurisdiction of this Court to issue Orders for remedy by temporary and permanent injunction is well established by the cases of *Ex parte Young* and *Sterling v. Constantin* (*supra*) as well as other cases presented by the previous "*Complaints*", "*Appeals*", and "*Petitions*" presented to the state and federal courts by David Schied. Jurisdiction for Declaratory relief is upheld by the Declaratory Judgment Act, and this case seeks remedies under 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*).

NOTE that the FACTS and EVIDENCE presented by the above referenced cases as publicly filed in court records, and through public postings on the Internet, in reference to people and events, unresolved crime reports and civil cases for which Mr. Schied was repeatedly denied his rights to constitutional "*due process, full faith and credit, privileges and immunities, to jury trial, to freedom from 'double jeopardy', and to crime victims' rights*", all constitute claims of damages in value of excess of $2,000,000 per occurrence, and with

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

The information below provides "*sufficient*" information to show what has become of Mr. Schied's personal and financial assets, in his past efforts to comply – in good faith – with all of the requirements, issued both unjustly and constructively under *color of law*, for Mr. Schied to repeatedly submit his civil and criminal complaints to unfathomable levels of government officials otherwise charged with the DUTIES of litigating the merits of Mr. Schied's claims and protecting his rights through proper "*law enforcement*" actions. This includes Mr. Schied's outlay of expenses for seeking and hiring attorneys, for filing and "*litigating*" court cases, for copying and mailing documents in duplicate to the numerous government co-defendants, for pursuing numerous levels of criminal complaints and demands for criminal grand jury investigations, for filing complaints on judges and attorneys with the Judicial Tenure Commission and the Attorney Grievance Commission, for the costs of constantly seeking employment and "*mitigating*" his numerous damages to his career and reputation through obstructed attempts at self-employment, for the hiring of other professions to treat stress, and the medical and emotional problems resulting from government crimes and leading to family turmoil and eventually divorce, and for expenses related to Mr. Schied doing everything he could to hold together the intentional destruction of his basic family unit by the named government officials.

This writing is an attempt to collect upon the debts referenced in the above paragraph in 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 using these Court proceedings to pursue my remedies provided by [the Uniform Commercial Code] UCC 1-305. [1]

[1] To prove the existence of an "*accord and satisfaction*", a defendant need not show a plaintiff's express acceptance of the condition, but rather, the law of accord and satisfaction is that where a creditor accepts a conditional tender, the creditor also agrees to the condition; however, the expression of the condition must be clear, full, and explicit. See *Michigan v. Thompson*, Mich.App.2001, 639 N.W.2d 831, 248 Mich.App. 487. Accord And Satisfaction 11(2)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Petitioner incorporates by reference all constitutional statutory references provided earlier in the entirety of the original documents submitted to the U.S. Supreme Court already, inclusive of the following sets of documents as well as all others not specified below:

1) *Two "Petition(s) for Writ(s) of Certiorari"* for both cases appearing on the cover page of this instant "*motion*".
2) *One Petition for "Writ of Mandamus"* for the case appearing on the cover page of this instant "*motion*".
3) *Three "Affidavits" and accompanying "Motion(s) for Permission to Appeal in Forma Pauperis".*
4) *Three "Motion(s) for Permission to Appeal in Forma Pauperis".*
5) *Three "Affidavit Accompanying Motion for Permission to Appeal in Forma Pauperis*".
6) *Two "Motion(s) for Extension of Time to File Writ of Certiorari".*
7) *Three Requests/Demands for "Criminal Grand Jury Investigation".*

ACTION SOUGHT FOR REVIEW

Petitioner submits **"EXHIBIT A"** as copies of all three "*letters*" in notice of three "*denials*" of Petitioner's three recent cases before the U.S. Supreme Court as referenced by the case numbers on the face of this instant "*motion*".

INTRODUCTION AND OVERVIEW: (Backdrop and History of the three cases)

Petitioner incorporates by reference the entirety of case histories, FACTS, and EVIDENCE, already presented to the U.S. Supreme Court justices as outlined in the list of documents referencing the three principle cases pertaining to this instant "*motion*", as if these case histories, FACTS and EVIDENCE were reiterated verbatim herein.

Petitioner also incorporates by reference all "*Statements*" and "*Reasons for Granting the Petitions*" of these Three Principle Cases, outlining the various "*streams*" of criminal and civil rights offenses justifying Petitioner's previously filed "*Petitions*" for "*Extraordinary Writs*", as if these "*Statements*" and "*Reasons for Granting the Petitions*" were reiterated verbatim herein as presented also with their referenced "*Evidence*" as itemized and numbered "*Exhibits*".

Petitioner additionally incorporates by reference all "*Questions for Review*" and "*Arguments for "Relief Sought*" as already presented to the U.S. Supreme Court justices in the above-referenced previous filings, as if these "*Questions for Review*" and "*Arguments for "Relief Sought*" – inclusive of Petitioner's arguments compelling action by the Justices of the U.S. Supreme Court under 18 U.S.C. §3332 – were reiterated verbatim here in this instant combined case "*motion*" filing.

FACTUAL BASIS FOR THIS INSTANT "*MOTION FOR RECONSIDERATION*"

Since the U.S. Supreme Court has "*decided*" against intervening in the underlying crimes being carried by Michigan and federal government officials in the "*State of Michigan*", in the Southeastern "*District*" of Michigan, and in the judicial region of the Sixth Circuit Court, the following crimes have been furthered and continue to be perpetuated:

1) The attorneys employed by the Foster, Swift, Collins, & Smith law firm, acting as the "*agents*" of the co-Respondents named as "Ron Ward, Ken Hammon, Patricia Meyer, Karen Ellsworth, Jessica Murray, Jennifer Bouhana, Patricia Ham, in both their "*official*" and their "*individual*" capacities, continue to commit blatant criminal misdemeanors, as well as felony "*cover ups*" of their crimes by means of "*deprivation of rights under color of law*". (*See* "EXHIBIT B")

2) The judges of the "*Ingham County Circuit Court*" in Michigan continue to "*conspire*" with the Michigan Attorney General and his staff of "*assistant attorney generals*", and with the judges of the U.S. District Court, to use a blatant and crude combination of "*official misconduct*", "*malfeasance*, "*color of law*", and other intentional acts of tort and felony crimes, to cover up for the ongoing "*conspiracy to deprive of rights*" that has been going on since 2005 between the "*executive*" and "*judicial*" branches of Michigan's ("*corporate*") government in the face of Petitioner's ongoing "*Statements*" and a plethora of "*Evidence*" showing the following: (*See* "EXHIBITS C through E")

a) That the administration and School Board for the Lincoln Consolidated Schools has been persistently disseminating an erroneous 2003 FBI identification record under the Freedom of Information Act – with evidence of it occurring in 2003, 2006, and again in 2009 – despite numerous State and Federal laws determining these actions to be state and federal CRIMES. (***See*** **"EXHIBIT E"**)

b) That the administration and Board of Education for the Northville Public Schools has been persistently disseminating an erroneous 2004 Texas "*Agreed Order of Expunction*" to other of Mr. Schied's employers – including the Brighton Area Schools – under the Freedom of Information Act, and with evidence of it occurring in 2005, 2006, and again in 2009, despite numerous State and Federal laws determining these actions to be state and federal CRIMES. (***See*** **"EXHIBIT C"**)

c) That State and Federal prosecutors – including the county prosecutors, the State Attorney General, the U.S. Attorneys, the U.S. Attorney General and U.S. Solicitor General – continue to act in felonious fashion to "*cover up*" these lower-level crimes and deprivation of constitutional and civil rights. Such "cover up" is demonstrated by their absolute REFUSAL to act in accordance with their Oaths of Office and to support and defend the Constitution of the United States. (***See*** **"EXHIBIT D"**)

d) That the Executive branches of State and Federal government, including the Michigan Department of Education, the Michigan Department of Civil

Rights, the Michigan Department of Energy, Labor and Economic Growth, the FBI, and the U.S. Department of Education's Office of Civil Rights, continue to act "*in concert*" to use "*color of law*", "*gross negligence*", and other constructive devices of "*malfeasance*" to persistently deprive Mr. Schied of his rights to a resolve as a family man, as a career schoolteacher, and as reported CRIME VICTIM. (***See*** **"EXHIBIT D"**)

e) That the Judicial branches of State and Federal government, including the Ingham County Circuit Court,, the Wayne County Circuit Court, the Washtenaw County Circuit Court, the U.S. District Court for the Eastern District of Michigan, the U.S. Court of Appeals for the Sixth Circuit, and now the U.S. Supreme Court, also continue to act "*in concert*" to use "*color of law*", "*gross negligence*", and other constructive devices of "*malfeasance*" to persistently deprive Mr. Schied of his rights to a resolve as a family man, as a career schoolteacher, and as reported CRIME VICTIM. (***See*** **"EXHIBIT E"**)

3) That the Michigan Judges and the Circuit Executive employed with the Sixth Circuit Court of Appeals in Cincinnati, Ohio are feloniously acting "*in concert*" with a grand scheme of "*conspiracy to deprive*" Mr. Schied of his right to due process with regard to years of documented Judicial Misconduct Complaints that have, thus far, gone completely unresolved by the Sixth Circuit's refusal to either "*litigate*" the merits of Mr. Schied's legal complaints as filed on Appeal, or to address Mr. Schied's numerous "*judicial misconduct*" complaints with

anything other than bare-assertions of "*denials*" and/or complete non-responsiveness. (*See* **"EXHIBIT F"**)

"EXHIBIT B" is a copy of a "*Stipulation and Order*" issued on 10/12/11 by Livingston County, Michigan judge Michael P. Hatty, in Order that an "*exhibit*" submitted to the Court in support of defamatory claims against Petitioner David Schied be "*sealed*" as the documents – or the information contained in the documents – "*should not be publicly disclosed*". This *Order* was issued because the actions of the law firm representing the Respondents had violated the *Privacy Rights* of Petitioner.

It should be noted that this Michigan judge did NOT "*seal*" the content of the defamatory claims from the "*motion*" under which this particular "*exhibit*" was submitted, despite that the exhibit itself proves one of the principle claims that Mr. Schied has been asserting since 2003, which is that the 1983 Texas governor's "*full pardon*" on which this "*expunction*" document was "*legally*" based is itself Evidence to support Petitioner's long-time assertion of the following:

a) That a "*pardon*" was not lawfully possible since Mr. Schied had received a "*discretionary*" set aside in 1979 by the Texas "*trial court*" and that such clemency that included a "*withdrawal of plea*", a "*dismissal of indictment*", and a "*set aside of judgment*" in 1979 precluded the ability to receive a governor's full pardon "*for lack of an object to pardon*" in 1983, per the Texas Attorney General Opinion of Dan Morales (JM-349), and that therefore the acquisition of a "*full pardon*" in 1983 after receipt of such a

"*set aside*" in 1979 goes to show that from 1979 to 1983 and until 2004 when Mr. Schied obtained the Texas "*expunction*" document the State of Texas' Department of Public Safety had been illegally maintaining and disseminating erroneous and uncorrected criminal history information.

b) That the "*State of Texas v. Rudy Valentino Cuellar*" upheld that the type of "*set aside*" received by Mr. Schied in 1979 meant that "*no conviction existed*" between 1977 and 1979 and beyond, and that since Texas Attorney General John Cornyn opined (JC-0396) that the "*definition of 'conviction'*" shall not apply to an individual in possession of EITHER a full pardon or an expunction of remaining records pertaining to the "*arrest*", that in from 1983 when Mr. Schied received a "*full pardon*" from the Texas governor, Petitioner David Schied's position was magnified in determining that "*no conviction existed*", and that FBI identification records being disseminated to Michigan school districts in 2003 and 2004 were "*erroneous*" and in need of "*challenge and correction*" by right under 28 CFR §50.12 and the Crime Prevention and Privacy Rights Compact, as well as numerous other State and United States codes and statutes.

c) That the "*deprivation of rights*" persistently perpetuated by Michigan and United States judges since 2003 have sanctioned an ongoing "*conspiracy*" between the executive branches of State and Federal government from the local school district and county level of "*law enforcement*" all the way up through the Michigan Superintendent of Schools Michael Flannagan and

the Michigan Attorneys Mike Cox and Bill Schuette, to the U.S. Presidential Cabinet, the U.S. Department of Education, and the past two U.S. Attorney Generals Michael Mukasey and Eric Holder, Jr.

"EXHIBIT C" is a copy of Petitioner's filing in the Ingham County Circuit Court's "*Court of Claims*", a case that was referenced to the U.S. Supreme Court before it played out these past few month to be corruptively "*dismissed*" under "color of law" by "*deprivation of rights*" by both the judge of the lower "*Court of Claims*" and – just last week – by the Michigan Court of Appeals, all without actual "*hearing*" on the "*merits*" of the allegations and Evidence against the "*Michigan State Court Administrator*", the "*State Administrative Board*", the "*State Attorney General*", and other agencies of Michigan government. [1]

The caption of the filing of "*Exhibit C*" is:

> "*Plaintiff's Motion for Reconsideration of Opinion and Order Dated 7/15/11 Which Commits at Least One Crime Against Plaintiff as Placed in the Context of the Judge Also Committing Fraud Upon the Public By Publishing a Misleading Official Court Record*"

It should suffice to state that the filing speaks for itself, as it was supported by references to twenty-three (23) documents of Evidence that were altogether

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[1] Note that as an 8-year crime victim, Mr. Schied has been subject to compound damages, which include organizational difficulties when having to comply with filing deadlines in numerous State and Federal courts, including this U.S. Supreme Court. In order to make the instant deadline in filing this instant "*Motion*", Petitioner has submitted this "*exhibit*" of evidence without the signature page being "*signed*" and/or "*notarized*"; however, it should be noted that signed and notarized pages to support these instant claims and exhibits are available and would have been submitted had it not been for these time restrictions.

"*dismissed*" without consideration that they proved "*issues of fact*" under which Petitioner David Schied was constitutionally entitled to litigate before a jury.

"EXHIBIT D" consists of numerous copies of all the "*waivers of right to file a response for writ of certiorari UNLESS REQUESTED BY THE (U.S. Supreme) COURT*". These "*waiver*" include those filed by the Michigan Solicitor General John Bursch on behalf of the Michigan Attorney General Bill Schuette and U.S. Solicitor General, Donald Verrilli, Jr. as "*Counsel of Record*" for the U.S. Department of Education and the Secretary of Education, Arne Duncan.

"EXHIBIT E" places a recent "*Judgment Order*" and an "*Order Granting Motion for Summary Judgment and Dismissing Action*" from a year ago in the context of a larger picture of these actions being taken by U.S. District Court Judge Denise Page Hood in the context of Petitioner David Schied having filed a **detailed 45-page "*Judicial Misconduct Complaint*" on this judge on 8/1/10** while filing a "*Motion for Interlocutory Appeal*" in a case in which this federal judge constructively used "*color of law*" to allow the attorney for the Lincoln Consolidated Schools to continually get away with "*fraud upon the court*" and to continue their perpetuation of CRIMES against Mr. Schied – against the People of the United States – through the ongoing dissemination of a 2003 FBI identification record in response to FOIA requests from the public. (Bold emphasis added)

"*Exhibit D*" provides ample Evidence in showing not only has this U.S. District Court judge allowed the Plunkett-Cooney attorney Michael Weaver to continue getting away with "*fraud upon the court*" he had perpetuated since 2003 to

cause a great "*miscarriage of justice*" in Michigan and while allowing the co-defendants to get away with the numerous instances of "*the same types*" of crimes, this judge sought to first rule on this case while failing entirely to have Petitioner David Schied properly "*served*" with the official 12/28/10 ruling by serving Mr. Schied as a "*pro per*" litigant BY MAIL, but that after reporting the discovery nine-months later, this judge failed to correct the error by reopening the case. Moreover, **her tortuous and criminal misconduct are accentuated by the FACT that she ruled on this case to begin with – and while DENYING numerous of Mr. Schied's pending motions including a "*Motion for Interlocutory Appeal*..." – while a judicial misconduct complaint remained "*pending*" against this judge.** (Bold emphasis added) [2]

"EXHIBIT F" consists of a compilation of numerous judicial "*denials*" issued by Michigan judges employed by the Michigan Court of Appeals beginning

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[2] **NOTE:** The judicial misconduct complaint provides a detailed factual history as well as the procedural history of this case to support the basis for both Mr. Schied's "*Motion for Interlocutory Appeal*" as well as the judicial misconduct complaint. Additionally, it should be noted that it was not until August 2011 that Mr. Schied had called the U.S. District Court inquiring about why the "*Motion for Interlocutory Appeal*" was still pending without resolve when he discovered that the case was closed in December 2010 by a ruling that was apparently "*served*" electronically upon the "attorneys of record" rather than properly by mail to Petitioner as a "*pro per*" litigant without access to such electronic filings. Upon notification that Mr. Schied had never received such "*service*" by the Court and upon his request for a copy of the ruling to be sent, Judge Hood issued a separate "Judgment" on the case while hiding this document in the back of the "*dead*" documents sent by Mr. Schied's request. Mr. Schied therefore did not discover this separate judgment until November 2011 as he was preparing this instant response to the U.S. Supreme Court. Appellant asserts again that this is yet another instance in which the federal courts have used "*color of*"law and procedure to otherwise "*deprive*" Mr. Schied of his "*due process*" rights.

immediately AFTER 9/28/11 when Mr. Schied appeared at a televised public hearing before the Michigan Supreme Court and named three judges of the Michigan Court of Appeals and the Michigan Supreme Court itself as having committed "*color of law*" and "*deprivation of rights*" CRIMES, and while committing "*fraud*" upon the Court and upon the Public at large.

"*Exhibit F*" also presents a letter (submitted earlier to the U.S. Supreme Court along with other documents in Complaint that Justice John Roberts, Jr. had refused long ago to act upon notice) about longstanding "*unresolved judicial misconduct complaints*" that have been "*pending*" with the "*Judicial Council for the Sixth Circuit*" for around three full years.

"*Exhibit F*" begins with a copy of the public speech that Mr. Schied delivered to the Michigan Supreme Court in response to that Court's solicitation of "*public comment*" on proposed changes to the rules of attorney ethics (and for which a copy of the "*press release*" for that solicitation is also included). The speech names specifically Court of Appeals judge Donald Owens, Richard Bandstra and Pat Donofrio as participating in a felony "*conspiracy to deprive of rights*" when establishing ruling on Mr. Schied's first "*racketeering and corruption*" case in Michigan filed in 2007.

Just behind those pages, "*Exhibit F*" contains a barrage of "denials" by Michigan Court of Appeals judges on four (4) cases Petitioner has recently had pending in that State Court. These "denials" demonstrate DIRECT RETALIATION against David Schied by Donald Owens himself, as well as other judges as his

"*cohorts in judicial crimes*", who are also using "*color of law*" to deny Mr. Schied "*due process*" on his numerous cases, all which carry adjoining "*demands*" for access to a grand jury for reporting these crimes and initiating a "*criminal grand jury investigation*" of Mr. Schied's formalized complaints about "*government racketeering and corruption*". [3]

A list of the "*denials*" – which is not fully complete as these were all that Mr. Schied could dig up at the last minute under pressure of meeting the 21 day deadline for filing this instant "*motion*" – is as follows:

1) 4/29/11 – "*Order of Denial*" of Petitioner's "*Motion Before Chief Judge Virgil Smith for Ex Parte, Sua Sponte, or Other Special Order for Forma Pauperis 'Waiver of Fees' on the Ordering of Official Transcripts...*" in regard to the case against the Northville Public Schools and the Wayne County Office of the Prosecutor as case No. 303715, as signed by Judge Virgil Smith.
2) 6/1/11 – "*Order of Denial*" of Petitioner's "*Motion to Waive Costs and Fees*" in the filing of the transcripts for the case against the Northville Public

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[3] Petitioner has additionally included in "*Exhibit F*" a copy of the Order and Memorandum issued by Owens, Bandstra, and Donofrio on 5/19/11 as referenced by the speech by Mr. Schied before the Michigan Supreme Court on 9/28/11. **Right behind that "Exhibit" entry is a copy of the "cover page" of the Appellees' "*Brief in Opposition to Appellant"s Complaint for Mandamus Relief*" in which "*judge*" Richard Bandstra has moved through the "*revolving door*" to become a "representative" of the State in defense not only of the ongoing "cover-up" of previous crimes of the State extending back to 2003, but to cover up his own felony "malfeasance" and "conspiracy to deprive of rights" from 2009 as presented by the aforementioned "*Order of Dismissal*" and "*Memorandum*" issued by judges Owens, Bandstra, and Donofrio.** (Bold emphasis added)

Schools and the Wayne County Office of the Prosecutor as case No. 303715, as issued by Judge Christopher Murray;

3) 6/1/11 – "*Order of Dismissal*" of Petitioner's "*Motion to Extend Time to file Brief on Appeal*" because it was filed "*prematurely*" as Petitioner had not yet filed the "*transcripts*" for the lower court case, as signed by Judge Christopher Murray in the case against the Northville Public Schools and the Wayne County Office of the Prosecutor as case No. 303715.

4) 6/13/11 – "*Order in Denial*" of Petitioner's "*Complaint for Writ of Mandamus*" and "*Motion for Temporary Restraining Order and/or Cease and Desist Order*", issued by Judge Kirsten Kelly for the case against the Northville Public Schools and the Wayne County Office of the Prosecutor as case No. 303802.

5) 10/5/11 – "*Order of Denial*" of Petitioner's "*Motion for Waiver of Fees*" issued by Judge Donald Owens in the case Petitioner had filed against the "*State of Michigan*" as case No. 306026 and captioned, "*David Schied v. State Court Administrator, et. al*" that was being "*defended*" by the Michigan Attorney General and former Court of Appeals judge Richard Bandstra.

6) 10/12/11 – "*Order of Denial*" of Petitioner's "*Motion to Correct the Record*" in the case against the Northville Public Schools and the Wayne County Office of the Prosecutor as case No. 303715, as signed by Judge Christopher Murray.

7) 10/19/11 through 10/25/11 – "*Order of Denial*" of Petitioner's "*Motion for Waiver of Fees*", again issued by Judge Christopher Murray, in the case of judicial racketeering and corruption between the judges of the 17th District Court, the Township Supervisor for Redford Township, and the Redford Township Police in the case of "*David Schied v. Charter Township of Redford*", case No. 306542.

8) 11/2/11 – Notice that Petitioner's "*Motion for Reconsideration and Motion for Immediate Consideration (of Judge Donald Owen's Denial of 'Motion for Waiver of Fees' Based on Extreme Prejudice, Conflict of Interest, and Judicial and Criminal Misconduct")* issued by the District Clerk in the case filed against the "*State of Michigan*" as case No. 306026 and captioned, "*David Schied v. State Court Administrator, et. al*" that was being "*defended*" by the Michigan Attorney General and former Court of Appeals judge Richard Bandstra.

9) 11/2/11 through 11/16/11 – Correspondence on an initial attempt by the Court of Appeals' clerk to "*strike*" the Appeal brief under a false claim that Petitioner had filed in "*excess*" of the page requirements for his "*Reply*" to Appellees' fraudulent "*brief*" in the case against the Northville Public Schools and the Wayne County Office of the Prosecutor as case No. 303715.

10) 11/3/11 – "*Order of Denial*" of Petitioner's "*Motion for Waiver of Costs and Fees*" in the case in the case pending since the early Summer 2011

relative to Petitioner's "*divorce and child custody*" case against his wife, and in which the Appeal was on a lower court "*order*" in denial of Mr. Schied's persistent "*demand for criminal grand jury investigation*" of the circumstances that led to the demise of his family as "*crime victims*" of government racketeering and corruption. The "Order" was again issued by Judge Christopher Murray;

11) 11/15/11 – "*Order of Denial*" of Petitioner's "*Motion for Waiver of Fees*" in the case as filed against the "*State of Michigan*" as case No. 306026 and captioned, "*David Schied v. State Court Administrator, et. al*" that was being "*defended*" by the Michigan Attorney General and former Court of Appeals judge Richard Bandstra. The Order was issued again by Judge Donald Owens, Bandstra's "*peer*" in denying Petitioner's previous case against the "*State of Michigan*" in 2009 as presented also by the Evidence in "*Exhibit F*".

