

November 30, 2016

Dear clerk of the federal district court.

Please file this in case No. 1:16-mc-119 immediately and without delay.

Additionally, please make yourself and Maloney your own copy and deliver.

Maloney is attempting to solicit your help in disposing of this case and I do NOT want to name you for having followed his unlawful BS order he signed on November 28, 2016.

If you have any questions please feel free to give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ted Visner', with a large, sweeping flourish extending to the right.

Ted Visner
MI Justice League
856 W Cody Estey Rd
Pinconning, MI 48650
(989) 954-2814

**UNITED STATES DISTRICT COURT
IN THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Theodore Visner / man)	
People of the State of Michigan	)	No. 1:16-mc-119
Plaintiff/Claimant)	
Prosecutor	)	Paul L. Maloney (P25194)
v.)	
	)	AMENDED
	)	CRIMINAL & CIVIL CLAIMS
Edward Winkler / man,	)	(Original claim included by reference)
Paul L. Maloney / man,)	
Jane & John Doe's from Pinnacle)	
Defendants)	
_____	)	Federal Title 18 and Title 42
	)	CLAIMS FOR DAMAGES
	)	Jury Trial Demanded
	)	No Magistrate!

**OBJECTION and MOVE TO STRIKE ORDER
MOVE TO RECUSE and ORDER**

Alleged Federal court judge Paul L. Maloney (P25194) has lied and is a liar.

Maloney claims Visner alleges that "his house" was sold at a sheriff sale, ORDER ¶ 1. The property in question was deeded to Kathy Smith, Ted Visner's wife and was and is always referred to as "his family's house" and at no time did Visner EVER claim that this property was deeded to himself or that this was "his house".

Alleged Federal court judge Paul L. Maloney lied again in ORDER ¶ 1 when he claimed, in and of his own volition that there was an eviction when no eviction ever took place. This lie is the first mention of any eviction and it and it's notion has been introduced by the alleged judge himself to intentionally create confusion. Maloney states and I quote, **"Then, in April 2010, he was evicted by the Kent County Sheriff, who was acting at Defendant Edward Winkler's request."** Not only is Maloney claiming that there were court proceedings to evict when none exist, he is also claiming that Edward Winkler enlisted the services of the Kent County Sheriff Department to carry out some fictitious eviction order that never happened as if acting as legal counsel for fellow State of Michigan Bar Member Edward Winkler.

Maloney, Winkler, State Bar of Michigan and the Kent County Sheriff Department wishes that there was an eviction but there was not. Maloney has made this assertion all on his own and it is intentionally misleading and altogether wrong. Not only did he claim that there were separate court proceedings to evict that do not and never existed, he also fails to submit evidence of any eviction proceedings and he also asserts the state of mind of Edward Winkler when Winkler has not yet made an appearance in this

criminal action against him. So... where is judge Maloney getting his information from when currently he and I are the only ones participating in this case? Maloney seems to be actively investigating this case on his own without any requirement to file any of the fruits of his investigation as proof and evidence while practicing law from the bench at the direct benefit of his fellow State Bar of Michigan member, Edward Winkler.

This case will NOT be presided over by a liar. Any man that can not get the facts as they are set out in a simple 5 page claim and accompanying sworn affidavit has no business acting as judge, federal or otherwise and I demand that you recuse yourself immediately and **STOP TRESPASSING** on my action! If you are going to represent Winkler and put forth his defenses, his state of mind and what you believe to be the justification for his criminal acts you better **file your own Notice of Appearance!**

I OBJECT to your BS ORDER and I strike it it's entirely.

NOTICE TO CLERK – The order entered on 11/28/2016 is a fraud and you are hereby encouraged to disregard Maloney's attempt to secure your participation in his bullshit. Additionally, Michigan's Constitution Article 1 § 13 reads as follows...

§ 13 Conduct of suits in person or by counsel.

Sec. 13.

A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.

This Federal District Court is a court of this state that is both obligated and bound to adhere to the Constitution and the laws of this state and I have the right to prosecute this suit as I see fit.