12) 11/17/11 – "*Order of Dismissal*" issued by Court of Appeals "*Chief Judge*" William B. Murphy dismissing the Court of Appeals case that Mr. Schied had filed against the "*State of Michigan*" as case No. 306026 and captioned, "*David Schied v. State Court Administrator, et. al*" that was being "defended" by the Michigan Attorney General and former Court of Appeals judge Richard Bandstra;

13) 11/18/11 – notice pending dismissal of case No. 307195 for "*Demand for Grand Jury Investigation*" issued by the "*District Commissioner*" because "*the Complaint for Mandamus was not accompanied by a $375 entry fee*";

As presented by the Evidence, this overreaching "*systemic*" corruption of the executive and judicial branches extends to the judiciary of the Sixth Circuit Court of Appeals and the Judicial Council for the Sixth Circuit; and beyond that, to the United States Supreme Court itself by their instant denials of the overwhelming amount of Evidence otherwise showing that – in all three cases presented to the U.S. Supreme Court justices, constitutional and civil rights violations took place as treasonous CRIMES by the highest ranking officials of Michigan and of the United States.

Adding to the plethora of Exhibits already supporting Petitioner's position is the added Evidence that though the Circuit Executive for the U.S. Court of Appeals for the Sixth Circuit added Judge Denise Hood to the list of "*unresolved judicial misconduct complaints*" that were mostly all filed early in 2009, fully twenty-nine (29) of those judicial misconduct Complaints remain "*open*", "*unresolved*", and "*still pending*" while the judges of the Sixth Circuit and the U.S. Supreme Court do nothing about it. It is therefore Petitioner's position that the Justices of the U.S. Supreme Court are also guilty of "*malfeasance*", "*misprision of treason*" and

"*conspiracy to deprive of rights under color of law*", among other significant "*high crimes*". [4]

THE "*THREE LETTERS*" WRITTEN BY WILLIAM SUTTER DO NOT CONSTITUTE LAWFUL "*ORDERS*" OF THE U.S. SUPREME COURT AND THEREFORE, PETITIONER HAS NOT BEEN PROPERLY "*SERVED*" WITH AUTHENTIC "*ORDERS*" IN RESOLVE OF THE THREE CASES

28 U.S.C. § 1691 requires that all orders must be signed and issued under seal. Moreover, the word "*process*" at 28 U.S.C. § 1691 means a court order. See *Middleton Paper Co. v. Rock River Paper Co.*, 19 F. 252 (C.C. W.D. Wisconsin 1884); *Taylor v. U.S.*, 45 F. 531 (C.C. E.D. Tennessee 1891); *U.S. v. Murphy*, 82 F. 893 (DCUS Delaware 1897); *Leas & McVitty v. Merriman*, 132 F. 510 (C.C. W.D. Virginia 1904); *U.S. v. Sharrock*, 276 F. 30 (DCUS Montana 1921); *In re Simon*, 297 F. 942, 34 ALR 1404 (2nd Cir. 1924); *Scanbe Mfg. Co. v. Tryon*, 400 F.2d 598 (9th Cir. 1968); and *Miles v. Gussin*, 104 B.R. 553 (Bankruptcy D.C. 1989).

The three letters signed by U.S. Supreme Court clerk William Sutter on 10/31/11 are indeed "*letters*" – not "*orders*" – which carry no signature of ANY of the Supreme Court justices, and contains no official "*seal*". The letters themselves therefore do not constitute proper evidence that the Supreme Court justices indeed "*denied*" Petitioner's two requests for "*Writ of Certiorari*" and one request for "*Writ of Mandamus*".

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[4] NOTE: Previous notice and Evidence has already been informed that Justice John Roberts, Jr. was fully informed about this situation in 2010, as copies of original documents addressed to John Roberts was provided to the Supreme Court with Petitioner's initial filing for "*forma pauperis*" status in light of Petitioner's criminal claims.

Further, these three letters do not constitute proper "*service*" of the "*Order(s) of Denial*" even if any such "*orders*" should lawfully exist as described of such "orders" in either the Supreme Court Rules or the Federal Rules of Civil Procedure.

28 U.S.C. §1691 simply requires: "*All writs and process issuing from a court of the United States shall be under the seal of the court and signed by the clerk thereof.*" Therefore, William Sutter's personal or business "*letters*" are "*invalid*"; and so each of the three Petitions properly filed by Mr. Schied must be re-considered and reheard by the U.S. Supreme Court justices.

ARGUMENT

Based upon the Evidence presented to this U.S. Supreme Court since the onset of this instant case, there are three (3) principal questions that are being properly raised and in need of honest answering, which are presented as follows:

Question #1:

> ***Did the Justices of the U.S. Supreme Court themselves commit felony crimes of "malfeasance", "misprision of felony" and "misprision of treason" when "dismissing" Petitioner David Schied's three "Petitions" for (two) Writ of Certiorari and (one) Writ of Mandamus containing a combination of 116 pages or more of History and Argument and 93 Exhibits of Evidence or more referencing clear civil and criminal violations of Petitioner's constitutional rights and rights as crime victim – which were submitted also as three formalized "Crime Reports" to the U.S. Supreme Court justices – thus opening the door for continuance of these same types of government crimes to be committed against Petitioner well into the future?***

Petitioner answers this question affirmatively as "*YES, UNDOUBTEDLY*".

Question #2:

Did the Justices of the U.S. Supreme Court themselves commit felony crimes when, by purportedly denying David Schied's two "Petition(s) for Writ of Certioraris" and accompanying "Petition for Writ of Mandamus", uphold the lower court rulings that "[P]rivate citizens have no authority to initiate criminal prosecutions", while also upholding the governments' previous "denial of access" to Petitioner of either petit or grand juries....despite that private persons have long had the right under numerous State laws to conduct citizen's arrests, the right to file written complaints constituting "indictments" by definition, the right under the State Constitution for reported crime victims to "be protected from the Accused throughout the criminal justice process", and the right under 18 U.S.C. §3332 to bring crime reports to the federal "special grand jury" in answer to the special grand jury's continual "duty to inquire" about crimes – including government crimes – being reported within their district?

It is Petitioner's formal position – by this filing – that the Justices of the U.S. Supreme Court have the opportunity to "*reconsider*" whatever actions they may or may not have taken in the past to continue perpetuating this charade as an "*institution of justice*". In FACT, the Justices have this final opportunity to reverse what William Sutter has stated is a decision of "*denial*" of all three of Petitioner's "*petitions*", and to institute "*justice*" by ruling in favor of Petitioner, by GRANTING RELIEF as outlined by all three of the Petitions, and by granting Mandamus instructing the U.S. Attorney and/or Solicitor General to convene a citizen's GRAND JURY for the purpose of conducting a thorough investigation of Petitioner's criminal allegations based upon the overwhelming Evidence. Should the Justices decide against all of that, then Petitioner will be answering this "Question 2" again as "*Yes, undoubtedly*".

Question #3:

In the face of all of Petitioner's numerous sworn Affidavits and crime reports constituting criminal "indictments" by definition, as well as the

sworn Affidavits of testimony from numerous "Court-watchers" who state they witnessed crimes being committed from the bench by judges, do the three letters sent to Petitioner in notice of the Supreme Court justices' "denials" of Petitions even constitute valid "Orders", particularly when they were issued as "letters" not "Orders" by the Court, when they were issued without signatures of any of the Justices, and when they were issued without any "official seal" of the U.S. Supreme Court?

Petitioner answers this question resoundingly as "*NO, DEFINITELY NOT*".

THEREFORE, Petitioner requests that this Court do as follows:

(1) Grant this instant "*Motion for Reconsideration*" and thereafter Grant all three "*Petitions*" for Certiorari and for Mandamus in accordance with the previously file "*Request(s) for Relief*".

(2) Inform the federal special grand jury, under 18 U.S.C. §3332 about the alleged criminal offenses referenced above and through the "*exhibits*" attached to this motion and the previously filed "*Petitions*"; and while notifying the grand jury of the identity of the person David Schied making these criminal allegations, and thereafter making public the action or recommendation of the judge or attorney making such contact with the grand jury;

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

Respectfully submitted,

By:_____

DATED: November 21, 2011

VERIFICATION

The FACTS and EVIDENCE presented by the above referenced cases as publicly filed in court records, and through public postings on the Internet, in reference to people and events, unresolved crime reports and civil cases for which I was repeatedly denied my rights to constitutional "*due process, full faith and credit, privileges and immunities, to jury trial, to freedom from 'double jeopardy', and to crime victims' rights*", all constitute claims of damages in value of excess of $2,000,000 per occurrence, and with the "*Oaths of Office*" of all the named individuals – including each of the U.S. Supreme Court justices and their "*agents*" acting in either their "*official*' or their "*individual*' capacities or both as referenced and describing not only the actions of the U.S. Supreme Court justices but so also all the other judges charged with oversight of past, present, and future cases filed by me in any capacity – are clearly "*accepted for value*" in the same amount of $2,000,000 per person per incident.

The information below provides "*sufficient*" information to show what has become of my personal and financial assets, in his past efforts to comply – in good faith – with all of the requirements, issued both unjustly and constructively under *color of law*, for me to repeatedly submit my civil and criminal complaints to unfathomable levels of government officials otherwise charged with the DUTIES of litigating the merits of my claims and protecting my rights through proper "*law enforcement*" actions. This includes my outlay of expenses for seeking and hiring attorneys, for filing and "*litigating*" court cases, for copying and mailing documents in duplicate to the numerous government co-defendants, for pursuing numerous levels of criminal complaints and demands for criminal grand jury investigations, for filing complaints on judges and attorneys with the Judicial Tenure Commission and the Attorney Grievance Commission, for the costs of constantly seeking employment and "*mitigating*" my numerous damages to my career and reputation through obstructed attempts at self-employment, for the hiring of other professions to treat stress, and the medical and emotional problems resulting from government crimes and leading to family turmoil and eventually divorce, and for expenses related to my doing everything I could to hold together the intentional destruction of my basic family unit by the named government officials.

This writing is an attempt to collect upon the debts referenced in the above paragraph 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 using these Court proceedings to pursue my remedies provided by [the Uniform Commercial Code] UCC 1-305. [5]

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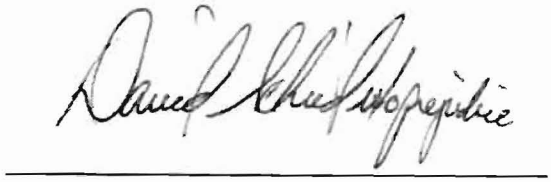
[5] To prove the existence of an "*accord and satisfaction*", a defendant need not show a plaintiff's express acceptance of the condition, but rather, the law of accord and satisfaction is that where a creditor accepts a conditional tender, the creditor also agrees to the condition; however, the expression of the condition must be clear, full, and explicit. See *Michigan v. Thompson*, Mich.App.2001, 639 N.W.2d 831, 248 Mich.App. 487. Accord And Satisfaction 11(2)



David Schied
Pro Se

Executed on November 21, 2011.

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

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of November, 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) "*Two Motions of Reconsideration of Two Denials of Two Petitions for 'Writ of Certiorari' and 'Motion for Reconsideration of Denial of a Third Petition for 'Writ of Mandamus*";
2) *Certificate of Service.*

Scott Lee Mandel; Richard C. Kraus
Foster, Swift, Collins, & Smith
313 S. Washington Square
Lansing, MI 48933
517-371-8100

Barbara E. Buchanan (P55084)
Keller Thoma, P.C.
440 East Congress, 5th Floor
Detroit, MI 48226
313-965-7610

John J. Bursch – Michigan Solicitor General and Bill Schuette – Michigan Attorney General
P.O. Box 30212
Lansing, MI 48909
(517) 373-1124

Solicitor General of the United States
U.S. Department of Justice
Room 5614, 950 Pennsylvania Ave., N.W.
Washington, D.C. 20530-0001

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

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

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

Respectfully submitted,

By: _____

DATED: November 21, 2011

APPNX

#1

EXHIBIT A

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

William K. Suter
Clerk of the Court
(202) 479-3011

October 31, 2011

Mr. David Schied
P.O. Box 1378
Novi, MI 48376

Re: David Schied
v. Scott Snyder, et al.
No. 11-6015

Dear Mr. Schied:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

William K. Suter

William K. Suter, Clerk

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

William K. Suter
Clerk of the Court
(202) 479-3011

October 31, 2011

Mr. David Schied
P.O. Box 1378
Novi, MI 48376

Re: David Schied
v. Ronald Ward, et al.
No. 11-5937

Dear Mr. Schied:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

William K. Suter

William K. Suter, Clerk

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

William K. Suter
Clerk of the Court
(202) 479-3011

October 31, 2011

Mr. David Schied
P.O. Box 1378
Novi, MI 48376

Re: In Re David Schied
No. 11-5945

Dear Mr. Schied:

The Court today entered the following order in the above-entitled case:

The petition for a writ of mandamus is denied.

Sincerely,

William K. Suter

William K. Suter, Clerk

EXHIBIT B

STATE OF MICHIGAN

LIVINGSTON COUNTY CIRCUIT COURT

DAVID SCHIED,

Plaintiff,

v

BRIGHTON AREA SCHOOLS,

Defendant.

Case No. 10-25106-CD

HON. MICHAEL P. HATTY

Daryle Salisbury (P19852)
Attorney for Plaintiff
42400 Grand River, Suite 106
Novi, MI 48375
(248) 348-6820

Scott L. Mandel (P33453)
Pamela C. Dausman (P64680)
Foster Swift Collins & Smith PC
Attorneys for Brighton Area Schools
313 S. Washington Square
Lansing, MI 48933
(517) 371-8100

STIPULATION AND ORDER

Plaintiff David Schied and Defendant Brighton Area Schools, by and through their counsel, stipulate and agree as follows:

1. Brighton Area Schools filed a Motion for Summary Disposition and Brief in Support of that Motion that attached the Agreed Order of Expunction entered in the District Court for the 234th Judicial District, Harris County, Texas, dated October 1, 2004, as Exhibit 32, with the Court on September 22, 2011. The Expunction Order and the content of that Expunction Order attached as Exhibit 32 to Defendant's Brief in Support of its Motion for Summary Disposition should not be publicly disclosed.

#2103

2. Exhibit 32 to Brighton Area Schools' Brief in Support of Motion for Summary Disposition should be sealed until further order of this Court.

3. There is good cause to seal this record under MCR 8.119(F), as Plaintiff's privacy rights should be protected and there is no less restrictive means to adequately and effectively protect that specific interest.

Dated: Oct 10, 2011

By: Daryle Salisbury (a/p permission Pamela C. Dausman)
Daryle Salisbury (P19852)
Attorney for Plaintiff

Dated: 10/10, 2011

By: _____
Scott L. Mandel (P33453)
Pamela C. Dausman (P64680)
Foster Swift Collins & Smith PC
Attorneys for Brighton Area Schools

ORDER

At a session of said Court held in the Circuit Courtrooms in the City of Howell, County of Livingston, State of Michigan, on this 12 day of October, 2011.

PRESENT: HONORABLE MICHAEL P. HATTY
Circuit Court Judge

The Court having reviewed the Stipulation filed by the parties and being advised in the premises;

IT IS SO ORDERED.

MICHAEL P. HATTY P-30990
Honorable Michael P. Hatty
Circuit Court Judge
10-12-11

DARYLE SALISBURY, ATTORNEY

42400 GRAND RIVER AVENUE
SUITE 106
NOVI, MICHIGAN 48375
248/348-6820

October 19, 2011

DAVID SCHIED
P.O. BOX 1378
NOVI MI 48376-1378

RE: David Schied v Brighton Community Schools
Our File: 2110.3

Dear Mr. Schied:

Enclosed is your copy of a Livingston County Circuit Court Order regarding your Expunction Order.

Very truly yours,

DARYLE SALISBURY

DS/sh
Enclosure

EXHIBIT C

STATE OF MICHIGAN
COURT OF CLAIMS

No. 11-50-MZ

HON. PAULA J. MANDERFIELD

David Schied,
Plaintiff,
Vs.
Michigan State Court Administrator;
Michigan Department of Civil Rights;
Superintendent and Board of Education for the Michigan Department of Education;
Michigan Department of Labor and Economic Growth;
Michigan State Administrative Board via the Office of the Michigan Attorney General;
DOES 1-20;
Defendants.

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

Bill Schuette – Michigan Attorney General
And Erik A. Grill (P64713)
Attorneys for all Defendants
535 W. Ottawa St.; P.O. Box 30736
Lansing, MI 48909
517-373-6434;
miag@michigan.gov ; grille@michigan.gov

PLAINTIFF'S MOTION FOR RECONSIDERATION OF OPINION AND ORDER DATED 7/15/11 WHICH COMMITS AT LEAST ONE CRIME AGAINST PLAINTIFF AS PLACED IN THE CONTEXT OF THE JUDGE ALSO COMMITTING FRAUD UPON THE PUBLIC BY PUBLISHING A MISLEADING OFFICIAL COURT RECORD

/

Here comes the Plaintiff, in reiteration of earlier statements made in his complaint and in his "*Response*" accompanied by two "*Motions*" within the very same document, that Judge Paula Manderfield somehow reasoned constructively and in a gross "*miscarriage of justice*" that she would not "*hear*" on the same day of oral hearing on the motion of the Michigan attorney general that was filed on behalf of the Defendant State of Michigan, despite clear notice sent by

Plaintiff to both the Court of Claims and to the Defendants of hearing on Plaintiff's two motions. Plaintiff brings this instant motion, in accompaniment of a *Motion for Waiver of Fees* and a notarized *Affidavit of Indigency* which is already filed and on record, while still filing his documents in this Court of Claims with a "*forma pauperis*" status, which was implied to have been granted by this Court already despite that Judge Paula Manderfield has neglected to provide any sort of direct Order pertaining to Plaintiff's previously filed "*Affidavit Concerning Financial Status*" and "*Statement of Indigency and Demand for Immediate Consideration by Notice of Criminal Victimization*". Copies are therefore included herein by attachment to the Court.

Again, Plaintiff has twice asserted "*on the record*" that he is filing this case as also a CRIME REPORT to the Michigan Attorney General Bill Schuette; and that he is reporting himself to be the VICTIM of many alleged CRIMES perpetrated by numerous individuals who are imposters fraudulently posing as "*civil rights investigators and advocates*", as "*public educators*", as "*equal opportunity employers*", and as "*law enforcement*" while running a conspiracy of cover-up for their actually running corrupt organizations and racketeering operations throughout Michigan from their offices in Lansing and Detroit.

Nevertheless, **Judge Paula Manderfield's constructive analysis in her "*Opinion and Order*" does nothing whatsoever to address the criminal aspects of Plaintiff's complaint**, or ANY aspects of Plaintiff's *Complaint* or subsequent "*Response and Two Motions*". Nor does Judge Manderfield discuss in her "*Order and Opinion*" where there are "*exceptions*" to government "*immunity*" in government functions, such as the many instances which Plaintiff David Schied has outlined in both his *Complaint* and in his subsequent "*Response and Two Motions*" which set forth a plethora of evidence of individual crimes taking place, and with equal evidence of a "*conspiracy to criminal corruption*" by government officials in various Michigan

government offices, including the judiciary and including in this instant Ingham County Circuit Court. (Bold emphasis added)

Governmental immunity does not lawfully get issued to officials committing crimes while in performance of their government function. BOTH of Plaintiff's preceding *Complaint* and his "*Response and Two Motions*" pled exceptions to the "*governmental immunity*" claimed by the Defendants. Plaintiff asserts that the actions outlined in that *Complaint* and "*Response and Two Motions*" – **as outlined below in summary** to include the Defendants repeated "*failure to act*" or to act in *gross malfeasance* of job duties and government Oaths of office, so to constructively cover up Plaintiff's reports and evidence of crimes – falls into the "*exception*" for government immunity. This would include the malfeasant actions and the "*failure to act*" by judges of the Ingham County Circuit Court when issued clear notice of crimes, when presented with sworn and notarized crime reports, and when Plaintiff has demanded criminal investigations of government crimes by the criminals' "*peer group*" of Michigan government officials.

Note that adjoining to and in support of this instant "*Plaintiff's Motion for Reconsideration of Opinion and Order Dated 7/15/11 Which Commits At Least One Crime Against Plaintiff as Placed in the Context of the Judge Also Committing Fraud Upon the Public by Publishing a Misleading Official Court Record*", as well as "*Plaintiff's Motion for Reconsideration of Denial and Dismissal of Plaintiff's "Demand for Criminal Grand Jury Investigation*", Plaintiff is also filing an accompanying *Motion for Reconsideration of Official Circuit Court Notice Dated 7/19/11 in 'Resolve' of All Pending Claims Including Plaintiff's Claim of Being a Crime Victim and Plaintiff's 'Demand for Criminal Grand Jury Investigation' of Michigan Government Corruption Including Judicial Corruption by the Ingham County Circuit Court 'Chief' Judge "William Collette"*.

SUBSTANTIAL BACKGROUND TO THIS INSTANT MOTION FOR RECONSIDERATION

1. Plaintiff's initial "*Complaint*" and thirty-seven (37) supporting collections of documents of Evidence were all neatly listed and referenced in the Complaint through itemized paragraphs stemming from separate "*counts*" on each of the named Defendants. These separate counts were also supported by a 4-page "*Table of Contents*" summarizing each of the twenty (20) "*counts*" in the Complaint, with each count also making reference to specific "*case numbers*" and/or individualized "*complaint numbers*" created and assigned by the Defendants themselves before they then went on to mishandle each one of Plaintiff's previous complaints. Moreover, as shown by that *Table of Contents*, the very first entry beneath the "*Introduction*" as provided on page 2 of the Table of Contents and beginning on page 6 of the Complaint, was Petitioner's "*More Definite Statement*" with a 2 ½ page "*concise statement*" of the instant "*Causes of Action*". (***See* "EXHIBIT A" of Plaintiff's "*Response and Two Motions*" as copies of the "*Table of Contents*" and those opening pages.")**
2. Yet the Michigan Attorney General Schuette and his "*assistant attorney general*" began to defraud this Michigan Court of Claims by filing of their **"*Motion*" laced with substantive "*omissions*"** of the above facts – and more – when claiming in the first paragraph of their "*Statement of Facts*", "*[I]t is not clear from the pleading what precisely Defendants have done that would support a cause of action against them*". Plaintiff asserted in his "*Response and Two Motions*" that the basis for this **misrepresentation** stems from a long history of gross negligence and criminal malfeasance of those employed by the Michigan attorney generals Mike Cox and Bill Schuette, while committing many similar instances "*fraud*" upon other state and federal courts.
3. In essence, Plaintiff David Schied reported to Judge Paula Manderfield and the Court of

Claims in his "*Response and Two Motions*" that there is a dark history of criminal cover up going on here by those employed under the new AG Bill Schuette who are trying to *maintain* that cover up. These "*assistant*" attorney generals are relying upon a practice that has worked for them repeatedly thus far....through fraudulent finger-pointing, gross omissions and misstatements, and by good old-fashioned felony corruption, malfeasance of duties, and perjuries upon their Oaths of Offices.

4. Mr. Schied reported that at the most basic level, there have been no fewer than eight (8) separate levels of state and federal court cases where the Michigan Attorney General and those employed by his Office have either been named as the "*Defendants*" or been representing the Defendants as cohorts in government corruption, whereby in each case these Michigan government officials have followed the very "*same pattern*" of denying the facts and evidence set plainly before them, clearly and with supporting evidence, and as the proverbial "*elephant(s) in the (court)room(s)*".

5. **Mr. Schied reported the question as being how long the judges of this State of Michigan will also continue to feint that same ignorance, continue to rely upon judicial immunity, and continue to deny the obvious....which is that Plaintiff has clearly outlined a baseline of government crimes by school district officials for which Michigan law enforcement and the Michigan Attorney General continue to "*aid and abet*" in the successful cover up of the following as cited from the "Response and Two Motions" in quotes:**

1) ***Evidence of crimes and the deprivation of Plaintiff's constitutional and statutory rights*** *since November 2003, being perpetuated every year since 2003 as it relates to:*

a) ***Plaintiff's right to privacy and employment*** *as a former offender, and one who had received over three decades ago as a first-time-only-time-teenage-offender, "probation" followed by an "early termination" of that probation which included a "withdrawal of plea", a "dismissal of indictment", a "set aside of judgment", followed by a Texas governor's "full pardon and restoration of full civil rights", followed by (more recently) an "expungement" of the remaining arrest record;*

b) ***Plaintiff's right under 28 U.S.C §50.12 to challenge and correct an erroneous FBI identification record delivered under the terms of the National Crime Prevention and Privacy Compact placing the State Police and the Attorney General squarely in the center of responsibility for monitoring AND REPORTING back to Congress all violations of this "compact" between the federal and state government.*** *This compact should otherwise serve as a reminder that it is only a "privilege" for employers in Michigan to receive fingerprint results of prospective employees who otherwise have the right, under 28 U.S.C §50.12 to reasonably retain their jobs while exercising their rights under that federal statute to "challenge and correct" erroneous FBI identification records.*

c) ***Plaintiff's right to constitutional "full faith and credit", to "due process", to "privileges and immunities", and the right not to be subject to "double jeopardy"*** *when Plaintiff had clearly presented evidence in 2003 that an FBI record was erroneous. Plaintiff had, in 2003, presented clear evidence that a crime for which a Michigan school district official had been publicly accusing Plaintiff of being "convicted", and while perpetuating crimes against him since November 2003, was long ago set aside (1979) and fully pardoned (1983) and with the so-called "conviction" legally obliterated over three decades ago, leaving only the remaining arrest record of the single teen event left to be "expunged" in 2004;*

d) ***Plaintiff's right, as a reported "crime victim", to be "reasonably protected from the accused" – Plaintiff has been accusing the superintendent and business office employees of the Lincoln Consolidated Schools of repeatedly disseminating, from their public personnel files, a "nonpublic" erroneous 2003 FBI identification record to the public under the Freedom of Information Act.*** *They continue to do so while disregarding that this highly regulated "one-time-use-only" document is still the property of the federal government and still subject to the Privacy Act of 1974;* ***(See "EXHIBIT B" of Plaintiff's "Response and Two Motions", which is the same document submitted as "Exhibit #2" with the original Complaint being completely ignored by the Michigan Attorney General)***

e) ***Plaintiff's right to "full faith and credit" of a Texas court "Order of Expunction" that "prohibits" any "use and/or dissemination" of information contained in that document – Plaintiff has been reporting to Michigan law enforcement officials that the district administrators of the Northville Public Schools have been maintaining, in their public personnel files, an "expunction" document created and owned by the State of Texas. These Michigan government officials have also been repeatedly disseminating that nonpublic Texas court Order to the public under FOIA; (See "EXHIBIT C" of Plaintiff's "Response and Two Motions" as the same document submitted as "Exhibit #3" with the original Complaint being completely ignored by the Michigan Attorney General)*** [1]

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[1] **NOTE: The Michigan Attorney General and his "*assistants*" have a long history of ignoring these Exhibits "B" and "C" of Plaintiff's "*Response and Two Motions*" as the "*Sworn Affidavit(s) of Earl Hocquard*", an eyewitness to the crimes of the Lincoln and Northville school districts. His two affidavits give "*reasonable cause*" to believe the crimes are being committed (and have been committed in similar fashion according to the sworn testimony of Plaintiff) since 2003. Mr. Hocquard received the 2003 FBI identification record and the 2004 Texas court "*Order of Expunction*" through the mail and in response to his personal FOIA request as an interested citizen and social worker therapeutically treating Plaintiff's child after witnessing firsthand the deprivation of the child's rights (under the Individuals with Disabilities Act) by the Northville Public**

2) ***The Michigan Attorney General continues to "aid and abet" in the cover up of the laws that clarify, in the context of the evidence, that the civil and/or criminal wrongdoings have NOT been by Plaintiff but instead been by high-ranking Michigan government officials to include:***

a) ***School district superintendents and the members of their Boards of Education*** *who have been looking the other way while school district officials are criminally violating numerous state and federal privacy rights laws, and while their school administrators, including the administration of a THIRD school district – the Brighton Area Schools –d continue to retaliate against Plaintiff for exercising his First Amendment right to "redress of grievances" when confronted by gross negligence and criminal malfeasance by Michigan government refusing to do anything about these ongoing crimes;*

b) ***The governing Michigan State bodies*** *with the duties to oversee teacher licensing, to set policies for school boards' compliance with the Revised School Codes, and of providing "equal" civil rights protections for Michigan citizens who are law abiding residents;*

c) ***Law "enforcement" officials*** *including local police, sheriffs, and prosecutors with the duties to protect citizens by prosecuting reported criminal offenses within their respective counties where the offending school district officials are criminally operating;*

d) ***Circuit court judges, Court of Appeals judges, and Supreme Court judges*** *– who are otherwise operating here in Michigan on a set of political agendas, prejudices and biases while acting under the disguise of "color of law" rather than on the "rule of law". These judges have been covering up numerous previous "miscarriages of justice" that have been occurring since 2004 at the hands of their "peer group" of other corrupt judges.* ***(See "EXHIBIT D" of Plaintiff's "Response and Two Motions" as evidence that the State government, state and federal judges, and the public altogether know there is a big problem of "citizen confidence" in the Michigan judiciary)*** [2]

JUDGE MANDERFIELD DISMISSED THE CASE WHILE COMMITTING A CRIME AGAINST PLAINTIFF AND WHILE PUBLISHING A FRAUDULENT OFFICIAL COURT DOCUMENT

6. Plaintiff incorporates by reference his "*Plaintiff's 'Response' and Brief in Support of Response' to Attorney General Bill Schuette's Fraudulent 'Defendants' Motion to Strike*

Schools where the child had been attending elementary school for numerous years, and after seeing the child being suspended by the Northville elementary school principal that Plaintiff had otherwise named as a "*hostile witness*" in 2005 to the ongoing crimes being committed by the personnel office at the Lincoln Consolidated Schools.

[2] NOTE: This was an admission of Michigan Supreme Court Justice Elizabeth Weaver herself when she took retirement in 2010 and came out "*blowing the whistle*" with a website (www.justiceweaver.com) and a press conference in which she makes very clear the need for judicial reforms in Michigan to deal with the judicial corruption, which she described in nearly the very same words as outlined in Plaintiff's paragraph. Since that time Plaintiff attended a public forum of the Judicial Selection Task Force (6/14/11). Though this "*Task Force*" presented the outward appearance that they were looking into these corruption issues, their wording of "*the problem*" places the accountability otherwise directly upon the "*citizens*" (as having a lack of "*confidence*" and "*accountability for all financial support for judicial 'candidates'*") rather than upon the judges themselves as being the root cause of the real problem of "*judicial corruption*" once they arrive in office and swear their Oaths to support and uphold the Constitution(s), the laws of the United States and all other 49 states.

Pleadings or Alternatively to Dismiss and Plaintiff's 'Motion to Compel Answers to the Complaint' and Plaintiff's 'Motion for a Declaratory Statement of Reasonable Cause to Believe Crimes Have Been Committed by Plaintiff's Sworn and Notarized Statements in the Complaint Constituting Criminal Indictments by Definition of MCL 761.1 and MCL 750.10", as well as all referenced Exhibits labeled as A-R, as if provided herein in its entirety verbatim. (The motion in this paragraph is being referred to "*Response and Two Motions*" in this instant motion to keep it short.)

7. Plaintiff also incorporates by reference of his accompanying Affidavit entitled "*Sworn and Notarized Affidavit of David Schied in Regard to Court of Claims Hearing on 7/13/11 and Events Which Took Place Afterwards*", as if written herein in its entirety verbatim .
8. Both of the above-referenced documents in possession of this Court of Claims depicts the great extent to which this Court was provided a full scope of opportunity to "*litigate*" the merits, and the factual basis of Plaintiff's repeated claims – placed both in writing with sworn and notarized Affidavits and in oral argument before the court – in claim that the Michigan attorney general and his "assistant" were criminally defrauding the Court, and while representing to this court other of Plaintiff's sworn and notarized CRIME REPORTS about the named government Defendants being accused by Plaintiff of numerous other misdemeanor and felony crimes.
9. As also shown by the above-referenced documents, Judge Paula Manderfield had a DUTY to litigate those irrefutable and undisputed facts and evidence in the face of the assistant attorney general Grill's argument that all the government Defendants should be provided "*governmental immunity*"; yet Judge Mansfield shirked that duty by issuance of governmental immunity without litigating these issues of fact as to whether or not the actions

of the government constitute government crimes, either individually or in a "*chain*" pattern of connection to other alleged government corruption crimes.

10. Instead, Judge Manderfield published an "*Opinion and Order*" full of significant OMISSIONS that demonstrated gross negligence to address the factual issues and the evidence in both Plaintiff's Complaint and in his "*Response and Two Motions*".

11. As provided by the statements outlined above in the "*Affidavit of David Schied....*", Judge Manderfield also took such action while disregarding the significant Exhibit, referenced both in writing and in oral hearing as "*Sworn and Notarized Affidavit of Earl Hocquard*" dated in 2009 and referencing his experience with receiving a personnel file in Plaintiff's name from the Northville Public Schools under FOIA request. As that Affidavit included evidence that Judge Manderfield admitted to have read by holding up the entirety Plaintiff's motion in court and stating that she had read these pages, Judge Manderfield blatantly disregarded the Texas Court "*Order of Expunction*" that expressly "*prohibits*" the "*use and dissemination*" of information referenced by this court Order as being subject to "expunction" and obliteration.

12. In essence, rather than honoring Plaintiff's repeated cautions about the crimes being perpetrated by the Michigan attorney general and other government officials in Michigan, including other judges, about disseminating criminal history information known by government officials to have long ago been set aside (with a "*withdrawal of plea and dismissal of indictment*"), to have been fully pardoned long ago by a Texas governor, and to have been "*expunged*" of all remaining records related to the "*arrest*" in 1977, Judge Manderfield chose not only to publish the falsity that Plaintiff was attempting to cover up a "conviction", but doing so by naming the three-and-a-half-decade old offense that was

subject to all these forms of clemency and prohibited from dissemination or publishing.

13. As such, Plaintiff requests this Court to consider this as cause for "*reconsideration*" and set a new date for rehearing on Plaintiff's two motions that were never "*heard*" by the court under what Plaintiff describes as very "*shady*" circumstances surrounding the actions of this Court of Claims.

Brief Summary of the Prevailing Fraud Upon This Court and the Malfeasance That Has Long Been Committed by the Michigan Attorney General and his "*Assistants*"

14. After issuing a paragraph laced by significant omissions and misleading statements in the very first paragraph of his "*Brief of Support*", Attorney General Bill Schuette moved on to fraudulently claim (in para 2, p. 2 of his "*Brief*") that "*the history of Plaintiff's litigation against various government agencies and officials is succinctly summarized in the attached Opinion and Order from the United States District Court in the Eastern District of Michigan*", while submitting a single *Opinion and Order* from federal judge Lawrence Zatkoff, and while failing entirely to provide a number of other significant facts such as outlined below about that case.

15. **This Court should realize that the attorney general (AG) presented this federal case ruling with the purpose of throwing up a smokescreen and a fraudulent diversion of the actual facts, by proffering significant "*omissions and misstatements*" intertwined in the "*Argument*" section of his motion, concerning both this instant Complaint and the actual "*facts*" about that previous federal case, which occurred prior to the events outlined by "*Exhibits B and C*" (as shown by the "*Sworn Affidavit(s) of Earl Hocquard*") concerning the criminal events occurring (again) by Michigan school district officials in 2009.**

16. **The following are facts about that federal case that AG Schuette and his "*assistant*" Erik Grill (P64713) conveniently left out of their instant motion when presenting *only* Judge Zatkoff's "*final*" ruling and that Judge Paula Manderfield left out of her ruling despite that Plaintiff had clearly outlined these issues in his written pleadings before the Court:**

1) **FACT #1** – In the aftermath of Judge Zatkoff delivering the "*Opinion and Order*" referenced by Defendants as "*Attachment #1*" Plaintiff filed a 3-part "*judicial misconduct*" complaint against Judge Zatkoff in the Judicial Circuit of the Sixth Circuit Court of Appeals. (***See* Plaintiff's "EXHIBIT E" of Plaintiff's "*Response and Two Motions*".**)

2) **FACT #2** – As provided by the U.S. District Court Record, Judge Lawrence Zatkoff, had systematically deprived Petitioner of his constitutional rights to "*due process*" and to have a jury be properly presented with the facts of Plaintiff's complaint about malfeasance of federal government officials who Plaintiff alleged were acting in a conspiracy to mask and cover up the malfeasance of the Michigan attorney general and State judges operating here in Michigan.

a) Judge Zatkoff did so while illegally publishing confidential and "*erroneous*" criminal history information by claim that Plaintiff had a "*conviction*" despite his knowing that the 1977 first-time-only-time-teenage 1977 offense was followed by a "*withdrawal of plea*", a "*dismissal of indictment*" and a "*set aside of judgment*" in 1979..... [3]

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[3] **Note that while Judge Zatkoff provides a "*background*" that goes into such detail as to publish the 1977 offense three decades after Plaintiff had received a "*withdrawal of plea*" and "*dismissal of indictment*", this federal judge significantly OMITS mention of those very important details when stating only that a Texas court set aside his "*conviction*", and while neglecting to clarify that such "*conviction*" was effectively nullified A SECOND TIME because the Texas Department of Public Safety had acted so negligently as to fail to update their criminal history records in 1979 to reflect the intended legal effect of the set aside; and that, in fact, the Texas Dept. of Public Safety had otherwise allowed that "*conviction*" and status of "*probation*" to stay on that record for two and a half more decades, not even updating those records to reflect the effect of the Texas governor's pardon in 1983.**

b) .....and while knowing that the Texas governor had issued a "*full pardon and restoration of full civil rights*" in 1983, **despite that one Texas attorney general had opined that anyone with such a "*set aside*" was not even eligible for a full pardon "*for lack of an object to pardon*" (Dan Morales, DM-349), and despite that another Texas attorney general had opined (John Cornyn, JC-0396) that the definition of "*conviction*" does not apply to anyone in receipt of EITHER a governor's full pardon OR an expunction of the remaining arrest record.....(bold emphasis added)** [4]

c) .....and while being fully aware that when "*challenging and correcting*" FBI identification records coming out of Texas in 2003 and 2004 erroneously reflecting a disposition of "*conviction*" and a status of "*probation*", Plaintiff had received a Texas court "*Order*" in 2004 that **prohibited the "*use and dissemination*" of the information referenced by that court Order.** [5]

3) **FACT #3** – 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. (*See* "*Opinion & Order Dismissing Complaint Under Fed.R.P.8*" on 12/29/08 as "EXHIBIT F" of Plaintiff's "*Response and Two Motions*").**

4) **FACT #4 – Judge Zatkoff then issued an "*Opinion and Order*" (on 2/10/09) systematically dismantling and "*striking*" the most relevant parts of Petitioner's**

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[4] **The Opinion (JM-349) of the Texas attorney general Dan Morales brings full scale focus to the fact that, when FBI identification records were delivered to the Michigan State Police and forwarded to the Lincoln and Northville school district employers in 2003 and 2004 respectively which reflected a disposition of "*conviction*" and status of probation a quarter-century later, Plaintiff had produced clemency documents to properly challenge the inaccuracies of that information while the school district officials were meanwhile robbing Plaintiff of his right to use those clemency documents, under 28 U.S.C. §50.12, to continue exercising that challenge until the record was "*corrected*" and properly "*cleared*". The significance of Texas attorney general John Cornyn's Opinion JC-0396 is that it offers further proof that the 1983 "*full pardon*" also had the legal effect of "*wiping away*" all remnants of a "*conviction*", leaving only the records pertaining to the "arrest" as all that should have been left to be "expunged" from the record being wrongfully maintained in Texas after 1979 and subsequently after 1983.**

[5] *See* the preceding footnote about the 2004 "*expunction*" court *Order* only providing a *partial* clemency history.

"*Amended Complaint*" while also dismissing Petitioner's persistent "*Demand for Criminal Grand Jury Investigation*". (*See* "EXHIBIT G" of Plaintiff's "*Response and Two Motions*") This "*Opinion and Order*" also "*denied*" Plaintiff's "*Motion for Judge to Disqualify Himself for Judicial and Criminal Misconduct*", and while denying Plaintiff's two other constitutional motions as submitted by Plaintiff along with his "*amended complaint*". [6]

17. Plaintiff David Schied went to great extent to provide response arguments and to supply evidence proving matters of FACT exist to show that Bill Schuette's '*argument*' section of his Motion, and his supporting basis for those arguments were fraudulent on its face. **Plaintiff raises these issues again herein as the following were NEVER addressed by Judge Paul Manderfield's recent ruling beginning with the following as the first argument:**

> ***"The Attorney General submitted the "Order" by U.S. District Court Judge Lawrence Zatkoff for the purpose of illustrating to the Michigan "Court of Claims" judge Paula Manderfield how one judge got away with using "color of law" to systematically rob Plaintiff of his constitutional rights, most prominently, his constitutional right to "due process". AG Schuette's purpose was also proffer to Judge Manderfield the implied suggestion that she too should come "on board" in acting "in concert" with her judicial predecessors, and while inviting her to add her supporting "link" in this "chain conspiracy" of criminal government behavior being carried out by State and Federal judges collectively acting, through their political affiliations, as corporate members of the Michigan State Bar association."***

18. The above Plaintiff's argument, as issued above and in his previous filing, is supported by

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[6] It is noted that while Judge Zatkoff OMITTED "*for Judicial and Criminal Misconduct*" when captioning the title of Plaintiff's "*Motion to Disqualify Judge*". the judge did properly cite the other two motions he was denying as follows in quotes: a) Plaintiff's "*Motion to Demand This Court Read All Pleadings Plaintiff Files With This Court, and to Adhere Only to Constitutionally Compliant Law and Case Law, and More Particularly, The Bill of Rights In Its Rulings*" and, b) Plaintiff'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*". Again, both of these motions were DENIED by Judge Zatkoff as "*moot*" under his own discretionary and fraudulent claim that "*the Court already performs the tasks Plaintiff demands*". It should be noted that Plaintiff had other motions in queue to also be "*heard*" and these too were simultaneously denied by Judge Zatkoff without even naming them in his written ruling.

numerous Defendant statements, marked by page numbers in Defendants' motion, giving evidence of the FACT that the statements by the AG Schuette and his "*assistant*" Erik Grill are marked by "*bare assertions*" devoid of actual facts and altogether unsupported by any direct evidence; and with their "*conclusory*" statements constructed with the fullest intent of misleading this Court of Claims through a fraudulent combination of deceptive oversimplifications, significant omissions, and numerous misstatements of the facts.

19. Examples of such outright fraudulence are depicted as follows in paraphrased quotes:

a) "*There are no specific allegations against Defendants*" (bottom of p.3 & top of p.4);
b) "*There are no meritorious claims that may be extracted from the complaint*" (para 2, p.4)
c) "*The pleadings are so vague they fail to comply with court rules…Defendants requests that Plaintiff be ordered to produce a 'more definite statement*'" (para 3, p.4)
d) "*Plaintiff's Complaint fails to make any allegations falling within any recognized exception to governmental immunity and Defendants assert that there is no exception applicable to Plaintiff's claims*" (last sentence at bottom of page 5);
e) "*As can be discerned from Plaintiff's voluminous complaint, the activities of the Defendants include receiving and processing Plaintiff's grievances and complaints. These actions are clearly part of the defendants' function as government entities and within the scope of their authority.*" (middle paragraph of p.6)
f) "*Plaintiff offers no legal authority supporting the existence of a cause of action…There is no authority supporting a claim based on conspiracy to cause personal and financial harm…Moreover,* ***Plaintiff - as a private party – does not have the authority to initiate criminal prosecutions****…The authority to prosecute for violation of those offenses is vested solely and exclusively with the prosecuting attorney. Consequently, these counts fail to state a claim.*" (middle of p. 7 through top of p. 8)
g) "*His Complaint has failed to establish the elements of defamation… Plaintiff was convicted….*" (bottom of p.8 and top of p.9)
h) "*Plaintiff has attached as exhibits documents from an earlier civil action he filed in Ingham County Circuit Court….In the exhibit, Plaintiff CLEARLY MAKES ALLEGATIONS of crimes, conspiracies, and racketeering in reference to the defendants. Plaintiff brings SIMILAR CLAIMS now….****These matters were or could have been raised in his earlier lawsuit.*** *Accordingly, these claims are barred by claim preclusion, or res judicata, and must be dismissed*" (para 1, p.11)
i) "*Similar claims were also raised against individual defendants in his federal cases…Although that case was brought against individual employees of the various agencies, the relief sought by Plaintiff is indistinguishable from that brought now.*" (top of p.12)
j) "*Plaintiff's essential claim is that he should not have been considered 'convicted' and the Defendants SOMEHOW violated the law by considering him as such….****The issues Plaintiff seeks to litigate have been brought and decided in an earlier case.***" (bottom of

p.12 and top of p.13)

20. The statements above were fraudulent – minimally – for the following simple reasons as cited below in quotes from Plaintiff's "*Response and Two Motions*":

a) *As shown by **"EXHIBIT H" of Plaintiff's "Response and Two Motions"** as the oral hearing transcript of the Ingham County case referenced in statement #8 above, it clear that the Attorney General was being represented during the hearing by JOSEPH E. POTCHEN, as he stood in silence while his co-defendants from the Lincoln and Northville public school districts argued in favor of a "Motion to Strike the Complaint or for a More Definite Statement". That motion was based on the Defendants' claim that Plaintiff's complaint was "just a rambling dissertation [that] really doesn't contain any specific counts; it just lists offenses..." The concurrence of this "assistant AG" in 2007 such a statement creates a "question of fact" from the AG's instant claim above that Plaintiff "CLEARLY makes allegations of crimes, conspiracies, and racketeering in reference to the defendants".*

b) *Moreover, in bringing up that prior case before "chief" Judge William Collette, the Michigan AG failed altogether to acknowledge that the "Docket Sheet" for that particular case (seen as **"EXHIBIT I" of Plaintiff's "Response and Two Motions"**) shows that Judge Collette used "color of law" to illegitimately dismiss Plaintiff's case and while filing a "fraudulent official document".*
   a) *The "fraudulent document" was Judge Collette's "Order of Dismissal" falsely claiming that Plaintiff failed to file an "Amended Complaint" when Plaintiff had otherwise actually complied with the previous "Order" by rewriting his original complaint as a "More Definite Statement" and timely filing it;*
   b) *That fraudulent Order disregarded the Court's own "Docket Sheets" that showed Plaintiff had otherwise PAID to have his "More Definite Statement" filed two days prior to the judge's dismissal along with four other motions that were likewise denied a proper hearing by that corrupt judge, William Collette.* [7]

c) *Nothing the Defendants' instant "motion", addresses the 37 "exhibits" of factual evidence presented by Plaintiff's original Complaint, and particularly the exhibits marked as "#2 and #3"), submitted again herein as marked by **"Exhibits B and C"** depicted as the two "Sworn Affidavit(s) of Earl Hocquard" in testimony about the crimes by the Lincoln and Northville school district officials in 2009, well AFTER the dismissal of the Ingham County case.*
   a) ***Despite the claim in the AG's "Motion" that Plaintiff's "claims are barred by claim***