I am a prosecutor. Maloney should have assigned a US Attorney to assist in the prosecution of the state and federal crimes outlined in the original claim filed in November, 2016. Instead, he is attempting to make you do his dirty work and help him to unlawfully dispose of this claim/action since I have bared him from allowing a magistrate from doing the same.

SUBSTANCE OVER FORM

This claim contains both state and federal crimes that have paralyzed the claimants financially and otherwise. Maloney is attempting to bar this action knowing that as a specific strategy of the crimes committed against my family have been massively and intentionally damaging.

I have sworn and attested to the crimes of Edward Winkler under penalty of perjury in a sworn affidavit and this asshole judge refuses to assign US Attorney to help us as crime victims and is suggesting that I need to pay for redress and remedy as victims of both state and federal crimes while forcing us into a civil court situation where only the civil components can be heard and the criminal components disposed of in the DISinterest of justice. Maloney is insisting upon form over substance and I will not tolerate this.

The remainder of your nonsensical order is full of (unpublished table opinions) what ever the hell that is that only you have secret access to.

Page 2 ¶ 1, This court makes the following claim that actually justifies why this action was filed under miscellaneous. ***"For federal courts, the miscellaneous designation is for proceedings that do not otherwise qualify as civil actions."*** and the case cite works for me and for this action. *Green v. Cosby,*

-F.Supp.3d-, 2016 WL 6135576, at *1 n.1 (E.D. Pa. October. 21, 2016). Interesting that this case cited was not even one month old! LOL

The adversarial system of justice in this country is supposed to be presided over by a neutral third party judge that has no interest or bias in the cases he/she presides over. Maloney is demonstrating both a distinct bias as well as the fact that he is actually the adversary to the claimant and in fact lawyer for the defendant! Where once the rules of professional conduct and judicial cannons described the "appearance of impropriety" as being completely unacceptable, this judge is demonstrating direct and obvious improprieties right out in the open!

This ~~asshole~~ judge believes himself qualified and authorized to order me to do a thing! Ordering me to pay him money!

If you are going to be my adversary Mr. judge, you had better file your proof of service just like everyone else!

On Page 2 ¶ 2 of this now stricken order, Maloney states and I quote, "**Visner cannot bring criminal charges against Winkler.**" Here, this so-called judge is stepping out of any and all official capacity as a judge and is no longer immune from prosecution himself. Here Maloney is attempting to violate and is violating the rights of Visner to prosecute his case against Winkler and all others that assisted Winkler in his crimes.

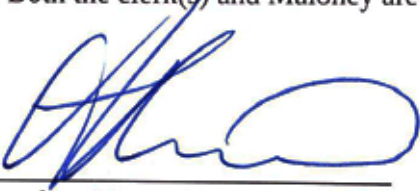
As pointed out in the so-called order on page 2 ¶ 2 there will be demands for writs, disbarment proceedings and grand jury matters so this filing is further appropriate as filed under miscellaneous.

This case is simple. The Kent County Sheriff Department created a counterfeit Sheriff Sale Deed [a felony] while committing perjury [another felony] and Winkler used it to steal our home and it's equity [a felony] and this ~~asshole~~ judge, while claiming to be honorable, is attempting to dispose of this case while trying to extort money from me to do it!

Accordingly, so-called judge Maloney is hereby named additionally as defendant and his ORDER is stricken. Maloney is now party to this action as a named defendant and is bared from presiding over it and his orders are VOID. The void order is again VOID for for the improper case heading and the use of the all-caps names. The clerk of this court **shall not** convert a thing unless you want to be additionally named in your own proper person in this action and additionally charged and prosecuted for the willful obstruction of justice and for trespassing upon my action. Again, the assignment of a magistrate is **NOT** acceptable and is forever rejected. **IT IS SO ORDERED.**

Prepared by Ted Visner on November 30, 2016 and mailed to the federal court clerk for immediate filing in Case No. 1:16-mc-119. Both the clerk(s) and Maloney are considered served by the filing of this document.