[7] Those motions that were paid for by Plaintiff but never heard included: 1) Plaintiff's "*Motion for Judge to Disqualify Himself Based on Judicial Misconduct*"; 2)) Plaintiff's "*Motion for Change of Venue on Finding of a Lack of Jurisdiction*"; and 3) Plaintiff's "*Interlocutory Appeal and Order to Strike Co-Defendants' Order Granting Defendants' Motion to Strike Complaint and Requiring Plaintiff to File Amended Complaint Within 28 Days...*"; and, 4) "*Motion for Filing of Pleading and Service on an Adverse Party Constituting Notice of It to All Parties*". Additionally, included in "*EXHIBIT I*" is a copy of the "*Order*" delivered by Judge Collette on 12/7/07 fraudulently claiming that Plaintiff had NOT timely filed an "*Amended Complaint*" when both the cover page for Plaintiff's "*More Definite Statement*" (also included in "*Exhibit I*" along with the first 6 pages showing a "*Table of Contents*" for that filing), as well as the Docket Sheets (p.10) clearly show that Plaintiff had filed his "*More Definite Statement*" (i.e., the "*Amended Complaint*")

preclusion, or res judicata" they provide not one stitch of evidence to show that the "Affidavit of Earl Hocquad" ("Exhibit B" of Plaintiff's "Response and Two Motions") as evidence against the Lincoln Consolidated Schools was ever "litigated on the merits".

b) Similarly, Defendants provide not one stitch of evidence to show that the "Affidavit of Earl Hocquad" ("Exhibit C" of Plaintiff's "Response and Two Motions") as evidence against the Northville Public Schools was ever "litigated on the merits".

d) Moreover, despite the claim in the AG's "motion" that "Plaintiff was convicted", they again provide only "bare assertions" and no demonstrative proof of their defamatory criminal allegations against Plaintiff as otherwise mandated under the Fifth Amendment of the United States Constitution which states,

> *"No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a Grand Jury... **nor shall any person be subject for the same offense to be twice** put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, **nor be deprived of life, liberty, or property, without due process OF LAW**; nor shall private property be taken for public use without just compensation".* [8]

21. As the second major argument Plaintiff raised before the Court that were NEVER addressed by Judge Paul Manderfield's recent ruling:

> ***"Attorney General Bill Schuette and his staff of "assistants" intentionally fail to acknowledge a lengthy history of tortuous and malfeasant "official misconduct". Moreover, they purposefully decline to assign any one of very many assistant attorney generals, bureau chiefs, or division chiefs – who are already amply aware of Plaintiff's numerous previous Complaints – to "Answer" Plaintiff's instant Complaint in the Court of Claims, because they are amply aware that to do so would require them to admit that they have been willingly and wantonly participating in a criminal government conspiracy to deprive Plaintiff of his civil and constitutional rights. These are civil rights violations which Plaintiff has itemized in his Complaint by reference to specific case numbers assigned by the Michigan Department of Civil Rights since 2008, AFTER the previous illegitimate case dismissal of Ingham County "chief" Judge William Collette, and BEFORE these more recent civil rights complaints were subsequently "mishandled" and discretionarily "dismissed" by the MDCR (again) by use of the "same pattern" of criminal malfeasance and "color of law" being currently implemented by the Office of the Michigan Attorney General when refusing to properly respond to Plaintiff's***

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[8] **AG Schuette's continued harmful assertions about Plaintiff clearly denies constitutional "*full faith and credit*" to another State's application of both the letter and the spirit of "*the law*" to change the "*legal status*" of a judgment of "*probation*" in 1977, and to award the opportunity for an "*early termination*" of that probation to include the "*wiping away*" of any purported "*conviction*", which was otherwise plainly clarified in Plaintiff's instant Complaint on page 15 in reference to Texas Code of Criminal Procedure, Article 42.12, the case of *United States of America v. Armando Sauseda*, 2000 US Distr Lexis 21323 (WD Tex, unpublished 1/10/2000); and, the case of *Cuellar v. Texas, 70 SW3d 815 (Tex Crim App 2002)* which altogether hold that, "*the conviction is wiped away, the indictment dismissed, and the person is free to walk away from the courtroom 'released from all penalties and disabilities' resulting from the conviction*".**

instant Complaint filed with the listed offenses all properly and clearly depicted in twenty (20) separate 'Counts'."

22. Supporting Plaintiff's "*Argument*" above were the following sets of documented Evidence to Judge Manderfield offering insight into the current level of deception being perpetrated upon this instant Michigan Court of Claims in response to Plaintiff's numerous itemized "*Counts*" against the State of Michigan brought by claims of damages caused by this "*criminal racketeering*" activity:

a) *The Attorney General failed to acknowledge in their "motion" that in December 2006 the AG's Office was presented with a cover letter from Congressman Thaddeus McCotter requesting that the AG's office take proper stock of the fact that Plaintiff had submitted numerous complaints in 2006 pertaining to the criminal activities of the Lincoln and Northville schools and underscoring the deprivation of Plaintiff's rights by Michigan law enforcement officials and the Office of the Attorney General itself by their refusal to answer Plaintiffs earlier 21-page Complaint to Mike Cox, dated 12/2/06 outlining the previous year's "malfeasance" and "dereliction" by the AG's office in response to Plaintiff's numerous prior written complaints.* ***(See "EXHIBIT J" of Plaintiff's "Response and Two Motions" as copies of the personalized 12/22/06 cover letter and Plaintiff's unanswered 21-page complaint to Cox written earlier that month.)***

b) *The AG failed to reveal, when discussing that previous Ingham County Circuit Court case, that Plaintiff had named the Governor and the former AG Mike Cox himself as participating in a criminal racketeering conspiracy by each of their failures to properly address Plaintiff's complaints about Michigan law enforcement (Michigan State Police and the Northville City Police) "perjuring" a formal crime report and soliciting a bribe from the county prosecutor so to deprive Plaintiff of his constitutional right to crime victims' relief and the right to be "reasonably protected from 'the accused'".* ***(See "EXHIBIT K" of Plaintiff's "Response and Two Motions" as the "cover page" and "Table of Contents" of Plaintiff's filing of that case in the Michigan Court of Appeals)***

c) *The AG failed to reveal that when Plaintiff subsequently escalated his complaints to the Michigan Supreme Court – after the Court of Appeals followed through with a continuing "cover up" of these government crimes and of William Collette's fraudulent official ruling – Plaintiff then had so much documented evidence of so many government officials being involved in the corruption and deprivation of Plaintiff's constitutional rights, Plaintiff filed an entirely NEW Complaint with the Michigan Supreme Court, cited as a "Quo Warranto / State-Ex-Rel" case. Subsequently, provided copies of all the incriminating documents to the Michigan Attorney General who was then acting on behalf of virtually all the other Defendants.* ***(See "EXHIBIT L" of Plaintiff's "Response and Two Motions" as a copy of the cover letter, dated 7/7/09, and certificate of service which includes a copy of the cover page of this "new" Complaint.)***

d) *AG Schuette also grossly omitted the fact that while representing the Michigan Dept. of Education (MDE) in the case of "Schied v. Scott Snyder, et. al" his officereceived a*

detailed 50-page "Sworn and Notarized Criminal Complaint" dated 2/10/11, which was sent with a cover letter dated 2/11/10 detailing the names of all the individuals involved in the "conspiracy to deprive" Plaintiff of his rights as of that point in time. ***(See "EXHIBIT M" of Plaintiff's "Response and Two Motions" for copies of both the cover letter and the entirety of the criminal complaint.)***

e) *AG Schuette similarly "lied by omissions and misstatements" when neglecting to inform this Court of Claims that by his continued disregard of these complaints and continued engagement of "fraud upon the Court" in the Sixth Circuit Court of Appeals, Plaintiff additionally provided his office, and the court, with a detailed accounting of the Attorney General's long history of gross negligence and criminal fraud, when filing his "Appellant's Response" to previous arguments of the Attorney General, as well as his "Motion for Sanctions" against Mike Cox and his "assistants" involved in felony racketeering and corruption at that time.* ***(See "EXHIBIT N" of Plaintiff's "Response and Two Motions" as a 38-page copy of that filing dated 4/3/10)***

f) *AG Schuette and Erik Grill also lied by omissions when neglecting to inform this Court of Claims that at the very time they filed their arguments the Attorney General was in possession of yet another of Plaintiff's letters (12-pages) dated 3/31/11 in report of racketeering and corruption, which was submitted along with Plaintiff's direct demand to the AG Schuette for access to a Grand Jury of the People to whom Plaintiff may directly report about these government crimes.* ***(See "EXHIBIT O" of Plaintiff's "Response and Two Motions")***

g) *For some reason AG Schuette also neglected to mention in his Argument dated 6/13/11, that the "Crime Victims' Advocate" he recently appointed, John Lazet, was in possession of Plaintiff's 7-page letter, dated 5/28/11, reporting "7 ½ years of being denied service on repeated criminal complaints due to Michigan government crimes and "top to bottom" corruption, including corruption at the Office of the Michigan Attorney General", which hows to be received by the AG's office on 5/31/11.* ***(See "EXHIBIT P" of Plaintiff's "Response and Two Motions")***

h) *Also, when arguing that, as the only legal representative for the Defendants named as the "State" in this instant case, and while arguing for dismissal based upon his claim to not understand the nature of Plaintiff's complaints, AG Schuette additionally disregarded that he had been served on 5/2/11 with a "Complaint for Writ of Mandamus" in the Michigan Court of Appeals. This was a Complaint that clearly outlined criminal racketeering and corruption occurring in Wayne County and involving the Wayne County Circuit Court, the WC Office of the Prosecutor, and the WC Sheriff's Department.* ***(See "EXHIBIT Q" of Plaintiff's "Response and Two Motions" as a copy of that complaint and the "Summons and Complaint" served via certified mail receipt.)***

i) *Lastly, AG Schuette failed by his Arguments to inform this Court of Claims that the longstanding "miscarriage of justice", for which the Attorney General and his agents were so instrumentally involved in the U.S. District Court and the Sixth Circuit Court of Appeals, had escalated to a case now before the U.S. Supreme Court. At the time of his filing in the Court of Claims, Schuette and Grill were in possession this escalated set of filings (56 pg) detailing (again) this U.S. Supreme Court case against the Northville Public Schools (NPS) (i.e., a case involving Plaintiff's young child being repeatedly suspended from elementary school by a NPS principal) and while knowingly representing the MDE in that case.* ***("EXHIBIT R" of Plaintiff's "Response and Two Motions")***

CONCLUSION AND REQUEST FOR RELIEF

23. It is clear that not only was the AG Schuette "*lying by omissions*" to this Court of Claims, but so too there is the "appearance" that Judge Manderfield as doing the same in her ruling.

24. For the above stated reasons, Judge Manderfield should have dismissed the Defendants' "*motion*", yet she did not "*litigate*" these very important issues before the Court.

25. For reason that Judge Manderfield did not litigate the criminal allegations she should Grant this instant motion for "*reconsideration*" and reverse her aware for governmental immunity to the Defendants.

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 August 4, 2011.

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

CERTIFICATE OF SERVICE

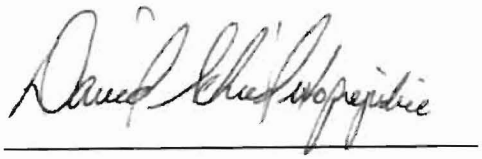
I hereby certify that I mailed on the 4th day of August, 2011, the following documents, in duplicate, upon the Michigan Court of Claims with two copies going to the Court and to the Judge respectively, and with one additional copy being properly served upon all the Defendants through their counsel, the Attorney General Bill Schuette and Erik Grill at the address provided below. The copies to the court went by overnight delivery while the filing to the Defendant went by Priority First Class.

Bill Schuette – Michigan Attorney General
And Erik A. Grill (P64713)
Attorneys for all Defendants
535 W. Ottawa St.; P.O. Box 30736
Lansing, MI 48909
517-373-6434;
miag@michigan.gov ; grille@michigan.gov

Documents Served:

1) "*Motion for Reconsideration of Official Circuit Court Notice Dated 7/19/11 in 'Resolve' of All Pending Claims Including Plaintiff's Claim of Being a Crime Victim and Plaintiff's 'Demand for Criminal Grand Jury Investigation' of Michigan Government Corruption Including Judicial Corruption by the Ingham County Circuit Court "Chief" Judge "William Collette*";
2) "*Plaintiff's Motion for Reconsideration of Opinion and Order Dated 7/15/11 Which Commits At Least One Crime Against Plaintiff as Placed in the Context of the Judge Also Committing Fraud Upon the Public by Publishing a Misleading Official Court Record*";
3) "*Sworn and Notarized Affidavit of David Schied in Regard to Court of Claims Hearing on 7/13/11 and Events Which Took Place Afterwards*";
4) Copy of the Order and Opinion in request for review;
5) Copy of the "*Notice*" in request for review;
6) Demand for Criminal Grand Jury Investigation;
7) This "*Certificate of Service*"

Respectively,



Date: 8/4/11

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

EXHIBIT D

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL

P.O. Box 30212
LANSING, MICHIGAN 48909

BILL SCHUETTE
ATTORNEY GENERAL

April 26, 2011

William K. Suter
Clerk of the Court
Supreme Court of the United States
1 First Street N. E.
Washington, DC 20543-0001

RE: *David Schied v. Scott Snyder*
U.S. Supreme Court No. 10A1018

Dear Mr. Suter:

Enclosed please find my waiver of right to file a response to the petition for writ of certiorari unless one is requested by the Court.

Thank you for your assistance.

Sincerely yours,

John J. Bursch
Michigan Solicitor General
Counsel of Record for Respondent
(517) 373-1124

JJB:hlg
Enclosures
cc: David Schied, P.O. Box 1378, Novi, MI 48376

SolicitorGeneralDivision/AssignmentControl/Open/USSC/Waivers Schied LtrClerk01

WAIVER

SUPREME COURT OF THE UNITED STATES

Supreme Court Case No. 10A1018

David Schied (Petitioner) v. Scott Snyder (Respondent)

I DO NOT INTEND TO FILE A RESPONSE to the petition for a writ of certiorari unless one is requested by the Court.

Please check one of the following boxes:

☑ Please enter my appearance as Counsel of Record for all respondents.

☐ There are multiple respondents, and I do not represent all respondents. Please enter my appearance as Counsel of Record for the following respondent(s):

_____

_____

I certify that I am a member of the Bar of the Supreme Court of the United States (Please explain if your name has changed since your admission):

Signature _____

Date: 7-27-11

(Type or print) Name John J. Bursch

☑ Mr. ☐ Ms. ☐ Mrs. ☐ Miss

Firm Michigan Department of Attorney General

Address Post Office Box 30212

City & State Lansing, Michigan Zip 48909

Phone (517) 373-1124

A COPY OF THIS FORM MUST BE SENT TO PETITIONER'S COUNSEL OR TO PETITIONER IF *PRO SE*. PLEASE INDICATE BELOW THE NAME(S) OF THE RECIPIENT(S) OF A COPY OF THIS FORM. NO ADDITIONAL CERTIFICATE OF SERVICE IS REQUIRED.

SEE REVERSE FOR INFORMATION CONCERNING THE STATUS OF A CASE ON THE DOCKET.

CC: David Schied, P.O. Box 1378, Novi, MI 48376

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL

P.O. Box 30212
LANSING, MICHIGAN 48909

BILL SCHUETTE
ATTORNEY GENERAL

September 23, 2011

William K. Suter
Clerk of the Court
Supreme Court of the United States
1 First Street N. E.
Washington, DC 20543-0001

RE: *David Schied v. Scott Snyder, et al.*
U.S. Supreme Court No. 11-6015

Dear Mr. Suter:

Enclosed please find my waiver of right to file a response to the petition for writ of certiorari unless one is requested by the Court.

Thank you for your assistance.

Sincerely yours,

John J. Bursch
Michigan Solicitor General
Counsel of Record for Respondent
(517) 373-1124

JJB:crd
Enclosures
cc: David Schied, P.O. Box 1378, Novi, MI 48376

SolicitorGeneralDivision/AssignmentControl/Open/USSC/Waivers p

WAIVER

SUPREME COURT OF THE UNITED STATES

Supreme Court Case No. 11-6015

David Schied (Petitioner) v. Scott Snyder, et al. (Respondent)

I DO NOT INTEND TO FILE A RESPONSE to the petition for a writ of certiorari unless one is requested by the Court.

Please check one of the following boxes:

☑ Please enter my appearance as Counsel of Record for all respondents.

☐ There are multiple respondents, and I do not represent all respondents. Please enter my appearance as Counsel of Record for the following respondent(s):

_____

_____

I certify that I am a member of the Bar of the Supreme Court of the United States (Please explain if your name has changed since your admission):

Signature _____

Date: September 23, 2011

(Type or print) Name John J. Bursch

☑ Mr. ☐ Ms. ☐ Mrs. ☐ Miss

Firm Michigan Department of Attorney General

Address Post Office Box 30212

City & State Lansing, Michigan Zip 48909

Phone (517) 373-1124

A COPY OF THIS FORM MUST BE SENT TO PETITIONER'S COUNSEL OR TO PETITIONER IF *PRO SE*. PLEASE INDICATE BELOW THE NAME(S) OF THE RECIPIENT(S) OF A COPY OF THIS FORM. NO ADDITIONAL CERTIFICATE OF SERVICE IS REQUIRED.

SEE REVERSE FOR INFORMATION CONCERNING THE STATUS OF A CASE ON THE DOCKET.

CC: David Schied, P.O. Box 1378, Novi, MI 48376

KELLER THOMA

A PROFESSIONAL CORPORATION

DENNIS B. DuBAY
ANTHONY J. HECKEMEYER
THOMAS L. FLEURY
TERRENCE J. MIGLIO*
GARY P. KING
LINDA M. FOSTER-WELLS
BRIAN A. KREUCHER
LARRY E. POWE
RICHARD W. FANNING, JR.
BARBARA ECKERT BUCHANAN†
GEORGE J. TARNAVSKY
GOURI G. SASHITAL
NICHOLAS R. NAHAT††
JENNIFER D. RUPERT†††
DANIEL L. VILLAIRE, JR.
CATHERINE HEITCHUE REED††††
KIMBERLY A. PAULSON
LAURI A. READ

COUNSELORS AT LAW

440 EAST CONGRESS, 5TH FLOOR
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DIRECT DIAL NO. 313.965.0855
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FREDERICK B. SCHWARZE
Of Counsel

STEWART J. KATZ
Of Counsel

LEONARD A. KELLER
(1905 - 1970)
THOMAS H. SCHWARZE
(1943 - 1998)
RICHARD J. THOMA
(1904 - 2001)

*Also admitted in Ohio
†Also admitted in California
††Also admitted in Ohio and Texas
†††Also admitted in Kentucky
††††Admitted in Ohio

September 21, 2011

Via Federal Express

William K. Suter, Esq.
Clerk of the Court
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

RE: David Schied v Scott Snyder et al
Case No. 11-6015

Dear Mr. Suter:

Enclosed please find Respondent's completed Waiver in connection with the above-referenced case.

Very truly yours,

KELLER THOMA, A PROFESSIONAL CORPORATION

Barbara E. Buchanan

Barbara E. Buchanan

BEB/ya
Enclosure

cc: David Schied, *Pro Se*

WAIVER

SUPREME COURT OF THE UNITED STATES

Supreme Court Case No. 11-6015

David Schied (Petitioner) v. Scott Snyder et al (Respondent)

I DO NOT INTEND TO FILE A RESPONSE to the petition for a writ of certiorari unless one is requested by the Court.

Please check one of the following boxes:

☐ Please enter my appearance as Counsel of Record for all respondents.

☑ There are multiple respondents, and I do not represent all respondents. Please enter my appearance as Counsel of Record for the following respondent(s):

Scott Snyder, Lynne Mossoian, Kenneth Roth and Richard Fanning, Jr.

I certify that I am a member of the Bar of the Supreme Court of the United States (Please explain if your name has changed since your admission):

Signature Barbara Eckert Buchanan

Date: September 21, 2011

(Type or print) Name Barbara Eckert Buchanan

☐ Mr. ☐ Ms. ☑ Mrs. ☐ Miss

Firm Keller Thoma, P.C.

Address 440 E. Congress, 5th Floor

City & State Detroit, MI Zip 48226

Phone 313-965-0855

A COPY OF THIS FORM MUST BE SENT TO PETITIONER'S COUNSEL OR TO PETITIONER IF *PRO SE*. PLEASE INDICATE BELOW THE NAME(S) OF THE RECIPIENT(S) OF A COPY OF THIS FORM. NO ADDITIONAL CERTIFICATE OF SERVICE IS REQUIRED.

SEE REVERSE FOR INFORMATION CONCERNING THE STATUS OF A CASE ON THE DOCKET.

CC: David Schied, Marianne Talon, Esq., Joseph G. Rogalski, Esq., Chief Judge Virgil Smith and Bill Schuette, Esq. - Attorney General State of Michigan

FOSTER SWIFT

FOSTER SWIFT COLLINS & SMITH PC || ATTORNEYS

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Marquette MI 49855

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Detroit MI 48226

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Richard B. Foster
1908-1996
Theodore W. Swift
1928-2000
John L. Collins
1926-2001

Webb A. Smith
Allan J. Claypool
Gary J. McRay
Stephen I. Jurmu
Scott A. Storey
Charles A. Janssen
Charles E. Barbieri
James B. Jensen, Jr.
Scott L. Mandel
Michael D. Sanders

Sherry A. Stein
Brent A. Titus
Robert E. McFarland
Stephen J. Lowney
Jean G. Schtokal
Brian G. Goodenough
Matt G. Hrebec
Eric E. Doster
Melissa J. Jackson
Nancy L. Kahn
Deanna Swisher
Thomas R. Meagher
Douglas A. Mielock
Scott A. Chernich
Donald E. Martin
Paul J. Millenbach
Dirk H. Beckwith
Brian J. Renaud
Bruce A. Vande Vusse

Lynwood P. VandenBosch
Lawrence Korolewicz
James B. Doezema
Anne M. Seurynck
Richard L. Hillman
Steven L. Owen
Jennifer Kildea Dewane
John P. Nicolucci
Francis C. Flood
Michael D. Homier
Keith A. Castora
Randall L. Harbour
David M. Lick
Scott H. Hogan
Richard C. Kraus
Benjamin J. Price
Ronald D. Richards, Jr
Frank T. Mamat
Michael R. Blum

Norman E. Richards
Jonathan J. David
Nicholas B. Missad
Frank H. Reynolds
Joseph E. Kozely
Pamela C. Dausman
Andrew C. Vredenburg
John M. Kamins
Jack A. Siebers
Julie I. Fershtman
Todd W. Hoppe
Johanna M. Novak
Iris K. Linder
Glen A. Schmiege
Michael G. Harrison
Frederick B. Bellamy
Gilbert M. Frimet
Mark J. Colon
Peter R. Tolley

Paul D. Yared
Jennifer B. Van Regenmorter
Thomas R. TerMaat
Ryan E. Lamb
Sheralee S. Hurwitz
John W. Inhulsen
Zachary W. Behler
Derek A. Walters
Alexander A. Ayar
Joshua K. Richardson
Joel C. Farrar
Samuel J. Frederick
Andrew W. Erlewein
Laura J. Garlinghouse
Anna K. Gibson
Liza C. Moore
Nichole J. Derks
Patricia J. Scott
Lindsey E. Bosch

Nicholas M. Oertel
Erica E.L. Huddas
Nicole E. Stratton
Janene McIntyre
David R. Russell
Mindi M. Johnson
April L. Neihsl
Lauren B. Dunn
Lindsey E. Smith
Alicia W. Birach
Archana R. Rajendra

Of Counsel
Lawrence B. Lindemer
David VanderHaagen
Allan O. Maki
Dana M. Bennett

Writer's Direct Phone: 517.371.8104 **Fax:** 517.367.7104 **Reply To:** Lansing **E-Mail:** rkraus@fosterswift.com

September 16, 2011

William K. Suter
Clerk of the Court
Supreme Court of the United States
1 First Street, N. E.
Washington, DC 20543

COPY

Dear Mr. Suter:

Re: ***David Schied v Ronald Ward, et al.; Case No. 10A1017***

Enclosed for filing is a Waiver in the above matter.

Thank you for your assistance.

Sincerely,

FOSTER SWIFT COLLINS & SMITH PC

Richard C. Kraus

RCK:jrp
Enclosure
cc: David Schied

WAIVER

Supreme Court of the United States

No. 11-5937

David Schied	v.	Ronald Ward, et al.
(Petitioner)		(Respondents)

I DO NOT INTEND TO FILE A RESPONSE to the petition for a writ of certiorari unless one is requested by the Court.

Please check one of the following boxes:

XX **Please enter my** appearance as Counsel of Record for all respondents.

☐ There are multiple respondents, and I do not represent all respondents. Please enter my appearance as Counsel of Record for the following respondent(s):

_____

_____

I certify that I am a member of the Bar of the Supreme Court of the United States (Please explain name change since bar admission):

Signature Richard Kraus

Date: September 16, 2011

(Type or print) Name Richard C. Kraus

☒ Mr. ☐ Ms. ☐ Mrs. ☐ Miss

Firm Foster, Swift, Collins & Smith, P.C.

Address 313 S. Washington Square

City & State Lansing, MI Zip 48933

Phone 517-371-8104

SEND A COPY OF THIS FORM TO PETITIONER'S COUNSEL OR TO PETITIONER IF *PRO SE*. PLEASE INDICATE BELOW THE NAME(S) OF THE RECIPIENT(S) OF A COPY OF THIS FORM. NO ADDITIONAL CERTIFICATE OF SERVICE IS REQUIRED.

Cc: David Schied
P.O. Box 1378
Novi, MI 48376

Obtain status of case on the docket. By phone at 202-479-3034 or via the internet at http://www.supremecourtus.gov. Have the Supreme Court docket number available.

IN THE SUPREME COURT OF THE UNITED STATES

SCHIED, DAVID, IN RE

Petitioner

vs.

No: 11-5945

WAIVER

The Government hereby waives its right to file a response to the petition in this case, unless requested to do so by the Court.

DONALD B. VERRILLI, JR.
Solicitor General
Counsel of Record

September 22, 2011

cc:

DAVID SCHIED
PO BOX 1378
NOVI, MI 48376

EXHIBIT E

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID SCHIED

Plaintiff

Case No. 10-10105
Honorable Denise Page Hood

v.

LAURA CLEARY, et al.,

Defendants.
_____/

JUDGMENT

In accordance with the Order entered this date dismissing this action;

Accordingly, judgment is entered in favor of Defendants and against Plaintiff.

DAVID J. WEAVER
CLERK OF COURT

Approved:

By: s/LaShawn R. Saulsberry
Deputy Clerk

s/Denise Page Hood
DENISE PAGE HOOD
United States District Judge

DATED: September 7, 2011

Detroit, Michigan

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DAVID SCHIED,

Plaintiff

Case No. 10-10105
Honorable Denise Page Hood

v.

LAURA CLEARY, et al.,

Defendants.
_____/

ORDER GRANTING MOTION FOR SUMMARY JUDGMENT AND DISMISSING ACTION

I. Introduction

Defendants filed the current Motion for Summary Judgment on September 10, 2010. (Dkt. No. 37) Defendants contend that the statute of limitations, res judicata, collateral estoppel, governmental/qualified immunity, and Fed. R. Civ. P. 11 bar Plaintiff's claims. Plaintiff, David Schied, failed to respond to the motion within 21 days. Defendants subsequently filed a supplemental brief in support of the motion, claiming that the motion should be granted because Plaintiff failed to respond. (Dkt. No. 43) Plaintiff eventually filed a response to the motion, along with a Motion to File Out of Time. (Dkt. No. 45)

II. Facts and Procedural History

On January 12, 2010, Defendants Laura Cleary, Cathy Secor, Sandra Harris, Diane Russell, Sherry Gerlofs and Lincoln Consolidated Schools Board of Education, and John Does 1-30 filed a Notice of Removal removing Plaintiff's complaint from Washtenaw County Circuit Court to this Court. The complaint, along with exhibits, total 330 pages.

The complaint lists several criminal charges and motions that have been explained in detail in this Court's previous Order Denying Motion to Reassign Case, Denying Request to Remand, Denying Motion for Sanctions, Denying Motion for Hearing, Granting Motion to Quash Plaintiff's Demand, Denying Motion to Quash Deposition, and Denying Motion to Compel Discovery (July 7, 2010 Order). (Dkt. No. 33) This cause of action stems from an earlier incident dated back to the fall of 2003, which led to multiple complaints and judgments against Plaintiff.

In the fall of 2003, Plaintiff was hired as a full-time teacher by Lincoln Consolidated Schools. (Comp., ¶ 2) Plaintiff alleges that he was offered a one-year teaching contract after Sandra Harris, the Assistant Superintendent of Human Resources, and Cathy Secor, another administrator at the school, received an FBI report regarding his past criminal history. (Comp., ¶ 6) Plaintiff alleges that because he complained to Harris about being placed at the bottom of the salary scale in violation of the teachers' union contract, she retaliated against him. (Comp., p. 4) Plaintiff claims that Harris used the FBI report as a pretext to terminate his contract and a means to secure a permanent position as the Superintendent for the District. (Comp., ¶¶ 7-8) Plaintiff claims that he attempted to rebut the FBI report and was denied such an opportunity. (Comp., ¶ 9-10) Plaintiff claims that Harris had disseminated two defamatory letters that referred to the FBI report indicating that he was terminated because he was a "liar" and a "convict." (Comp., ¶ 13).

In December of 2003, Linda Soper, a Lincoln Middle School teacher, sent a Freedom of Information Act ("FOIA") request to obtain a copy of Schied's personnel file from Lincoln Consolidated Schools. The package included the FBI report, a 1979 Texas Court Order setting aside the judgment, 1983 Texas Governor's full pardon, and the letters sent out by Harris. (Comp., ¶ 14) Plaintiff's wife requested another FOIA request from Lincoln Consolidated Schools, which was

initially ignored and then subsequently sent out containing the same "unlawful" information. The FOIA request at issue, and the cause of the instant action, arose from a FOIA request by Earl Hocquard, a private counseling agent. In December of 2008, Hocquard sent a FOIA request to Lincoln Consolidated Schools asking for Plaintiff's personnel file. There was no immediate response to the request. It was not until after Hocquard sent a fax in early 2009 that the school replied. (Comp., ¶ 21) On March 12, 2009, Hocquard received the FOIA request from the District. The file included the Michigan State Police criminal history report, the 2003 FBI report, the 1979 Texas Court Order setting aside the judgment, and one of the two letters by Harris. (Comp., ¶ 23)

The instant action was filed in the Washtenaw County Circuit Court in December of 2009 and the Defendants timely removed the case to this court on January 12, 2010. There have been several motions filed including but not limited to, a motion to Reassign Case, a Motion to Remand Case, and a Motion to Quash.

III. Summary Judgment

Defendants move for summary judgment pursuant to Federal Rule of Civil Procedure 56(b), which states that "[a] party against whom a claim, counterclaim, or cross-claim is asserted or a declaratory judgment is sought may, at any time, move with or without supporting affidavits for a summary judgment in the party's favor as to all or any part thereof." Summary judgment is appropriate where the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled as a mater of law. Fed. R. Civ. P. 56(c)(2).

In deciding a motion for summary judgment, the court must view the evidence and draw all reasonable inferences in favor of the non-movant. *See Matsushita Elec. Indus. Co., Ltd. v. Zenith Radio Corp.*, 475 U.S. 547, 587 (1986); *see also B.F. Goodrich Co. v. U.S. Filter Corp.*, 245 F.3d 587, 591-92 (6th Cir. 2001). The moving party bears the initial burden of demonstrating the absence of a genuine issue of material fact. Once the moving party has carried his burden, the party opposing the motion "must come forward with specific facts showing that there is a genuine issue for trial." *Matsushita*, 475 U.S. at 587. The opposing party cannot merely rest upon the allegations contained in his pleadings. Rather, he must submit evidence demonstrating that material issues of fact exist. *Banks v. Wolfe County Bd. Of Educ.*, 330 F.3d 888, 892 (6th Cir. 2003); Fed. R. Civ. P. 56(e). "Where the record taken as a whole could not lead a rational trier of fact to find for the nonmoving party, there is no 'genuine issue for trial.'" *Matsushita*, 475 U.S. at 587, 106 S. Ct. 1348 (quoting *First Nat'l Bank of Ariz. v. Cities Serv. Co.*, 391 U.S. 253, 289, 88 S. Ct. 1575, 1592 (1968)).

IV. Analysis

A. Statute of Limitations

Defendants argue that the Plaintiff's complaint is barred by the statute of limitations. Defendants list each count alleged by the Plaintiff and the applicable stature of limitations, which include: Defamation - 1 year; Elliot Larsen Civil Rights Act - 3 years; Tort - 3 years; Conspiracy - 6 years; Title VII - 300 days; and, RICO - 4 years. Defendants support their claim by stating that the instant action is based upon the events that transpired dating back to November of 2003, when Schied was terminated from Lincoln Consolidated Schools. (Motion p. 1) Plaintiff, in his response to the motion states that the instant action is independent of those prior events and that the action is

a result of the Defendants "disseminating" an "erroneous" FBI report to Earl Hocquard in March of 2009. (Response p. 6) The Court has already stated that the instant action arises from the incident involving the FOIA request sent by Hocquard in December of 2008 and the subsequent response by Lincoln in March of 2009. (Order p. 7) Defendants' claim that the instant action is barred by the statute of limitations based on incidents arising from 2003 is denied.

B. *Res Judicata*

Defendants argue that the doctrine of *res judicata* supports their motion for summary judgment. Defendants claim Plaintiff had already named the same defendants in prior cases that arose from the same set of facts and were dismissed with prejudice. *Res judicata*, as the Defendants cite, is a doctrine in Michigan that precludes multiple lawsuits litigating the same cause of action. *Sewell v. Clean Cut Management, Inc.*, 463 Mich. 569, 621 N.W. 2d 222 (2001). As noted by the Defendants, *res judicata* prevents re-litigation of a claim when a party fails to advance all possible claims that arise out of the same transaction or occurrence. *Energy Resources v. Consumer Power Co.*, 221 Mich. App. 210, 561 N.W. 2d 854 (1997). Though the Court agrees with the Defendants with regards to what *res judicata* is intended to prevent, their application falls short. Plaintiff relies on the same set of facts as a defense to the *res judicata* claim as he did to the statute of limitations claim. Plaintiff states that the instant action is based on the events that transpired after Hocquard requested his personnel file from Lincoln Consolidated Schools. As noted above, the instant cause of action arises from the December 2008 FOIA request by Hocquard. Though both the instant action and the prior suits are related, it cannot be said that they arise out of the "same transaction or occurrence". All prior suits were filed before Hocquard requested and received the personnel file of Plaintiff. Plaintiff would have had no prior opportunity to raise the instant action in any one of the

preceding actions mentioned by the Defendants. Defendants' claim that Plaintiff's instant action is barred by the doctrine of *res judicata* is denied.

C. Collateral Estoppel

Defendants rely on the doctrine of collateral estoppel, otherwise known as issue preclusion, in support of their motion for summary judgment. Defendants argue that Plaintiff has had an opportunity to litigate his lawsuit in two separate state court actions and one federal court action. Defendants cite to a Michigan Supreme Court case that states,

> For collateral estoppel to apply, a question of fact essential to the judgment must have been actually litigated and determined by a valid and final judgment. In addition, the same parties must have had a full opportunity to litigate the issue, and there must be mutuality of estoppel.

See Storey v. Meijer, Inc., 431 Mich. 368, 429 N.W. 2d 169 (1988).

Plaintiff does not directly address the issue of collateral estoppel. Plaintiff relies on the FOIA request response that Hocquard received in 2009 as a justification for the instant action. He cites to the request as a "new occurrence," and argues that the dissemination of the "erroneous" FBI report gives rise to criminal penalties.

The instant action arises out of the dissemination of the above-mentioned records by Lincoln Consolidated Schools in 2009. The issue of whether the dissemination of the criminal records in Plaintiff's personnel file is one upon which relief can be granted has already been ruled upon. In 2008, the Plaintiff filed a suit in federal court against multiple defendants, including Defendant Harris in this action. In that action, the district court stated that the case "arises from Plaintiff's allegations that Defendants have refused to remove records pertaining to Plaintiff's 1977 Texas criminal record from their personnel files." *Schied v. Davis*, No. 08-10005, 2008 WL 2610229, *1 (E.D. Mich. 2008) (J. Borman). The district court stated the claims brought by the Plaintiff against

Harris revolved around the ignored "requests involving his criminal history, and seeks the Court to enjoin further dissemination of his criminal record." *Id.* at 8. The district court granted the Defendants' motion for summary judgment based on the doctrines of *res judicata* and collateral estoppel. The Court relied on three previous state court decisions, one filed in Washtenaw County, which was appealed and the judgment affirmed, and one in Wayne County. Plaintiff filed an appeal with regards to the district court's decision which was upheld by the Sixth Circuit Court of Appeals.

The district court stated, "the instant issue is the same as in the previous state court action ... in the Wayne County case clearly requested the court to grant an injunction to remove his criminal history information from his personnel file and to prevent Northville Public Schools from disseminating the information." *Id. at* 7. More specifically, the district court stated that the claim against Defendant Harris was barred because "the Washtenaw County Circuit Court action was decided on the merits, and the Michigan Supreme Court ultimately denied leave to appeal." *Id.* at 7. Plaintiff contended that his action before the district court was different than the Washtenaw County action. *Id.* at 7. The district court held that Plaintiff's complaint alleged, "The Defendants, however, have violated the state's public policy by ... divulging, using and publishing information concerning the conviction when they knew or should have known that the conviction was set aside and ... had been granted a Governor's Pardon." *Id.* at 7. The district court concluded that the claims against Harris and Williams, the successor to Harris as superintendent, "were, or could have been, resolved in the Washtenaw County Circuit Court action." *Id.* at. 8.

The district court further stated "that the Plaintiff should not be allowed to keep bringing new lawsuits arising out of the same facts every time he 'discovers' another party whom he can allege causes of action based upon the criminal history records." *Id.* at 8. The district court concluded, "the

Michigan courts have already decided that the school districts are not in violation of Michigan law pertaining to keeping and the disclosure of Plaintiff's employment file." *Id.* at 8.

The Court of Appeals of Michigan addressed the issue of whether the 1979 early termination order and the 1983 gubernatorial pardon erased the Plaintiff's 1977 conviction. The Court of Appeals held that neither had such an affect and that it merely "restored plaintiff's 'full civil rights of citizenship that may have...been lost as a result of' the 1977 conviction." *Schied v. Lincoln Consolidated Schools*, No. 267923, 2006 WL 1789035, *5 (Mich.App. 2008). The Court of Appeals concluded, "because the plaintiff had a prior conviction according to Texas law, which he undisputedly failed to report on the September 2003 disclosure form, the disclosure form and MCL 380.1230a plainly authorized defendants to terminate his employment as a matter of law..." *Id.* at 5.

Defendant Harris was a named party in the all state court actions and the district court action before another district judge in this District. Defendant Lincoln Consolidated School Board of Education was a named party in the Washtenaw Circuit Court action. Defendants Cleary, Secor, Russell, and Gerlofs all stand in privity with Harris and Lincoln Consolidated School. Defendants' motion for summary judgment is granted on the basis of the doctrine of collateral estoppel since the factual issue in this case—the dissemination of Plaintiff's previous conviction and other documents related to that conviction—have been ruled upon by the Michigan state courts and another district judge in this District. No matter how many times an individual seeks a FOIA request of Plaintiff's records, the same information will most likely be provided. No court has enjoined the Lincoln Consolidated Schools and its officials from disseminating Plaintiff's personnel records which include his criminal conviction. Collateral estoppel bars relitigation of the issues and claims raised by the Plaintiff against all Defendants in federal and state courts.

D. Governmental Immunity

Defendants also move for summary judgment based on Governmental Immunity under Michigan Law. Michigan law provides protection to government employees and agencies through legislation. MCL 691.140(1) states, "A...highest appointed executed official at all levels of government are immune from tort liability...if he or she has acted within the scope of his or her...authority." MCL 691.140(7) states, "...a governmental agency is immune from tort liability if the governmental agency is engaged in the exercise or discharge of the governmental function." The Court must consider whether Defendants have acted within the scope of their employment as the highest appointed official and exercised a governmental function.

Defendants argue that they are protected from liability under the doctrines of governmental immunity and qualified immunity. Defendants argue that since Harris was and Cleary is now the highest appointed official in their respective positions, governmental immunity protects them from tort liabilities. Defendants claim that they were acting within the scope of their "executive authority," and are entitled to absolute immunity.

Defendants Lincoln Consolidated Schools, Russell, Gerlofs, and Secor also claim that they are protected by governmental immunity. Defendants contend that so long as they were performing a governmental function they are immune from tort liability. Defendants state that the mere response to a freedom of information request does not go beyond the performance of a governmental function. Defendants state that there are multiple exceptions to the FOIA and the information requested relative to the Plaintiff does not fall within any exception.

Plaintiff focuses his attention on the fact that within the Defendants' motion the name of Defendant Cleary was misspelled. Plaintiff claims that the Defendants "introduced a fictional

entity," while doing little else to address the issue of governmental immunity. Plaintiff counters the Defendants' claim with regards to the exceptions under the FOIA by stating that the dissemination of the records is in violation of his privacy rights and federal statutes and that the information is "erroneous."

Defendants have refused to remove an FBI report from Plaintiff's personnel file that indicates he was convicted of a felony in the State of Texas. Their failure to remove the FBI report has resulted in the dissemination of the report when the Defendants respond to a FOIA request related to the Plaintiff's personnel file. Plaintiff has sought relief in three other proceedings requesting the removal of the FBI report. The Plaintiff was not granted relief in any of the previous proceedings. Defendants merely responded, as they are required to do by Michigan Law, to a FOIA request. Defendants were acting within the scope of their official capacity while performing a governmental function. Defendants' motion for summary judgment is granted on the basis of the doctrine of governmental immunity.

Defendants note a qualified immunity defense without citing authority or an analysis of the defense. Qualified immunity is a defense to a federal claim that arises under a 42 U.S.C. § 1983 claim. Defendants fail to cite to applicable law in support of the defense. The Court will not address this issue since this matter is dismissed based on the doctrine of collateral estoppel.

E. Fed. R. Civ. P. 11

Defendants move for sanctions according to the Federal Rules of Civil Procedure Rule 11. Defendants state that the Plaintiff signed the pleadings and certified that he acted in good faith and not for an "improper purpose". Defendants claim that Plaintiff's complaint was filed to harass the

Defendants. Defendants move to have the case dismissed and sanctions assessed, awarding costs and attorney fees against the Plaintiff.

Rule 11 provides that prior to requesting/filing a motion for sanctions under this rule, the party must serve notice to the opposing party under the safe harbor provision of Rule 11. Rule 11(c)(2) requires that "a motion for sanctions must be made separately from any other motion and must describe the specific conduct that allegedly violates Rule 11(b)." Rule 54(d)(2)(B) provides that when a claim for attorneys' fees is requested the party must "specify judgment and the statue, rule or other grounds entitling movant to the award." Local Rule 54.1.2 states that "a motion for an award of attorneys' fees shall be supported by a memorandum brief as to the authority of the court..." Local Rule 54.1.2 also requires that the motion must state with specificity the amount of hours spent, customary charges for such work, the rate charged in the community for similar services, and other factors the court should consider. Defendants have failed to file a separate motion for sanctions, have not indicated whether they have followed the safe harbor provision of Rule 11 and have failed to meet the other requirements set forth in both Rule 54(d)(2)(b) and Local Rule 54.1.2. Defendants' request for sanctions and attorneys' fees is denied without prejudice.

F. Plaintiff's Motion to Reinstate Motion for Sanctions

Plaintiff in his response to the Defendants' motion for summary judgment moves to reinstate a motion for sanctions against the Defendants and their attorney. Plaintiff offers no new evidence to support a reinstatement of his prior motion. The Court has already ruled upon this matter in a previous Order on July 29, 2010. (Dkt. No. 33). Plaintiff's current motion is untimely under Local Rule 7.1 which states that Motions for Reconsideration must be filed within 14 days after entry of Order. Plaintiff's motion to reinstate his prior motion for sanctions is denied.

V. Conclusion

For the reasons set forth above,

IT IS ORDERED that Defendants' Motions for Summary Judgment **[No. 37, 09/10/2010]** is GRANTED.

IT IS FURTHER ORDERED that Defendants' Motion for Sanctions and Attorneys' fees **[No. 37, 09/10/2010]** is DENIED.

IT IS FURTHER ORDERED that Plaintiff's Motion to File Out of Time **[No. 45, 10/13/2010]** is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's Motion to Reinstate Sanctions **[No. 45. 10/13/2010]** is DENIED.

IT IS FURTHER ORDERED that Plaintiff's Motion for Interlocutory Appeal **[No. 34, filed 8/9/2010]** and Plaintiff's Motion for Immediate Consideration and Ruling **[No. 47, filed 11/3/2010]** are both MOOT.

IT IS FURTHER ORDERED that this action is DISMISSED with prejudice.

Dated: December 28, 2010

S/DENISE PAGE HOOD
DENISE PAGE HOOD
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 28, 2010, by electronic and/or ordinary mail.

S/Shawntel R. Jackson
Case Manager

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

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

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

SEE RULE 2 FOR THE NUMBER OF COPIES REQUIRED.

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

Daytime telephone: (248) 924-3129

2. Judge or Magistrate complained about:

Name(s): Denise Page Hood

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

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

   Yes

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

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

   Docket number: 10-CV-10105-DT

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

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

Party

If a party, give the following information:

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

Address: n/a

Telephone: (248) 924-3129

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

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

No

CONDUCT SUBJECT TO COMPLAINT

(Special treatment of peer group; Conduct prejudicial to litigant and business of the Court; Criminal conduct)

1. The continual DELAY of civil and/or criminal proceedings serves to *discriminate* against me by **denying proper "*service*"** to me as Plaintiff David Schied;
2. The continual DELAY of civil and/or criminal proceedings serves to further the perpetuation of reported crimes by **denying proper "*service*"** to me as Plaintiff David Schied;
3. The continual DELAY of civil and/or criminal proceedings serves to prejudicing this case by continuing the perpetual delay and prevention of an **"*effective and expeditious administration of the business of the courts*"**;
4. The continual DELAY of civil and/or criminal proceedings serves to perpetuate the familiar pattern of the Co-Defendant-Appellees of **denying *full faith and credit* to Petitioner's Texas clemency documents**; and of obstructing Petitioner's free exercise of Constitutional rights, as otherwise guaranteed by Texas courts and the Texas Governor. It also **reflects and reinforces the *pattern* of Co-Defendants' "*exploitation of a vulnerable victim*"**;
5. The continual DELAY of civil and/or criminal proceedings serves to provide favor to the government Defendants as the "*defendants*" by criminally **"*aiding and abetting*"** them with continued "*cover*" for their wrongful crimes against me as the "*crime victim*" and civil rights "*litigant*";
6. The continual DELAY of civil and/or criminal proceedings serves to **display a willful *cover-up* of allegations of criminal felony offenses**, inclusive of an offense of "*conversion*" of government property (i.e., an erroneous 2003 FBI report) to personal use (i.e., by public dissemination under the Freedom of Information Act in "*retaliation*" against a former "*whistleblower*" and employee) which itself constitutes felony offenses by the judge;
7. This judge has **displayed a refusal to execute her *duty* to take immediate action** under both state and federal statutes governing the rights of crime victims;
8. The continual DELAY of civil and/or criminal proceedings serves to display the familiar patterns of a government cover-up of **preferential treatment for government peers, an obstruction of justice, and a conspiracy against rights**;
9. The continual DELAY of civil and/or criminal proceedings serves to display the familiar pattern of the government Co-Defendants, of **corruptly misleading the public** by continuing to allow their predecessor and colleague judges to set forth *fraudulent* authentication features in what is otherwise the restricted interstate communication of criminal history identification information; *
10. The continual DELAY of civil and/or criminal proceedings serves to display the familiar pattern of the government Co-Defendants, of **continuing to allow their predecessor and colleague judges to *corruptly* misleading the public by libel, slander, and by trespassing upon Petitioner's personal and professional reputation**;
11. The action of this judge **demonstrates her role in a continuum of government *racketeering***, not only by her "*meeting of the minds*" with her "peer group" of other judges who have acted similarly in

disregarding the crimes being committed by government officials, but by her meeting(s) with Judge Paul Borman in review of his case, referencing three other previous State court cases, under light of the Evidence and numerous motions showing that Borman's ruling was grossly in error and in need of correction of his "*gross miscarriage of justice*".