Theodore Visner / man
Plaintiff/Claimant/Prosecutor
(989) 954-2814

11-30-16
Date

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THEODORE VISNER,)	
Plaintiff,)	
	)	No. 1:16-mc-119
-v-)	
	)	Honorable Paul L. Maloney
EDWARD WINKLER,)	
Defendant.)	
_____)	

ORDER

Theodore Visner filed this lawsuit on November 16, 2016. Visner alleges that his house was sold at a sheriff's sale in March 2010. Then, in April 2010, he was evicted by the Kent County Sheriff, who was acting at Defendant Edward Winkler's request. The case was assigned a number from the Court's miscellaneous docket.

Upon review of the complaint, the use of the miscellaneous docket was inappropriate. Federal district courts generally categorize cases as criminal actions (CR), civil actions (CV), or miscellaneous actions (MC). Each category has its own series of cases numbers. In federal court, the United States Government prosecutes criminal cases. *See United States v. Nixon*, 418 US. 683, 693 (1974) (holding that the Executive Branch has the exclusive authority to decide whether or not to prosecute a case). Private citizens have no authority to initiate a federal criminal proceeding. *Holland v. O'Hair*, 145 F.3d 1331 (6th Cir. Mar. 26, 1998) (unpublished table opinion). *Accord, Keyter v. 535 Members of the 110th Congress*, 277 F.App'x 825, 827 (10th Cir. 2008); *Cok v. Cosentino*, 876 F.2d 1, 2 (1st Cir. 1989). Civil actions are lawsuits, other than criminal proceedings, brought to enforce, redress, or protect

private rights. *See Kelso v. Noble*, 162 F.3d 1161 (6th Cir. Aug. 19, 1998) (unpublished table opinion). For federal courts, the miscellaneous designation is for proceedings that do not otherwise qualify as civil actions. *Green v. Cosby*, -F.Supp.3d-, 2016 WL 6135576, at *1 n.1 (E.D. Pa. Oct. 21, 2016). The filing fee for civil action is \$400, while the filing fee for miscellaneous proceedings is only \$46.

Visner's complaint constitutes a civil proceeding. Visner asserts that he is bringing both criminal and civil claims. (Compl. ¶ 9.) Visner cannot bring criminal charges against Winkler. Visner states that he brings claims under 18 U.S.C. § 241 and 242, which are federal criminal conspiracy statutes. But, neither § 241 nor § 242 creates a private right of action that authorizes a lawsuit by a private citizen. *United States v. Oguaju*, 76 F.App'x 579, 581 (6th Cir. 2003); *Cok*, 876 F.2d at 2. And the complaint is not the sort of proceeding that is typically assigned a number on the miscellaneous docket. By way of example, the miscellaneous category is used for proceedings like applications for writs, reinstatement or disbarment proceedings, subpoenas from foreign jurisdictions, grand jury matters, letters of rogatory, registrations of judgment for other districts, and receiverships. Visner complaint is a civil action against Winkler.

Accordingly, the Clerk shall convert this proceeding to a civil action by assigning the case a civil docket number and opening a new civil action. After the new civil action is opened, the Clerk shall close this miscellaneous proceeding, 1:16-mc-119. Finally, Visner must pay the full amount for opening a civil case. Visner must pay the remaining \$354 by Monday, December 12, 2016. Alternatively, by the same date, Visner may file an application to proceed *in forma pauperis*. If Visner does not pay the remaining fee or file the application by the deadline, this matter will be terminated. **IT IS SO ORDERED.**

Date: November 28, 2016

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THEODORE VISNER,)	
)	
Plaintiff,	)	No. 1:16-mc-119
)	
-v-)	
	)	Honorable Paul L. Maloney
EDWARD WINKLER,)	
)	
Defendant.)	
)	

ORDER

TRUTH Theodore Visner filed this lawsuit on November 16, 2016. A LIE / DENY Visner alleges that his house was sold at a sheriff's sale in March 2010. A LIE / DENY Then, in April 2010, he was evicted by the Kent County Sheriff, who was acting at Defendant Edward Winkler's request. A LIE / DENY The case was assigned a number from the Court's miscellaneous docket. TRUTH