I declare under penalty of perjury that I have read rules 1 and 2 of the Rules of the Sixth Circuit Governing Complaints of Judicial Misconduct or Disability, and the statements made in this complaint are true and correct to the best of my knowledge.

8/6/2010

Attached submissions: (3 copies)

1. Cover Letter inclusive of 39 pages of "interpretation" of the 3-page *Statement of Facts*
2. 3-page *Statement of Facts*

* Note: Statutory procedure requires agency notification of correction or refusal within 10 days of receipt of this complaint.

STATEMENT OF FACTS

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

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

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

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

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

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

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

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

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

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

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

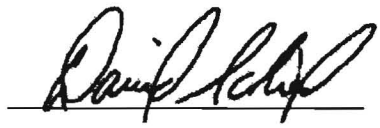
XI. THE ORDER DISPLAYS THE FAMILIAR PATTERNS OF A GOVERNMENT "*COVER-UP*" OF PREFERENTIAL TREATMENT FOR GOVERNMENT PEERS, AN "*OBSTRUCTION OF JUSTICE*", AND A "*CONSPIRACY AGAINST RIGHTS*"

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

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

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

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



Executed on: 8/6/2010

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

8/1/10

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

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

Dear Judicial Council,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. **Plaintiff challenges this federal judge to show proof of any "*criminal background*".**

B. Plaintiff also challenges Judge Hood to provide interpretation to the following documents in possession of the U.S. District Court in light of State or Federal **full faith and credit** laws to **prove that the following are NOT also "*FACTS*"**:

1) Prove that "*Exhibit #E*" presented with the "*Sworn Affidavit of Earl Hocquard*" (Plaintiff's "*Exhibit #8* of the Washtenaw County Circuit Court "Complaint") is NOT

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Title 18, U.S.C. §1509 also emphasizes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. **FACT** – By definition of several federal statutes, the "*Answer*" by this judge constitutes "*Fraud*". The Order *fraudulently* identifies Mr. Schied as an individual with a "*criminal record*"; and by its many omissions and misstatements of FACT, the Order performs the function of "*shielding from prosecution*" the co-defendants for the crimes Plaintiff has clearly alleged them to be committing.

1) Under Title 18, U.S.C. §1961, "*Fraud*" and the "*Conspiracy to Commit Fraud*" (such as the type related to the falsification of identification documents) constitutes a "*Racketeering activity*".
2) Under **Title 18, U.S.C. §1028** (f) (***Attempt and Conspiracy***) — *Any* person who attempts or conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

B. **FACT** – Under the legal definitions above, a reasonable person may conclude the following:

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

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

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

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

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

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

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

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

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

The same statute defines "Course of conduct" as:

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

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

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

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

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

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

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

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

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

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

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

> "***Such alleged offenses may be brought to the attention of the grand jury by the court*** *or by any attorney appearing on behalf of the United States for the presentation of evidence.* ***Any such attorney receiving information concerning such an alleged offense from any other person SHALL, if requested by such other person, inform the grand jury of such alleged offense, the identity of such other person, and such attorney's action or recommendation.***"

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

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

> "*Willful obstruction,* ***delay*** *or prevention of communication relating to the violation of any criminal statute of the United States by any person to a criminal investigator...*"

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

D. **FACT** – The omissions and misstatements depicted by this Complaint significantly altered the meaning and the intended basis of the Plaintiff's pleadings, and provided a necessary "*cover up*" of plaintiff's proper reporting of *crimes* and a "*conspiracy to cover up*" those crimes by the co-defendants. Those omissions and misstatements also had the effect of "*covering -up*" plaintiff's previous proper reporting to the United States judges of the Sixth Circuit Court of "*judicial misconduct*" by other judges working for the State of Michigan and for the U.S. District Court and Sixth Circuit Court. Therefore, the act of Judge Hood to administer the *Order* in this context of FACTS is "*PERJURY*" of their sworn Oath.
   1. Title 18 U.S.C, §1621 describes an official as having committed perjury as, "*Whoever, (1) having taken an oath .... in any case in which a law of the United States authorizes an oath to be administered.... that he will ....certify truly.... any written ... declaration... or certificate ... is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true... is guilty of perjury and SHALL, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.*"
   2. As shown, not one but three Sixth Circuit judges, each sworn under Oath to TRUTH and the enforcement of the laws, have altogether reinforced each others' decisions to disregard criminal allegations and Evidence of crimes having been committed by government officials in the State of Michigan. That action alone justifies the application of Title 18 U.S.C, §1622 which holds,

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

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

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

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

The same statute additionally states:

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

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

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

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

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

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

And....

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

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

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

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

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

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

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

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

B. **FACT** – Government agencies, inclusive of the U.S. Court of Appeals for the Sixth Circuit, are mandated to follow the procedures outlined by The Privacy Act of 1974 (Title 5 U.S.C., §552a as amended) for correcting records maintained on individuals.
   1. Title 5 U.S.C., §551 defines "*agency*" as "the authority of the Government" to include "***(1)(B)*** *the Courts of the United States*" and "§552**(a)(1)** *any independent regulatory agency*".
      a) Plaintiff notes that the Judicial Council of the Sixth Circuit regards itself as an independent, self-governing, regulatory and administrative committee composed of individuals that "*oversees the operations*" of their various court units.
   2. The term "*system of records*" under Title 5 U.S.C., §551 refers to "*a group of any records under the control of any Agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.*"
      a) Plaintiff notes that the Order is searched for in the "Pacer Service Center", by Westlaw, and by other public searches by direct reference of Plaintiff's name "*David Schied*" or by the case number "*10-cv-10105*" assigned directly to Mr. Schied's case and naming him as both "*Plaintiff*" and the "*Counsel* of Record".
   3. Under Title 5 U.S.C., §552a, to ensure accuracy of records the following procedures must be followed:
      a) "***(5)(d)*** *Each agency that maintains a system of records SHALL...* ***(2)*** *permit the individual to request amendment of a record pertaining to him and...* ***(A)*** *not later than 10 days (excluding Saturdays, Sundays, and legal public holidays) after the date of receipt of such request, acknowledge in writing such receipt; and...* ***(B)*** *promptly, either...* ***(i)*** *make any correction of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or...* ***(ii)*** *inform the individual of its refusal to amend the record in accordance with his request, the reason for the refusal, the procedures established by the agency for the individual to request a review of that refusal by the head of the agency or an officer designated by the head of the agency, and the name and business address of that official.*"
      b) In addition, "***(5)(e)*** *Each agency that maintains a system of records SHALL...* ***(2)*** *collect information to the greatest extent practicable directly from the subject*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And…

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

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

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

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

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

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

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

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

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

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

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

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

And....

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

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

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

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

Executed on: 8/6/2010

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

EXHIBIT F

Michigan Supreme Court Presentation

I am David Schied and I am here today to address agenda item 201105 in regards to attorney ethics. I wish the Supreme Court, the Judicial Tenure Commission and the Attorney Grievance Commission to address what I have to say relative to that agenda item. Specifically, I question the means by which attorney and judicial *"self-policing"* do anything except enhance the current condition of runaway corruption of the entire Michigan judicial system from top to bottom. The evidence of my assertions, as based upon my first-person experiences are publicly posted on a website at michigan.constitutionalgov.us/Cases/DavidSchiedQW

My case was before the Michigan Supreme Court in *David Schied v. Sandra Harris and the Lincoln Consolidated School District* in 2006. In 2009, I filed a second case with your Supreme Court bench. It was distinctly a *Quo Warranto / State-Ex-Rel* case. However, the clerk blatantly mischaracterize that NEW case as being one and the same as a third racketeering and corruption case I had brought against the State in 2007. Both of those latter two cases named numerous judges, attorneys, and *"assistant attorney generals"* for State and Federal violations of due process, full faith and credit, and other constitutional violations.

The Quo Warranto case was filed after the Court of Appeals judges Owens, Donofrio, and Bandstra used *"color of law"* to deprive me of my constitutional right to criminal protection as an alleged crime victim – despite my having filed sworn criminal complaints constituting indictments by definition. Their dismissing my numerous motions without address of the facts and evidence followed Judge William Collette's lower court dismissal in Ingham County without hearing on any of the numerous motions I had paid money to his court to have litigated.

Unethically, the Court of Appeals judges failed to address government racketeering and corruption with anything besides gross omissions and misstatements when constructing their opinions. They also refused to *litigate the merits* of my "*Demand for a Criminal Grand Jury Investigation*", which this Supreme Court also completely disregarded.

The documents posted on the website include my 2009 letter to Clerk Davis protesting his "*misrepresentation*" of my *Quo-Warranto/State-Ex-Rel* case as an entirely different case, as a matter of official record. The Supreme Court's ruling only compounded this "*fraud upon the public*" about the nature of the case that was actually before them. All this occurred just months prior to Justice Weaver announcing her retirement and blowing the whistle in a press conference while essentially asserting that the Michigan judicial system is thoroughly corrupt.

The bottom line? There's no reason to modify the rules of attorney ethics. The rules are routinely ignored, and the Attorney Grievance and Judicial Tenure Commissions blindfold themselves to overt and covert lawlessness in Michigan courts, regularly violating both rule of law and constitutional rights.

Mayhem in Michigan courts is business as usual. Secrecy is the badge of fraud. The FOIA exemption for Michigan's judiciary supports this secrecy. When NOBODY enforces the rules and laws, EVERYONE blindfolds themselves to the "*COLORFUL elephant in the room*". What's the name of that elephant? Government corruption and *immunity* to the crimes.

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

7/20/2009

Corbin R. Davis – Supreme Court Clerk
Office of the Clerk, Michigan Supreme Court
Michigan Hall of Justice
925 W. Ottawa St., Lansing, MI 48913
Mailing Address:
P.O. Box 30052, Lansing, MI 48909
Contact the Clerk of the Court at:
(517) 373-0120
MSC_Clerk@courts.mi.gov

Re: Supreme Court Case No. 139162

Dear Mr. Davis,

In looking over the letter that you wrote to me dated July 1, 2009, it dawned on me that your characterization of the case referenced above as 139162 as being "*Schied v. State of Michigan*", without mention of the "*Quo Warranto / State-Ex-Rel*" action may actually misrepresent the nature of the case that I filed. That case otherwise carries the cover page stating as follows:

> *"The Constitutional "**State of Michigan**", and all proceeding **"State-Ex-Rel"** and **"Quo-Warranto"** through **David Schied**, and numerous other honorably concerned Michiganders, too numerous to list here, of which are including John and Jane Does, 1-1,000. All Co-Plaintiffs herein are proceeding: **Rex, Sui-Juris, & Propria-Persona;***
>
> ***Plaintiffs, Demandants, & Accusers,***
>
> ***Vs***
>
> *The private corporation of the defacto **"STATE OF MICHIGAN"**, in persons who are known, among others, as: Jennifer Granholm, Kelly Keenan, Michelle Rich, Mike Cox, etc....."*

As you should recall, when I first filed all my documents with your office on 6/30/09, I pointed out that I was filing this case on within the window of time allowed for rightfully filing a "*Leave of Appeal*" to the Supreme Court for the case "*Schied v. State of Michigan*" that was dismissed by the Michigan Court of Appeals on 5/19/09. I should make clear however, that the case should otherwise be referred to in abbreviation as "*The **constitutional** 'State of Michigan v. "The **defacto** ' State of Michigan*"".

As I pointed out when filing the "*Quo Warranto*" complaint, I was filing this Complaint within the window of time for the "*Schied v. State of Michigan*" because it was a derivative of the complaint recently dismissed the Court of Appeals (without just cause). I stated that this "*State-Ex-Rel*" maintained reliance upon all of the original documents filed initially in 2008 with the criminal RICO action, which was already in possession of the Michigan Court of Appeals. That was the case I filed "*pro se*" against most of the very same people, alleging most of the very same crimes, but which differed in one way by my having filed that case "*pro se*" as a "civil"

action in request of a "*Writ of Mandamus*" for the Ingham County Circuit Court judge William Collette to provide an Order for the Governor and Attorney General to do their jobs (i.e., to hold their subordinate prosecutors to their respective sworn duties) or to have them ousted from their respective offices.

That "*original*" CRIMINAL case was also requesting that a Grand Jury be convened by the Ingham County judge, so to provide an investigation of my sworn criminal allegations. The documentation shows that when Judge Collette dismissed my case without hearing on certain "*Motions*" that I had filed asking for Judge Collette to disqualify himself for "*judicial misconduct*", and for a "*Change of Venue*" from a civil court to a criminal court, I added that judge to my Complaint when filing my "*Claim of Appeal*" a year ago in the Michigan Court of Appeals. As now shown in the instant "*Quo Warranto / State-Ex-Rel*" complaint, because the judges (Banstra, Owens, Donofrio) have also dismissed my "*Motion to Hear* (those) *Motions Not Yet Heard*", for which I had otherwise paid money to have heard, and because they have similarly dismissed evidence supporting those motions showing that the "*original*" crimes continue to be committed against me by school district officials from the Lincoln Consolidated and Northville public school districts, I have now included those judges in this new Complaint with the Michigan Supreme Court.

The trail of documentation shows that I have exhausted every other level of appeal for my claims of being criminally offended by government officials; and as shown by that documentation, each new level of repeated "redress" of the original criminal allegations is met by repeated criminal "*injury*" against me by those I have named who are willing to contribute to the overall "*cover up*" of those "*original*" crimes. That same documentation also shows how the Court of Appeals reasoned that they would also deny my more recent "*Motions*" for them to honor my Constitutional rights. They even dismissed my requests that they actually read all of my case pleadings, and provide me properly with "*Due Process*" and "*Equal Treatment*" under the law by affording me rightfully with criminal protection instead of illegally subjecting me to continued "*peonage*" and oppression. I am holding these Court of Appeals judges accountable for their choosing the latter.

In case you are unaware, one reason these crimes continue to be committed is because in 2006 the Michigan Supreme Court failed their previous opportunity to "*correct*" the gross "***miscarriages of justice***" that were being committed against me by the civil court rulings in the case of "*David Schied v. Sandra Harris and the Lincoln Consolidated Schools*". That case referred to the crimes being committed against me since 2003 by Lincoln Consolidated School District officials. These were individuals who had not only terminated my employment without providing me with my federally protected right to "*challenge and correct*" an inaccurate FBI criminal history report, but who then "*converted*" that government document to their own personal use, placing that erroneous criminal history information into my public personnel file and criminally disseminating it to the public – under the Freedom of Information Act – along with the clemency documents I had otherwise provided to the school district officials "*in good faith*" as proof that the FBI report was erroneous, and in exercise of my statutory right to "*challenge and correct*" that information. In that case, my lawyer(s) had also pointed out to the Michigan judges that significant evidence was being ignored by the Courts while the attorney (Michael Weaver) for the defendants (Sandra Harris and the Lincoln board of education) was perpetrating fraud upon the Court.

Instead of doing their job to stop these criminal actions against me, the Supreme Court allowed those crimes to continue unabated; and while upholding the two lower court rulings in claim that

a quarter-century after having received an early termination of probation for a single teenage offense, and a **quarter-century after** having received a "***withdrawal of plea***", a "***dismissal of indictment***", a "***set aside of judgment***", PLUS a governor's executive "***full pardon***", that I had actually "*misrepresented*" my somehow still having a "*conviction*" when I applied for a job as a schoolteacher in 2003.

Therefore, I should make sure that you are fully informed that I am extremely sensitive to other people – particularly government officials and officials of the Court – further mischaracterizing me or "*misrepresenting*" the nature of my case.

While the "*Leave of Appeal*" from the decision of the Court of Appeals judges on May 19th is closely connected to the case that I filed with the Supreme Court forty-two days later on June 30th, the *Quo Warranto* complaint goes much deeper. My voice now is the voice of the State. In filing this case State-Ex-Rel, I now represent the authority of others of this State. For the above-stated reasons, I request that you merge the two cases (the "*Leave of Appeal*" of the criminal RICO action and the "*Quo Warranto*" criminal complaint) and proceed by representing the cases truthfully in all future public records that you generate, including the instant case you have indicated the intent to present to the Supreme Court judges on or shortly after 7/28/09.

In all future correspondence you have with me, I wish to have that *Quo Warranto / State-Ex-Rel* complaint recognized. Again, I am no longer acting on my own behalf in my approach to the Michigan Supreme Court, but on behalf of the "*constitutional State of Michigan*". The defendants are no longer hiding behind the veil of this being a civil case subject to a broad application of governmental "*immunity*", but are instead individuals named by criminal allegations (which are supported by ample evidence already in possession of your Michigan Supreme Court by means of the case on "*Appeal*") who are operating as a private corporation of the "*defacto State of Michigan*".

There is no just cause for altering the title of the case I filed on 6/30/09, under which the above-referenced case number was assigned. To continue to do so would be *fraud upon the court* and an *obstruction of justice* by tampering with a victim/witness and official court records.

Respectively,

MICHIGAN SUPREME COURT

Office of Public Information

contact: Marcia McBrien | (517) 373-0129

FOR IMMEDIATE RELEASE

PROPOSED ATTORNEY ETHICS RULE CHANGES ON AGENDA OF MICHIGAN SUPREME COURT'S SEPTEMBER 28 PUBLIC ADMINISTRATIVE HEARING
Cap on attorney referral fees, pro bono requirements among proposed changes

LANSING, MI, September 8, 2011 – A proposed rule aimed at capping attorney referral fees in contingent fee cases is on the agenda of the Michigan Supreme Court's September 28 public hearing.

The rule would apply to cases where the attorney's compensation is an agreed-upon share of the case award or settlement. Under the proposed amendment of Michigan Rule of Professional Conduct 1.5 (ADM File No. 2010-07), an attorney who refers a contingent fee case to another attorney could receive a referral fee, but the fee would be capped at "25 percent of the amount recovered." The rule change is aimed at discouraging attorneys from operating as brokering services and directing clients to lawyers who pay the highest referral fees. A referring attorney who also contributes a "substantial input of time or cost, or assumption of risk" could receive a larger fee if the other attorney agrees and if the court approves.

Other proposed attorney ethics rule changes (ADM File No. 2011-05) would amend MRPC 1.1 ("Competence"), 1.2 ("Scope of Representation"), 1.3 ("Diligence"), 1.4 ("Communication"), 1.5 ("Fees"), 1.6 ("Confidentiality of Information"), 1.7 ("Conflict of Interest: General Rule"), 1.9 ("Conflict of Interest: Former Client"), 1.13 ("Organization as Client"), 1.14 ("Client Under a Disability"), 1.15 ("Safekeeping Property"), 1.16 ("Declining or Terminating Representation"), 1.17 ("Sale of a Law Practice"), 3.2 ("Expediting Litigation"), 4.1 ("Truthfulness in Statements to Others"), 4.3 ("Dealing with An Unrepresented Person"), 5.2 ("Responsibilities of a Subordinate Lawyer"), and 8.4 ("Misconduct"). For example, MRPC 1.15 would be amended to add that "A lawyer shall not delay remittance of funds received from third persons as a way to coerce a client to accept a lawyer's statement of payable fees and expenses."

The Michigan Supreme Court periodically holds administrative hearings to allow interested persons to comment on proposed court rule changes and other administrative matters on the Court's agenda. Speakers will be allotted three minutes each to present their views, after which they may be questioned by the Justices. To reserve a place on the agenda, please contact the Office of the Clerk of the Court in writing at P.O. Box 30052, Lansing, Michigan 48909, or by e-mail at MSC_clerk@courts.mi.gov, no later than Monday, September 26, 2011. Requests to speak should include the ADM file numbers for the agenda items the speaker wishes to discuss.

The September 28 hearing will be held in the Supreme Court courtroom on the sixth floor of the Michigan Hall of Justice, 925 W. Ottawa Street, Lansing, Michigan 48915, starting at 9:30 a.m.

Also on the Court's agenda:

- ADM File No. 2010-11, Proposed Amendment of Michigan Court Rule (MCR) 2.511. At issue is whether the Court should amend the rule to provide that a juror who by law is not qualified to serve on a jury (e.g., because he or she is a convicted felon) must be discharged when the court discovers that the juror is unqualified. The amendment is aimed at foreclosing the possibility that unqualified jurors could serve because attorneys did not challenge them.
- ADM File No. 2010-17, Proposed Amendment of MCR 3.707, which applies to modification, termination, or extension of personal protection orders. The court rule would be amended to provide that the respondent in a PPO action may file a motion to modify or terminate the order that the complainant obtained at an ex parte hearing. (While most legal hearings cannot take place without adequate notice to all concerned parties, in some cases a party would be endangered if the opposing party had notice. In such cases, the threatened party or parties may obtain an ex parte court hearing to request temporary judicial relief without notice to, and outside the presence of, other persons affected by the hearing.) The current rule permits respondents to file such motions regardless of whether the complainant obtained the PPO ex parte or after a hearing with notice to all parties.
- ADM File No. 2010-36, Amendment of MCR 3.705, "Issuance of Personal Protection Orders." The Court will consider whether to retain this amendment, which went into effect on February 1, 2011. MCL 600.2950a(4) requires that a respondent who wants to introduce evidence covered by the rape-shield provision of MCL 750.520j must submit notice and offer of proof at least 24 hours before the hearing. The current court rule provides for one day's notice of hearing, which would not provide 24 hours' notice in which to submit the offer of proof. The State Bar of Michigan Domestic Violence Committee recommended amending the rule to provide for two days' notice of hearing for a sexual assault PPO.
- ADM File No. 2011-04, Amendment of MCR 3.911, "Jury," and MCR 3.915, "Assistance of Attorney," both of which apply in juvenile delinquency and child protective proceedings. The proposed amendment of MCR 3.911 would eliminate the 14-day time frame for making a demand for jury trial. Under the amended rule, parties would be required to demand a jury within 21 days of trial, although the court could excuse a late demand "in the interest of justice." MCR 3.915 provides that, in child protective proceedings, the court must appoint an attorney to represent the parent at the parent's request, if the court finds that the parent cannot afford to hire an attorney. The proposed change to this rule would clarify that the court must appoint an attorney for the parent even at the preliminary hearing stage.

The Court will also discuss whether to adopt one of two alternative proposals regarding an attorney's ethical obligation to provide pro bono services (ADM File No. 2010-18; proposed amendments to of MRPC 6.1). Alternative A would clarify that attorneys are not subject to disciplinary proceedings to enforce the pro bono rule. Alternative B would require Michigan attorneys to donate 30 hours of professional time or handle three pro bono cases per year, and/or contribute $300 or $500 per year to programs that provide legal services to the poor.

More information, including comments about these proposals, is online at http://www.courts.michigan.gov/supremecourt/Resources/Administrative/index.htm#proposed.

Order

November 23, 2009

139162 & (99)

DAVID SCHIED,
Plaintiff-Appellant,

v

SC: 139162
COA: 282804
Ingham CC: 07-001256-AW

STATE OF MICHIGAN, ATTORNEY GENERAL, DEPARTMENT OF EDUCATION, DEPARTMENT OF MANAGEMENT & BUDGET, DEPARTMENT OF CIVIL RIGHTS, MICHIGAN STATE POLICE, WASHTENAW COUNTY PROSECUTORS, LINCOLN CONSOLIDATED SCHOOLS BOARD OF EDUCATION, SANDRA HARRIS, NORTHVILLE PUBLIC SCHOOLS BOARD OF EDUCATION, SCOTT SNYDER, KATY PARKER, DAVID BLITHO, LEONARD REZMIERSKI, KELLER THOMA LAW FIRM, WAYNE COUNTY REGIONAL EDUCATION SERVICES AGENCY, MARLENE DAVIS, KEVIN MAGIN, DAVID SOEBBING, and NORTHVILLE CITY POLICE DEPARTMENT,
Defendants-Appellees.

/

On order of the Court, the application for leave to appeal the May 19, 2009 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court. The motion for miscellaneous relief is DENIED.

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 23, 2009

Corbin R. Davis
Clerk

STATE OF MICHIGAN

COURT OF APPEALS

DAVID SCHIED,

Plaintiff-Appellant,

v

STATE OF MICHIGAN, ATTORNEY GENERAL, DEPARTMENT OF EDUCATION, DEPARTMENT OF MANAGEMENT & BUDGET, DEPARTMENT OF CIVIL RIGHTS, MICHIGAN STATE POLICE, WASHTENAW COUNTY PROSECUTORS, LINCOLN CONSOLIDATED SCHOOLS BOARD OF EDUCATION, SANDRA HARRIS, NORTHVILLE PUBLIC SCHOOLS BOARD OF EDUCATION, SCOTT SNYDER, KATY PARKER, DAVID BLITHO, LEONARD REZMIERSKI, KELLER THOMA LAW FIRM, WAYNE COUNTY REGIONAL EDUCATION SERVICES AGENCY, MARLENE DAVIS, KEVIN MAGIN, DAVID SOEBBING and NORTHVILLE CITY POLICE DEPARTMENT,

Defendants-Appellees.

UNPUBLISHED
May 19, 2009

No. 282804
Ingham Circuit Court
LC No. 07-001256-AW

Before: Bandstra, P.J., and Owens and Donofrio, JJ.

MEMORANDUM.

Plaintiff appeals from an order of the circuit court dismissing his complaint without prejudice. We treat this matter as on application for appeal by leave and grant the application. After considering plaintiff's arguments and the record before us, we conclude that relief is not warranted, and affirm.

Plaintiff first argues that the circuit court judge committed misconduct when he failed to disqualify himself from the case because of bias and then proceeded to dismiss the matter without having heard motions previously filed by plaintiff. Because plaintiff did not file an affidavit below in support of his motion, the issue is not properly before us. MCR 2.003(C)(2). In any event, the reported statements of the circuit court judge regarding a friendship with one of

the named defendants do not alone demonstrate a probability of bias that would have required disqualification.

Also, we see no error in the dismissal of plaintiff's complaint. Plaintiff's complaint and subsequent more definite statement contained many broad and diffuse criminal allegations that were not properly before the circuit court, MCL 764.1(1); MCR 6.101(C), and not discernibly supported by a reasoned application of law and fact. MCR 2.111(A)(1), (B)(1). Despite its volume, plaintiff's complaint did not provide notice to the adverse parties of the claims they were to defend. While dismissal of a matter is the harshest sanction that the court may impose on a plaintiff, *Schell v Baker Furniture Co,* 232 Mich App 470, 475; 591 NW2d 349 (1998), trial courts do have the explicit authority to impose appropriate sanctions in order to contain and prevent abuses and administer the orderly operation of justice, *Maldonado v Ford Motor Co*, 476 Mich 372, 375-376; 719 NW2d 809 (2006). Accordingly, the circuit court did not err in dismissing the complaint. MCR 2.115(A)

Plaintiff also raises several issues that reargue matters previously before this Court in *Schied v Lincoln Consolidated Schools*, unpublished opinion per curiam of the Michigan Court of Appeals, issued June 29, 2006 (Docket No. 267023). We have no jurisdiction to review issues arising from a separate but related case. MCL 7.203(A)(1); *Chapdelaine v Sochocki*, 247 Mich App 167, 177; 635 NW2d 339 (2001).

Affirmed.

/s/ Richard A. Bandstra
/s/ Donald S. Owens
/s/ Pat M. Donofrio

STATE OF MICHIGAN
IN THE COURT OF APPEALS

DAVID SCHIED

Plaintiff-Appellant

v

MICHIGAN STATE COURT ADMINISTRATOR, DEPARTMENT OF CIVIL RIGHTS, DEPARTMENT OF EDUCATION

Defendants-Appellees

Court of Appeals No. 306801

Ingham County Circuit Court No. 11-50-MZ

ATTORNEY GENERAL'S BRIEF IN OPPOSITION TO PLAINTIFF'S COMPLAINT FOR MANDAMUS RELIEF

ORAL ARGUMENT REQUESTED

Bill Schuette
Attorney General

John J. Bursch (P57679)
Solicitor General
Counsel of Record

Richard A. Bandstra (P31928)
Chief Legal Counsel

Erik A. Grill (P64713)
Assistant Attorney General
Attorneys for Christopher Thomas
Defendant
Public Employment, Elections & Tort Division
P.O. Box 30736
Lansing, Michigan 48909
(517) 373-6434

Dated: November 15, 2011

Legal Software, Inc
(800) 530-2255

SCHIED, DAVID v REZMIERSKI, LEONA
Hon. Jeanne Stempien 12/15/2009

09-030727-NO

STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT
WAYNE COUNTY

REQUEST FOR HEARING ON A MOTIC
(PRAECIPE)
ORDER / JUDGMENT

2 Woodward Avenue, Detroit, Michigan

Plaintiff name(s): David Schied

Defendant name(s): Leonard Rezmierski, et al

FILED
CATHY M. GARRETT
WAYNE COUNTY CLERK
APR 29 2011
BY S. Redmond

Plaintiff attorney, bar no., address, and telephone no.: Pro se P.O. Box 1378 Novi, MI

Defendant's attorney, bar no., address, and telephone no.: Barbara Buchanan / Jennifer Rupert Keller Thoma, P.C. 440 E. Congress, 5th Fl. Detroit, MI 48226 313-965-7610

List additional attorneys on other side

1. Motion Title: Motion Before Chief Judge Virgil Smith for Ex Parte, Sua Sponte or Other Special Order For Forma Pauperis Waiver of Fees On the Ordering of Official Transcripts

2. Moving Party: Plaintiff Telephone No. 248-946-4016

3. Please place on the motion calendar for:

Judge	Bar No	Date	Time
Virgil Smith		5-29-11 (KP)	9:00

Adj. to: _____ Adj. to: _____ Adj. to: _____

4. I certify that I have made personal contact with Opposing Counsel is aware that "forma pauperis" awards on May 2009 regarding concurrence in relief sought in this motion and that concurrence has been denied or that I have made reasonable and diligent attempts to contact counsel regarding concurrence with motion.

Date 4/15/11 ~~Attorney~~ Pro Se David Schied ~~Bar No.~~ _____

ORDER / JUDGMENT

DATED: _____

IT IS ORDERED THAT THIS MOTION IS:

☒ DENIED ☐ GRANTED IN PART / DENIED IN PART ☐ TAKEN UNDER ADVISEMENT ☐ DISMISSED

☐ GRANTED AND IT IS FURTHER ORDERED AND ADJUDGED:

Virgil Smith
CIRCUIT JUDGE

Approved as to form and substance by Counsel for:

Plaintiff _____

Defendant _____

Date _____

A TRUE COPY
CATHY M. GARRETT
WAYNE COUNTY CLERK
BY S. Redmond DEPUTY CLERK

FILE EITHER IN PERSON OR BY MAIL WITH:
CATHY MARIE GARRETT
WAYNE COUNTY CLERK
201 CITY-COUNTY BUILDING
DETROIT, MI 48226

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **David Schied v Leonard Rezmierski**
Docket No. **303715**
L.C. No. **09-030727-NO**

Christopher M. Murray, Judge, acting under MCR 7.211(E)(2), orders:

The motion to waive appellant's obligation to secure the filing of the transcript is DENIED. The Clerk of the Court shall place this case on the involuntary dismissal docket without further notice to the parties if the court reporter's certificate confirming receipt of the transcript order is not filed within 21 days after the Clerk's certification of this order.

The motion to extend time to file appellant's brief is DISMISSED AS PREMATURE. The time for filing appellant's brief does not begin to run until the transcript is filed with the trial court clerk. See MCR 7.212(A)(1)(a)(iii).

Judge Christopher M. Murray

COURT OF APPEALS OF THE STATE OF MICHIGAN
TUEBOR
CIRCUMSPICE
1965

A true copy entered and certified by Larry S. Royster, Chief Clerk, on

JUN 01 2011
Date

Chief Clerk

Court of Appeals, State of Michigan

ORDER

In re Schied

Docket No. 303802

LC No. 09-030727 NO

Kirsten Frank Kelly
Presiding Judge

Michael J. Talbot

Christopher M. Murray
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The "motion for filing in excess of 50-page limit" is GRANTED.

The complaint for mandamus is DENIED.

The motion for a temporary restraining order and/or cease and desist order is DENIED.

Presiding Judge

A true copy entered and certified by Larry S. Royster, Chief Clerk, on

JUN 13 2011
Date

Chief Clerk

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **David Schied v State Court Administrator**
Docket No. **306026**
L.C. No. **11-000050-MZ**

Donald S. Owens, Judge, acting under MCR 7.211(E)(2), orders:

The motion to waive fees is DENIED because appellant has failed to provide sufficient information regarding his assets to determine if he is unable to pay fees because of indigency. See MCR 2.002(D). Further, MCL 780.758 concerns rights of alleged victims in criminal proceedings and does not entitle an appellant in a civil appeal to decline to provide critical information about his or assets in connection with a motion to waive fees. Similarly, MCL 775.20 is inapplicable to this civil appeal.

Appellant shall pay to the Clerk of the Court, within 21 days of the certification of this order, the entry fee of $375 and the motion fee of $100, for a total of $475. Failure to comply with this order will result in the dismissal of the appeal.

Judge Donald S. Owens.

COURT OF APPEALS OF THE STATE OF MICHIGAN
TUEBOR
CIRCUMSPICE
1965

A true copy entered and certified by Larry S. Royster, Chief Clerk, on

OCT 05 2011
Date

Chief Clerk

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **David Schied v Leonard Rezmierski**
Docket No. **303715**
L.C. No. **09-030727-NO**

Christopher M. Murray, Judge, acting under MCR 7.211(E)(2), orders:

The motion to correct the record is DENIED.

Judge Christopher M. Murray

A true copy entered and certified by Larry S. Royster, Chief Clerk, on

OCT 12 2011
Date

Chief Clerk

State of Michigan

Court of Appeals

Detroit Office

October 25, 2011

David Schied
PO Box 1378
Novi, MI 48376

Re: **David Schied v Charter Township of Redford**
Court of Appeals No. **306542**
Lower Court No. **11-004881-CP**

Dear Mr. Schied:

We enclosed is the Court's order denying your motion to waive fees for the above-referenced appeal. The order was initially entered on October 19, 2011, but in light of our recent discovery that the order was not mailed to your correct address, the order has been re-entered on October 25, 2011. The 21-day period for filing the fees or filing a motion for reconsideration of the order will be counted from October 25, 2011. Also enclosed is a copy of the defective filing letter that we mailed to you at the incorrect address on October 17, 2011, the letter having recently been returned as undeliverable by the postal service. We have since received proof of service of the claim of appeal, but proof of service of the docketing statement is still required.

If you have any questions about this matter, please contact this office.

Sincerely,

John P. Lowe
Assistant Clerk

cc: Jeffrey R. Clark

IN THE MICHIGAN COURT OF APPEALS

ORDER
(AMENDED AS TO DATE OF ENTRY)

Re: **David Schied v Charter Township of Redford**
Docket No. **306542**
L.C. No. **11-004881-CP**

Christopher M. Murray, Judge, acting under MCR 7.211(E)(2), orders:

The motion to waive fees is DENIED for failure to persuade the Court that appellant is unable to pay the filing fees.

Appellant shall pay to the Clerk of the Court, within 21 days of the certification of this order, the entry fee of $375 and the motion fee of $100, for a total of $475. Failure to comply with this order will result in the dismissal of the appeal.

Judge Christopher M. Murray

A true copy entered and certified by Larry S. Royster, Chief Clerk, on

October 25, 2011
Date

Chief Clerk

State of Michigan

Court of Appeals

Lansing Office

November 2, 2011

David Schied
PO Box 1378
Novi, MI 48376

Re: **DAVID SCHIED V STATE COURT ADMINISTRATOR**
Court of Appeals No. **306026**
Lower Court No. **11-000050-MZ**

Dear Mr. Schied:

This Court received the combined motion for reconsideration and motion for immediate consideration that you submitted on October 27, 2011. The motion for reconsideration cannot be accepted for filing because it was untimely filed, MCR 7.215(I)(1)(4). The motion for immediate consideration will be retained by the Court and will proceed with the Complaint for Mandamus in 306801.

If you have any questions, please contact this office.

Very truly yours,

Kimberly S. Hauser
District Clerk

By: _____
Joan Becher

KSH/jmb
cc: Erik Grill

State of Michigan

Court of Appeals

Detroit Office

November 2, 2011

David Schied
P.O. Box 1378
Novi, MI 48376

Re: **David Schied v Leonard Rezmierski**
Court of Appeals No. **303715**
Lower Court No. **09-030727-NO**

Dear Mr. Schied:

The reply brief that you submitted in this matter is defective for the following reasons:

MCR 7.212(G) requires that a reply brief be limited to *10 pages*, exclusive of tables, indexes, and appendices. Your brief exceeds 10 pages. The brief text also appears to be combined with several motions. If you wish to file the indicated motions, they should be filed separately.

Within 14 days of the date of this letter, please file an original and four copies of the amended pages which cure the specified defect(s). Furthermore, you must supply this Court with a proof of service showing that you sent a copy of the amended pages to opposing counsel. *Failure to correct the specified defect(s) within 14 days will result in the brief being stricken.* However, please note that the outstanding defect will not preclude the Court from continuing to process this appeal, including entering a dispositive order or opinion.

If you have any questions about this matter, please contact this office at any time.

Very truly yours,

Jerome W. Zimmer Jr.
District Clerk

By: K. Nunn
K. Nunn

JWZ/kdn

cc: Barbara E. Buchanan
Joseph G. Rogalski

David Schied
P.O. Box 1378
Novi, Michigan 48376
248-946-4016

11/5/2011

Attn: Mr. Jerome W. Zimmer, Jr. – District Clerk
And "K.Nunn"
Michigan Court of Appeals – Detroit Office
Cadillac Place
3020 Grand Blvd., Suite 14-300
Detroit, Michigan 482026020

Re: *David Schied v. Leonard Rezmierski* – Lower Court No. 09-030727-NO; COA: 303715; fraudulent assertion that the "*reply*" brief "*exceeds 10 pages*"; and no citation forbidding the reply brief from being combined with another motion.

Mr. Zimmer and "*K.Nunn*":

I am in receipt of your letter dated "November 2, 2011" in which you erroneously claim that my recent submission of "*Appellant's 'Reply Brief' in Opposition to Keller Thoma Attorney Barbara Buchanan's Repeated 'Fraud Upon the Court' by Numerous 'Misrepresentations and Gross Omissions of Fact' and Omissions Constituting 'Felony Conspiracy to Deprive of Rights' Between the Northville Public Schools Defendants and the Keller Thoma Law Firm Attorneys*" somehow exceeded the page limit of 10 pages. You are incorrect as that "*reply brief*" is written in NO MORE THAN 10 PAGES. Either you have demonstrated "gross negligence" in your duty to properly review and file these documents with the Court judges, or you have indeed read the documents and see that the Evidence in that response contains Exhibits that PROVE beyond any reasonable doubt that a felony conspiracy to deprive of rights is occurring and you both have decided to become part of these chain of crimes.

Furthermore, the evidence presented in the "Reply" brief substantiates the accompanying motions listed below as also adequately addressed within the 10 pages of FACTS, ARGUMENTS, and REQUEST FOR RELIEF.

a) ***MOTION TO SEAL "EXHIBIT A"*** **OF APPELLEES' "*BRIEF ON APPEAL*"**
b) **"*MOTION FOR IMMEDIATE CONSIDERATION*" AND**
c) ***"MOTION AS PETITION FOR WRIT OF MANDAMUS FOR VICTIM RELIEF..."*****(in the form of an Order for all other records in Michigan courts to be '*sealed*' in which Appellees and their Keller Thoma attorneys have committed crimes against the privacy rights of Appellant David Schied by '*use and dissemination*' of information contained in that '*nonpublic*' Texas Court '*Order of Expunction*' document), *...FOR SANCTIONS AGAINST APPELLEES AND THEIR ATTORNEYS*", AND *FOR* CRIMINAL GRAND JURY INVESTIGATION**

Your letter fails to also acknowledge the FACT that the "reply brief" also included a "*Demand for Criminal Grand Jury Investigation*". Again, these actions indicate either gross negligence on your parts, or a conspiracy between the two of you to deprive of rights by your joint association with this fraudulent "*denial*" of my 10-page "*reply*". I therefore demand an immediate reversal of your claims and an immediate submission of my documents "as is" to the judges of the Michigan Court of Appeals. I AM A CRIME VICTIM and a person who is reporting himself to be the victim of government crimes, a victim of government agencies that are charged with the DUTY of "*self-policing*" their own actions.

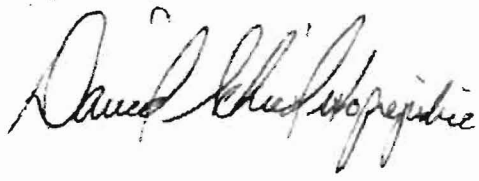
I have noted that you claim I must rewrite and resubmit another "*original*" and "*four copies*" of an "*amended pages*" and serve the Defendant/Appellees while providing your office with "*proof of service*" on those pages. I refuse to do so. You should note that unless you correct the errors of your recent letter and submit my documents to the judges IMMEDIATELY along with my notice that I am reporting felony government crimes and demanding a criminal grand jury investigation of government crimes, I will be charging each of you with felony "*fraud on the court*" and "*obstruction of justice*", and damages which I value – based upon your sworn Oath of Office which I have accepted for value – at $2,000,000 per offense/violation.

Note that my recent filing of "*Reply*" and accompanying "*motions*" are broken down into the following set of pages:

1) Cover Page, Table of Contents, Questions for Review, and Jurisdictional Statement = pages i-v, which by your own admission are not to count in the 10 pages for the "*Reply Brief*".
2) Presentation of FACTS, ARGUMENTS, and REQUEST/DEMAND FOR RELIEF = 10 pages exactly, which by your own admission is compliant with MCR 7.212(G), the only citation of rule or statute in your joint letter.
3) "*Sworn Affidavit of David Schied*" = 4 pages authenticating the signature on the submission with testimony authenticating the criminal claims and willingness to present criminal evidence and to testify before a criminal grand jury.

Again, your letter constitutes fraudulence and should be corrected immediately. I also suggest that if you have witnessed crimes by the judges of the Court of Appeals or other government that you do your duty in filing a crime report to that effect so to ensure that you are named as an accessory to felony crimes that others (besides me) are known to be alleging against those who have otherwise taken Oaths similar to yours to honor and defend the Constitution of the United States and who are otherwise acting as corrupt judicial and other government officials.

Respectively,



State of Michigan

Court of Appeals

Detroit Office

November 16, 2011

David Schied
P.O. Box 1378
Novi, MI 48376

Re: **David Schied v Leonard Rezmierski**
Court of Appeals No. **303715**
Lower Court No. **09-030727-NO**

Dear Mr. Schied:

We received your letter dated November 5, 2011, responding to the letter the Court sent notifying you that your recently filed reply brief exceeded the 10-page limit. After reviewing your letter and the reply brief, your reply brief was found to comply with the 10-page requirement. The 4-page affidavit attached to the end of the brief should not have been counted as part of the brief. Therefore, you may disregard our letter dated November 2, 2011; your reply brief will be accepted as originally filed. We apologize for any inconvenience this may have caused you.

If you have any questions, feel free to contact this office.

Very truly yours,

Jerome W. Zimmer Jr.
District Clerk

cc: Barbara E. Buchanan
Joseph G. Rogalski

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **David Schied v Barbara Schied**
Docket No. **305591**
L.C. No. **10-109328-DM**

Christopher M. Murray, Judge, acting under MCR 7.211(E)(2), orders:

The motion to waive fees is DENIED for failure to persuade the Court that appellant is unable to pay the filing fees.

Appellant shall pay to the Clerk of the Court, within 21 days of the certification of this order, the entry fee of $375 and the motion fee of $100, for a total of $475. Failure to comply with this order will result in the dismissal of the appeal.

Judge

A true copy entered and certified by Larry S. Royster, Chief Clerk, on

NOV 0 3 2011
Date

Chief Clerk

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **David Schied v State Court Administrator**
Docket No. **306801**
L.C. No. **00-000000**

Donald S. Owens, Judge, acting under MCR 7.211(E)(2), orders:

The motion to waive fees is DENIED because plaintiff has failed to provide sufficient information regarding his assets to determine if he is unable to pay fees because of indigency. See MCR 2.002(D). MCL 780.758 concerns rights of alleged victims in criminal proceedings and does not entitle a plaintiff in a civil action to decline to provide critical information about his assets in connection with a motion to waive fees. Similarly, MCL 775.20 is inapplicable to this action.

Plaintiff shall pay to the Clerk of the Court, within 21 days of the certification of this order, the entry fee of $375 and the motion fees of $300, for a total of $675. Failure to comply with this order will result in the dismissal of the action.

Judge

A true copy entered and certified by Larry S. Royster, Chief Clerk, on

NOV 15 2011
Date

Chief Clerk

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **David Schied v State Court Administrator**
Docket No. **306026**
L.C. No. **11-000050-MZ**

William B. Murphy, Chief Judge, acting under MCR 7.201(B)(3), orders:

The claim of appeal is DISMISSED for failure to pursue the case in conformity with the rules. MCR 7.201(B)(3) and 7.216(A)(10). The Clerk of this Court served appellant with an order regarding the payment of a $375 entry fee and $100 motion fee, and appellant failed to pay the required fees in a timely manner. Dismissal is without prejudice to whatever other relief may be available consistent with the Court Rules.

Wm B Murphy
Chief Judge

COURT OF APPEALS OF THE STATE OF MICHIGAN
TUEBOR
CIRCUMSPICE
1965

A true copy entered and certified by Larry S. Royster, Chief Clerk, on

NOV 17 2011
Date

Larry S. Royster
Chief Clerk

State of Michigan

Court of Appeals

Detroit Office

November 18, 2011

David Schied
PO Box 1378
Novi MI 48376

Re: **In re Schied**
Court of Appeals No. **307195**
Lower Court No. **11-004881-CP**
Document Submitted: **complaint for mandamus**

Dear Mr. Schied:

This office has received your papers in the above captioned matter. Although you used Court of Appeals docket number 306542 in your caption, a new file was opened with a new docket number for the complaint. If you did not intend for this pleading to be a new matter, then please advise how you intended this pleading to be treated by this Court.

Currently, your submission is defective because it was not accompanied by the following:

- $375 entry fee

Unless the above is filed within 21 days of this letter, your appeal may be dismissed for failure to pursue the case in conformity with the rules. See MCR 7.216(A)(10). If you have any questions concerning this matter, please call this office.

Very truly yours,

Julie M. Isola
District Commissioner

By: Abbey M. Mercure
Abbey M. Mercure

JMI/amm

cc: Jeffry Clark

EXHIBIT G

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

Sent by "Certified" mailing, Return Receipt Requested

No. 7009 2250 0002 2103 6151

8/6/10

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

Re: Request for immediate assignment of "*Judicial Misconduct Complaint Number*" and forwarding of that number to Petitioner; **Request for immediate Update on unresolved previous Judicial Misconduct Complaints**

To Whom It May Concern,

I have noted that in the past your office has been extremely slow in assigning judicial misconduct complaint numbers and I have had to call Patti Nicely, sometimes more than once, in order to have complaint numbers properly recorded and sent to me. I therefore formally request that you immediately process the complaint on Judge Denise Page Hood right away and send to me the Complaint Number assigned to the attached Complaint.