LEGAL ADVICE Upon review of the complaint, the use of the miscellaneous docket was inappropriate. Federal district courts generally categorize cases as criminal actions (CR), civil actions (CV), or miscellaneous actions (MC). Each category has its own series of cases numbers. LEGAL ADVICE In federal court, the United States Government prosecutes criminal cases. LEGAL ADVICE See *United States v. Nixon*, 418 US. 683, 693 (1974) (holding that the Executive Branch as the exclusive authority to decide whether or not to prosecute a case). SEDITION Private citizens have no authority to initiate a federal criminal proceeding. LEGAL ADVICE *Holland v. O'Hair*, 145 F.3d 1331 (6th Cir. Mar. 26, 1998) (unpublished table opinion). WTF?!?! Accord, *Keyter v. 535 Members of the 110th Congress*, 277 F.App'x 825, 827 (10th Cir. 2008); *Cok v. Cosentino*, 876 F.2d 1, 2 (1st Cir. 1989). LEGAL ADVICE Civil actions are lawsuits, other than criminal proceedings, brought to enforce, redress, or protect

private rights. *See Kelso v. Noble*, 162 F.3d 1161 (6th Cir. Aug. 19, 1998) (unpublished table opinion). **duh... this is a criminal action filed the only way possible...** For federal courts, the miscellaneous designation is for proceedings that do **not otherwise qualify as civil actions.** *Green v. Cosby*, -F.Supp.3d-, 2016 WL 6135576, at *1 n.1 (E.D. Pa. Oct. 21, 2016). The filing fee for civil action is \$400, while the filing fee for miscellaneous proceedings is only \$46.

more legal advice
Visner's complaint constitutes a civil proceeding. Visner asserts that he is bringing both criminal and civil claims. (Compl. ¶ 9.) **more legal advice**
Visner cannot bring criminal charges against Winkler. Visner states that he brings claims under 18 U.S.C. § 241 and 242, which are federal criminal conspiracy statutes. **But, neither § 241 nor § 242 creates a private right of action that authorizes a lawsuit by a private citizen.** *United States v. Oguaju*, 76 F.App'x 579, 581 (6th Cir. 2003); *Cok*, 876 F.2d at 2. And the complaint is not the sort of proceeding that is typically assigned a number on the miscellaneous docket. By way of example, the **miscellaneous category is used for proceedings like applications for writs, reinstatement or disbarment proceedings, subpoenas from foreign jurisdictions, grand jury matters, letters of rogatory, registrations of judgment for other districts, and receiverships.** **Visner complaint is a civil action against Winkler.**

Why is this so-called federal court judge forcing his legal advice on me? I don't want or need his advice and I reject it as a trespass!
Why is this so-called federal court judge representing and defending fellow State BAR of Michigan member Edward Winkler? Notice of appearance never filed by Maloney.
Why am I caught up in the adversarial process with someone claiming to be the judge? Shouldn't these arguments be brought by Winkler or Winkler's legal counsel rather than the fed court judge who is SUPPOSED to be unbiased? I would have to imagine that finding counsel is VERY difficult for Winkler and Maloney is being forced to act in that capacity.

an order to TRESPASS (a crime)

Accordingly, the Clerk shall convert this proceeding to a civil action by assigning the

case a civil docket number and opening a new civil action. After the new civil action is

Another Criminal Trespass

opened, the Clerk shall close this miscellaneous proceeding, 1:16-mc-119. Finally, Visner

Attempted Extortion!

must pay the full amount for opening a civil case. **Extortion Demand**

Visner must pay the remaining \$354 by

Monday, December 12, 2016. Alternatively, by the same date, Visner may file an application

to proceed *in forma pauperis*. If Visner does not pay the remaining fee or file the application

the REAL intent

by the deadline, this matter will be terminated. **IT IS SO ORDERED.**

Date: November 28, 2016

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge

So-called judge Maloney is ordering the clerk to commit the crime of trespass on my criminal claim/action against Edward Winkler and at the same time ordering me to pay an extortion.

ALL WHILE WORKING TO DEFEND EDWARD WINKLER!

This court and this so-called judge is expecting everyone to believe that the People can not prosecute their suits in the courts of this state in direct violation of Michigan's Constitution, Article 1 § 13!

§ 13 Conduct of suits in person or by counsel.

Sec. 13. A suitor in any court of this state has the right to prosecute or defend his suit, either in his own proper person or by an attorney.