In addition, I wish an immediate update on the following Judicial Misconduct Complaints on the following list of judges that are still left without a resolve:

Pending – Per Patty Nicely confirmed on 2/7/11

- ✓ John Corbett O'Meara – No. 06-10-90031 – (filed 3/29/10)
- ✓ Patrick J. Duggan – No. 06-10-90009 – (filed 1/5/10)
- ✓ Lawrence P. Zatkoff – No. 06-09-90141 – (filed 9/14/09)
- ✓ Alice M. Batchelder – No. 06-09-90117 – (filed 9/4/09) and again on (2/13/10)
- ✓ Eugene E. Siler, Jr. – No 06-09-90-127 – (filed 9/4/09) and again on (2/13/10)
- ✓ Julia Smith Gibbons – No 06-09-90-133 – (filed 9/4/09) and again on (2/13/10)

Results of phone call follow-up on 2/7/11 ← open complaint

Unresolved

- ✓ Senior Judge Damon J. Keith – No. 06-09-90-118 – (filed 9/4/09)
- ✓ Senior Judge Gilbert S. Merritt – No. 06-09-90-119 – (filed 9/4/09)
- ✓ Senior Judge Cornelia G. Kennedy – No. 06-09-90-120 – (filed 9/4/09)
- ✓ Judge Boyce F. Martin, Jr. – No. 06-09-90-121 – (filed 9/4/09)
- ✓ Senior Judge Ralph B. Guy, Jr. – No. 06-09-90-122 – (filed 9/4/09)
- ✓ Senior Judge James L. Ryan – No. 06-09-90-123 – (filed 9/4/09)
- ✓ Judge Danny J. Boggs * – No. 6-09-90-124 – (filed 9/4/09)
- ✓ Senior Judge Alan E. Norris – No. 06-09-90-125 – (filed 9/4/09)

✓ Senior Judge Richard F. Suhrheinrich – No. 06-09-90-126 – (filed 9/4/09)
✓ Senior Judge Martha Craig Daughtrey * – No. 06-09-90-128 – (filed 9/4/09)
✓ Judge Karen Nelson Moore – No. 06-09-90-129 – (filed 9/4/09)
✓ Judge R. Guy Cole, Jr. – No. 6-09-90-130 – (filed 9/4/09)
✓ Judge Eric L. Clay – No. 06-09-90-131 – (filed 9/4/09)
✓ Judge Ronald Lee Gilman – No. 06-09-90-132 – (filed 9/4/09)
✓ Judge Julia Smith Gibbons – No. 06-09-90-133 – (filed 9/4/09)
✓ Judge John M. Rogers – No. 06-09-90-134 – (filed 9/4/09)
✓ Judge Jeffrey S. Sutton – No. 06-09-90-135 – (filed 9/4/09)
✓ Judge Deborah L. Cook – No. 06-09-90-136 – (filed 9/4/09)
✓ Judge David W. McKeague * – No. 06-09-90-137 – (filed 9/4/09)
✓ Judge Richard Allen Griffin – No. 06-09-90-138 – (filed 9/4/09)
✓ Judge Raymond M. Kethledge – No. 06-09-90-139 – (filed 9/4/09)
✓ Judge Helene N. White – No. 06-09-90-140 – (filed 9/4/09)

Respectively,

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Attn: Circuit Executive of the Sixth Circuit
503 U.S. Post Office & Courthouse
Cincinnati, OH 45202

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) LaTonya Walk C. Date of Delivery 8/9/10

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7009 2250 0002 2103 6151

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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

CLARENCE MADDOX
CIRCUIT EXECUTIVE

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

August 25, 2010

Still open as of 2/11/11

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

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

Dear Mr. Schied:

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

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

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

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

Sincerely,

Clarence Maddox
Circuit Executive

CM/pgn

APPNX

#1

CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8220 *Tel. (914) 421-1200* *E-Mail:* cja@judgewatch.org
White Plains, New York 10602 *Fax (914) 428-4994* *Website:* www.judgewatch.org

Law Day, May 1, 2008

EXECUTIVE SUMMARY
Critique of the Breyer Committee Report

In September 2006, the Judicial Conduct and Disability Act Study Committee, chaired by Associate Justice Stephen Breyer, presented Chief Justice John Roberts with a Report to the Chief Justice on the Implementation of the Judicial Conduct and Disability Act of 1980. ["Breyer Committee Report"], purporting that the federal judiciary has been "doing a very good overall job in handling complaints filed under the Act". Chief Justice Roberts and Justice Breyer then jointly presented the Report to the American People at a press conference held at the Supreme Court.

From that time until now, none of this nation's scholars who write and speak about federal judicial discipline and none of the organizations which routinely advocate about judicial independence have done any critical analysis of the Breyer Committee Report. Nor has the media critically examined it. As for Congress, it has held no hearings on the Report.

In March 2008, the Center for Judicial Accountability, Inc. (CJA), a nonpartisan, nonprofit citizens' organization with a 15-year history documenting the corruption of federal judicial discipline, rendered a 73-page Critique of the Breyer Committee Report, expressly in support of congressional hearings and disciplinary and criminal investigations. The Critique demonstrates that the Report is "a knowing and deliberate fraud on the public", "methodologically-flawed and dishonest", and that it rests on

> "hiding the evidence – first and foremost, the thousands of judicial misconduct complaints filed under the Act, which the federal judiciary, not Congress, shrouded in confidentiality and made inaccessible to both Congress and the public, so as to conceal what it is doing."

The Critique's Table of Contents provides a handy overview of its fact-specific, evidence-based presentation, in support of "radical overhaul of the façade of federal judicial discipline that currently exists". Here are some highlights:

- **THE BREYER COMMITTEE'S ESTABLISHMENT (pp. 3-8)**: Chief Justice Rehnquist was fully aware of "real problems" with the federal judiciary's implementation of the Judicial Conduct and Disability Act of 1980 ["1980 Act"] years before establishing the Breyer Committee in May 2004. As far back as 1998, CJA had provided Chief Justice Rehnquist, in both his administrative capacity as head of the Judicial Conference and in his judicial capacity as head of the Supreme Court, with documentary evidence that the federal judiciary had reduced the Act to an "empty shell". His nonfeasance and misfeasance in face of such evidence resulted in

CJA filing a November 6, 1998 impeachment complaint against him and against the Associate Justices, including Justice Breyer – copies of which were sent them. Such impeachment complaint is still pending before the House Judiciary Committee, uninvestigated. "Investigation of the impeachment complaint – beginning with the particulars set forth by CJA's March 10 and March 23, 1998 memoranda to the House Judiciary Committee, referred to therein – would suffice to discredit the Breyer Committee Report, totally."

- **THE COMMITTEE'S SELF-INTERESTED MEMBERSHIP & RESEARCH STAFF (pp. 8-12)**: Associate Justice Breyer had a direct interest in the outcome of the Committee's work – as he could not examine the true facts as to the federal judiciary's implementation of the 1980 Act without validating the impeachment complaint against himself and Chief Justice Rehnquist.

  The Committee's five other members, also appointed by Chief Justice Rehnquist, were also interested in its outcome: four are federal judges, subject to the Act and against whom judicial misconduct complaints may have been filed, were pending, or might be filed. Additionally, they – like Justice Breyer before he ascended to the Supreme Court – had been responsible for dumping virtually all judicial misconduct complaints they had received under the 1980 Act. The fifth member, the only non-judge, was Chief Justice Rehnquist's own administrative assistant – who served at his "pleasure", with an interest in protecting the Chief Justice reputationally.

  The Committee's staff was also self-interested, none more so than Jeffrey Barr, Esq., then assistant general counsel at the Administrative Office of the United States Courts and its "principal staff" to the Judicial Conference's Committee to Review Circuit Council Conduct and Disability Orders. In those capacities, as well as others, Mr. Barr had been pivotally involved in the federal judiciary's subversion of the Act, as documented by the record underlying the November 6, 1998 impeachment complaint.

- **THE COMMITTEE'S FLAWED METHODOLOGY, REFLECTIVE OF ITS SELF-INTEREST (pp. 13-66)**:

  A. Failing to Identify and Respond to Criticism of the 1993 Report of the National Commission on Judicial Discipline and Removal (p. 13): The Report states that administration of the 1980 Act had previously been "the object of one major inquiry: that of the National Commission on Judicial Discipline and Removal, which Congress created in 1990 and which filed its report in 1993" – without identifying any scholarly literature or other critiquing of the National Commission's Report, or response thereto.

  There was at least one very significant critique – CJA's published article "*Without Merit: The Empty Promise of Judicial Discipline*", The Long Term View (Massachusetts School of Law), Vol. 4, No. 1 (summer 1997) – and we had explicitly and repeatedly called for the Judicial Conference's response to its showing that the National Commission's 1993 Report was "methodologically-

flawed and dishonest, specifically with respect to the federal judiciary's implementation of the 1980 Act". As documented by the record underlying the November 6, 1998 impeachment complaint, the Judicial Conference, including Chief Justice Rehnquist, had not responded.

B. <u>Concealing the Federal Judiciary's Non-Compliance with Key Recommendations of the National Commission's Report for Ensuring the Efficacy of the 1980 Act, which the Breyer Committee Now Advances as Its Recommendations</u> (pp. 14-20): The Report asserts that the federal judiciary has implemented "most" of the National Commission's recommendations "concerning the Act, its administration, and related matters" – with no specificity as to this alleged implementation.

Among the unimplemented recommendation were those having the potential to make federal judicial discipline more than the sham it is. Most importantly, expanding the role of the Judicial Conference's Committee to Review Judicial Conduct and Disability Orders to ensure ongoing monitoring of the federal judiciary's implementation of the Act and for the federal judiciary to build caselaw interpreting the Act. The federal judiciary's material non-compliance with the National Commission's recommendations was the subject of CJA's advocacy, ultimately embodied in the November 6, 1998 impeachment complaint. Fully half of the Breyer Committee's recommendation's – and its most significant – are without the slightest acknowledgment of, or explanation for, the federal judiciary's wilful and deliberate failure to previously implement them when put forward by the National Commission.

C. <u>Concealing the Material Particulars of the Congressionally-Requested 2002 Federal Judicial Center Follow-Up Study</u> (pp. 20-25): The Report fails to disclose the two questions that the chairman and ranking member of the House Judiciary Committee's courts subcommittee had requested of the federal judiciary in 2002 – and the federal judiciary's deceitful response, which the Report replicates pertaining to: "(1) whether the orders of the chief judges set forth factual allegations raised in complaints and the reason(s) for the subsequent disposition; and (2) what percentage of dismissals are based on the grounds that the complaint is directly related to the merits of a decision or procedural ruling"?

D. <u>Concealing the Substantive Nature of Amendments to the 1980 Act to Avoid Examining Them and their Significance</u> (pp. 25-31): The Report fails to disclose that in 1990 Congress gave chief circuit judges power to "identify a complaint" by "written order stating reasons therefor" – and that the chief circuit judges had largely failed to utilize such power. It provides no statistics as to the numbers of complaints they had identified and no explanation for the omission.

The Report additionally fails to disclose that in 2002 Congress substantially amended the Act and to discuss its effect on the Act's efficacy, if any. Among the amendments: (1) conferring upon chief circuit judges statutory

power they did not previously have to conduct a "limited inquiry" as part of their "initial review" of complaints. This represented a huge expansion of power, enabling chief circuit judges to dismiss complaints by what amounted to summary judgment; and (2) conferring upon the circuit judicial councils the statutory power to refer petitions for review to five-judge panels, rather than be decided by the whole circuit judicial councils, consisting of between 9 and 29 judges. The Report provides no information as to whether the petitions decided by panels had received "greater scrutiny and process" – which was the rationale for the amendment.

E. Covering up Violative & Misleading Illustrative and Circuit Rules (pp. 31-39): The Report fails to correctly identify the number of times the federal judiciary revised its Illustrative Rules Governing Complaints of Judicial Conduct and Disability – and to explain the reasons for such revisions or non-revisions. Nor does it compare the Illustrative Rules with the Act or even claim that they are in conformity therewith. As comparison would have readily revealed, the Rules and the circuit modifications are violative of the Act in respects that are profoundly material.

Most significant: the Illustrative Rules and most of the circuit-modifications make mandatory the discretion that Congress conferred on the federal judiciary NOT to dismiss judicial misconduct complaints that fall within any of the statutory grounds for dismissal – as, for instance, complaints which are "directly related to the merits of a decision or procedural ruling". Nor do the Illustrative Rules and circuit-clones reveal that complaints alleging that a judge's decision resulted from "an illicit or improper motive" are NOT "merits-related". Additionally, the Illustrative Rules and circuit-modifications shroud complaints filed under the Act in confidentiality, notwithstanding such confidentiality is not required under the Act.

The Report is affirmatively misleading both as to "merits-relatedness" and confidentiality and, additionally, does not reveal that the claim in the Illustrative & circuit-modified rules that the Act is "essentially forward-looking and not punitive" – which underlies the Breyer Committee's assessment of the federal judiciary's compliance with the Act – is not necessarily supported by the legislative history of the statute.

F. Steering Clear of the Federal Judiciary's Own Store of Complaints & Communications from Members of the Public (pp. 39-41): The Report purports that "the only way" the Committee could "answer" whether the federal judiciary had "failed to apply the Act strictly as Congress intended, thereby engaging in institutional favoritism", was by examining complaints filed under the Act. In fact, an "answer" was also obtainable by comparing the federal judiciary's rules with the Act. Moreover, if the Committee wanted to honestly confront "institutional favoritism" by examining complaints, it had the full record of three complaints CJA had sent Mr. Barr years earlier precisely because they established "institutional favoritism" so extreme as to mandate action by

the Judicial Conference, if federal judicial discipline was to continue to be reposed in the federal judiciary. Indeed, CJA had fashioned each of these three complaints to "empirically test the Act" and the National Commission's claims, in its 1993 Report, as to the adequacy of existing mechanisms to restrain federal judicial misconduct. Mr. Barr also knew that CJA was a source for other judicial misconduct complaints, additionally demonstrative of "institutional favoritism". Moreover, since the Administrative Office and Judicial Conference regularly receive complaints and other communications from members of the public protesting the federal judiciary's handling of their complaints, the Committee could also have readily obtained these.

Nonetheless, the Committee did not see fit to review any complaints that members of the public brought forward – either in the past or in the present. The Report identifies that upon the Committee's receipt of what it terms "unsolicited submissions" from "48 individuals" – nine of whom are described as having "protested the disposition of a misconduct complaint under the Act" – the Committee did nothing to communicate with these persons about their complaints, other than sending them a generic postcard acknowledging receipt and referring them to the Act.

G. Obscuring the Number of Congress-Originating Complaints – & the Outcome of the Committee's Review of their Disposition (p. 42): The Report does not reveal the number of Congress-originating complaints the Committee reviewed and the percentage found to be "problematic". Indeed, it obscures and dilutes the percentage of "problematic dismissals" of congress-originating complaints by lumping them into a bogus category of "high-visibility complaints" – where the measure of "high visibility" is absurdly low, giving no separate percentage for the complaints Congress had filed or inquired about.

H. Failing to Interview Any Complainants, Yet Interviewing All Current Chief Circuit Judges and their Staff, which the Committee Selectively Uses to Buttress Self-Serving Conclusions (pp. 43-45): The Report does not reveal that the Committee failed to interview any of the complainants whose approximately 700 complaints it was reviewing. By contrast, the Report identifies that the Committee and its staff interviewed all current chief judges, former chief judges, and circuit staff, although it does not append a list of questions asked or topics discussed. It appears that the most important and obvious questions were not asked and that the interviews were selectively used to buttress self-serving claims as, for instance, that chief circuit judges "don't do boilerplate" and are "careful and forthcoming" in dismissing complaints.

I. Failing to Disclose the Committee's Initial Protocol and Deviation Therefrom (pp. 45-46): The Report fails to reveal that the Committee's publicly-announced initial protocol was to "initially examine as many non-frivolous Act-related complaints as can be identified", that its research plan was to interview "practicing lawyers" and examine "complaints submitted by

members of the public to other institutions, including Congress", and to "develop methods for obtaining information from members of the public". Nor does the Report reveal that the Committee did not follow this publicly-announced initial protocol – or the reasons why.

J. Concealing the Content of the House Judiciary Committee's Files (pp. 46-48): The Report fails to reveal any information about the number of complaints against federal judges the Committee found within the House Judiciary Committee's files and gives no information about them, other than that there were "no high-visibility complaints not already identified". Nor does the Report identify how the House Judiciary Committee addressed the complaints in its files, if at all. The Report is entirely silent about what should have been a wealth of information in the House Judiciary Committee files about what the public was telling Congress about the state of federal judicial discipline, including their experiences under the 1980 Act – and what, if anything, the House Judiciary Committee was saying in response.

K. Concealing Other Means for Readily-Ascertaining the Federal Judiciary's Handling of Complaints under the Act (pp. 48-52): The Report fails to reveal that among the easiest ways for assessing the federal judiciary's implementation of the 1980 Act was by examining complainants' petitions for review of chief circuit judges' dismissals of their judicial misconduct complaints. The Report identifies that 44% of complainants were petitioning for review and that virtually 100% were dismissed. Yet, the Report gives no information as to what these petitions say; does not state how often circuit council orders recite the petitions' allegations and support their denials of the petitions with reasons responsive to their allegations.. Yet, this could have easily been done, just as the Report purported to do by its statistics for chief circuit judges' orders dismissing complaints.

There is a further reason the Report should have discussed the efficacy of petitioning for review, namely, the Committee's reliance on the availability of such appeal process to explain why complaints against chief circuit judges for dismissing complaints are dismissible as "merits-related".

L. The Committee's "Standards for Assessing Compliance with the Act" are Materially Incomplete, Superficial, and Misleading (pp. 52-56): The Report annexes the Committee's "Standards for Assessing Compliance with the Act", interpreting nine specific phrases of the Act – none of these being the language that Congress used to give to the federal judiciary discretion NOT to dismiss complaints that fell within the statutory grounds for dismissal. This alone vitiates the Standards as a tool for assessing "compliance with the Act".

Although the Standard pertaining to "merits-related" identifies that a complaint alleging corruption and bias "— however unsupported – " is not "merits-related", it conceals that the federal judiciary rejects, as constituting evidence of corruption, bias, and illicit motive, a judge's decisions and rulings –

with the result that complaints alleging that a judge has demonstrated his corruption, bias, and illicit motive by decisions and rulings which *knowingly* falsify and omit material facts and which *knowingly* disregard controlling, black-letter law – as verifiable from the record of pleadings, motions, and trial proceedings – are dismissed as "frivolous" and "unsupported".

M. <u>The Committee's Application of its "Standards for Assessing Compliance with the Act" Reveals their Superficiality and Deceit</u> (pp. 56-59): The Report's summaries of "problematic" and "high-visibility" complaints reveal that the Committee did not have legitimate, consistent "Standards for Assessing Compliance with the Act" and, certainly, not for "merits-relatedness", whose sticky issues pertaining to recusal, appellate remedies, and evidentiary proof it avoided. That the Committee does not append the orders of the chief circuit judges and circuit judicial councils for any of these summarized complaints – although publicly-available by the federal judiciary's own rules – serves to conceal the irresolution of these critical issues. Nor does the Committee offer the complaints and petitions for review, which the Act does not make confidential. Apparently, even redacted to remove identifying details, the Committee will not allow verification and scrutiny of its work.

N. <u>The Committee's Sham Justification for the Divergent Percentages of "Problematic Dispositions" for "High-Visibility" Complaints & Other Complaints</u> (pp. 59-62): The Report contends that although there was a 29.4% "problematic disposition" rate for 17 "high-visibility" complaints, there was only a 3.4% "problematic disposition" rate for its 593-complaint sample. The Report's claims as to the 593-complaint sample and the 100-complaint sample are unverifiable so long as the Committee does not release these complaints for independent examination – and such release is not precluded by the Act. The Report's summaries of "problematic dispositions" give ample reason to question the Committee's assessment of both samples. Conspicuously, the Report does not disclose how the Committee arrived at the sample size of 593 or how many of that sample constituted "complaints most likely to have merit (those filed by attorneys, for example)". Nor does it disclose how the balance of the 593-complaint sample was randomly-selected – or how the 100-complaint sample was randomly-selected – including who was involved and whether it was independently supervised. The possibility that the samples were rigged cannot be discounted.

As for the "high-visibility" complaints, it should be obvious that the federal judiciary would be more careful, not less, with respect to complaints filed or inquired about by members of Congress or the press. Indeed, it may be surmised that the reason the Committee did not question the chief circuit judges (and in some cases the judicial councils) as to how they made the errors they did in the handling of "high-visibility" complaints is because it knew that their errors were deliberate acts of "institutional favoritism" that could not be explained away.

O. Covering Up the Worthlessness of "Activity Outside the Formal Complaint Process" (pp. 62-66): The Report asserts that the 1980 Act is "not the only mechanism that seeks to remedy judicial misconduct or disability or prevent its occurrence" and lists nine "principal mechanisms", prefaced by the statement "The operation of these procedures was not part of our charge and we have not analyzed them." It then repeats, after listing them, "Examining the use of these other formal mechanisms was not in our charter and we did not do so."

No proper examination of the 1980 Act could have failed to include as part of its "charge" and "charter" evaluation of at least some of the listed "other formal mechanisms", most importantly: (1) "recusals sua sponte or on motion under 28 U.S.C. §§144 & 455"; (2) "appellate reversals aimed at improper judicial conduct"; and (3) "writs of mandamus". This, because their presumed efficacy underlies the Act's "merits-related" ground for dismissal of complaints. Had the Committee interviewed complainants, their comments would have been graphic not only as to their experiences in filing complaints under the Act, but as to the federal judiciary's corrupting of such "other mechanisms" as judicial disqualification motions, appeals, writs of mandamus, and lawsuits against judges. They would have described how the federal judiciary has destroyed all remedies of redress by decisions that are not, as the federal judiciary spins it, "wrong" or "erroneous", but, rather, outright judicial frauds – and demonstrably so.

- **THE FEDERAL JUDICIARY'S CHARADE OF PUBLIC COMMENT & ITS CONTINUED SUBVERSION OF FEDERAL JUDICIAL DISCIPLINE BY ITS NEW RULES (pp. 66-71)**: Following release of the Breyer Committee Report, the federal judiciary continued to disregard, and make a mockery of, public input by its proposal of new implementing rules for the 1980 Act to replace the federal judiciary's Illustrative Rules and the circuits' modifications thereof. Such new rules were expressly based on the Report. Like the Report, the proposed rules affirmatively misrepresented that a complaint "must" be dismissed if it is "directly related to the merits of a decision or procedural ruling" and that "The Act makes clear that there is a barrier of confidentiality between the judicial branch and the legislative".

- **CONCLUSION (pp. 72-73)**: The thousands of judicial misconduct complaints filed under the Act by ordinary citizens – virtually 100% dismissed – are the best evidence of how the federal judiciary has corrupted federal judicial discipline. This is why the federal judiciary, to impede oversight by Congress and the American Public, made them confidential. It is also why the Breyer Committee fashioned a "study" where citizens would not be interviewed or have the opportunity to testify about their complaints.

The Report has not put forward a single complaint to support its claim that "chief judges and judicial councils are doing a very good overall job in handling complaints filed under the Act" and, by its own admission, has not evaluated the efficacy of "other formal mechanisms", such as "recusals sua sponte or on motion

under 28 U.S.C. §§144 & 455" and "appellate reversals aimed at improper judicial conduct". By contrast, CJA's Critique is substantiated by the three complaints we filed under the Act – in other words, by three more than the Committee has supplied – with each complaint arising from and showcasing the federal judiciary's corrupting of the recusal and appellate "mechanisms" that the Committee has not examined.

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CJA's three judicial misconduct complaints filed under the Act, as likewise the wealth of other substantiating primary-source documents substantiating the Critique – most importantly, CJA's still-pending November 6, 1998 impeachment complaint against the Justices and its referred-to March 10 and March 23, 1998 memoranda to the House Judiciary Committee – are posted on CJA's website, www.judgewatch.org, accessible *via* the sidebar panel "Judicial Discipline-Federal"