App. No. ____ - _____

In the Supreme Court of the United States

JOHN A. GENTRY, PETITIONER
v.
THE TENNESSEE BOARD OF JUDICIAL CONDUCT;
STATE OF TENNESSEE, et al, RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI
BEFORE JUDGEMENT TO THE UNITED STATES
COURT OF APPEALS FOR THE SIXTH CIRCUIT

MOTION TO DISQUALIFY CHIEF JUSTICE ROBERTS, JUSTICE KENNEDY, JUSTICE THOMAS, JUSTICE GINSBURG, JUSTICE BREYER, JUSTICE ALITO, JUSTICE SOTOMAYOR, JUSTICE KAGAN, JUSTICE GORSUCH, AND ALL CLERKS ASSISTING THE AFORE LISTED JUSTICES OR IN THE ALTERNATIVE MOTION TO AFFIRM AND/OR EVIDENCE IMPARTIALITY

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I. Introduction

Pursuant to 28 U.S.C. Section 455(a), Petitioner respectfully requests that CHIEF JUSTICE ROBERTS, JUSTICE KENNEDY, JUSTICE THOMAS, JUSTICE GINSBURG, JUSTICE BREYER, JUSTICE ALITO, JUSTICE SOTOMAYOR, JUSTICE KAGAN, JUSTICE GORSUCH, AND ALL CLERKS ASSISTING AFORE LISTED JUSTICES disqualify from these proceedings, due to facts strongly suggesting personal bias in favor of the Defendants, or in the alternative, affirm and/or evidence their impartiality.

Petitioner comes before this Honorable Court as a friend of the court, and humble patriot seeking to preserve the republican principles upon which our country was founded. Petitioner has repeatedly stated throughout proceedings that he wholeheartedly believes in our system of justice. Though this motion, Petitioner merely seeks to ensure fair and impartial proceedings.

In light of recent events throughout the country, this Court should recognize the imperative of exercising this Court's supervisory power in this case to effect critically necessary reform. With each passing day the need for reform becomes more and more apparent.

Judges throughout the country are losing control of their courtrooms. Recently a sixteen-year-old boy was shot and killed by a court officer during proceedings. Whether or not that court officer's actions were justified is

irrelevant; that state court judge clearly did not maintain control of his courtroom, resulting in the death of a young boy. Just a few months prior, the father of a litigant had a shoot out with a judge and court officer on the steps of a courthouse near Chicago. Judges now routinely carry firearms for self-protection.

Whatever the personal political opinion of the Justices of this Court, it must be recognized that THE PEOPLE have risen up against their government and elected a President from outside the political establishment. Clearly, THE PEOPLE are demanding change and a return the republican principles upon which our country was founded.

The people of California are in open rebellion against their government and seek to throw off a "tyrannical" government that refuses to adhere to state and federal constitutions. In this case, Petitioner seeks reform of the government of the State of Tennessee due to the fact that the state government now subjects its people to despotism.

Social media groups have formed with memberships including tens of thousands of people from throughout the country who have suffered severe rights violations, all complaining of judicial corruption in both state and federal courts.

The facts of this case are not disputed. State court judges openly conspired with the Respondents in this case, to perpetrate federal crimes and violate constitutionally protected rights. The State of Tennessee does not provide any objective oversight of its legal professionals or judiciary thus endorsing corrupt conduct. The State of Tennessee has enacted laws repugnant to the U.S. Constitution, laws enacted with the single decipherable intent of corrupting due process, and subverting constitutionally protected rights. State court judges routinely rely on unsupported and perjurious testimony, resulting in wrongful denial of parental rights, deprivation of property, and violation of constitutionally guaranteed rights, and when later proven perjurious, refuse to enforce perjury statutes.

Intending no disrespect to this Honorable Court, Petitioner respectfully asserts these problems facing our country, have been exacerbated and permitted to propagate, due to the personal bias of this our highest Court and this Court's unwillingness to review cases questioning the integrity of our state and federal courts. Accordingly, Petitioner respectfully asks each Justice, and their respective Clerks, to disqualify from these proceedings, or in the alternative, affirm and/or evidence their impartiality.

II. Standard Of Review

Pursuant to 28 U.S.C. § 455(a): Any justice, judge, or magistrate judge of the United States shall disqualify in any proceeding in which their impartiality might reasonably be questioned: "Where he has a personal bias or prejudice concerning a party." [28 U.S.C. § 455(b)(1)]. A federal judge is required to recuse "only if a reasonable person with knowledge of all the facts would conclude that the judge's impartiality might reasonable be questioned." *United States v. Story*, 716 F.2d 1088, 1091, 6th Cir. 1983, (quoting Trotter v. International Longshoreman's & Warehousemen's Union, 704 F.2d 1141, 1144 (9th Cir. 1983)). This standard is not based "on the subjective view of a party." *Browning v. Foltz*, 837 F.2d 276, 279, 6th Cir. 1988. Prejudice or **bias must be personal**, or extrajudicial in order to justify recusal. *Id.* 279. "A fair trial in a fair tribunal is a basic requirement of due process. **Fairness of course requires an absence of actual bias** in the trial of cases. But **our system of law has always endeavored to prevent even the probability of unfairness**. *re Murchison*, 349 US 133, 75 S. Ct. 623, 99 L. Ed. 942 · Supreme Court, 1955. (at 136)

The (1) facts of this case, (2) public statements and opinions of Sup. Ct. Justices, (3) memberships in, and receipt of gifts from fraternal organizations to justices and/or their clerks, (4) active rebellion of Californians against their government, (5) this reform action against the government of The State of

Tennessee, and (6) the unenforceability of constitutionally guaranteed rights, all strongly suggest that the Justices of the Supreme Court and their Clerks possess a **profound personal bias** in favor of the Defendants of this case.

III. Judicial And Attorney Misconduct Would Not Occur If Judicial Oversight Agencies And Federal Courts Were Functioning As Intended

It is common sense reasoning that if the state judicial oversight agencies were functioning as intended and "as advertised"; rights and federal law violations such as those inflicted upon Petitioner would not occur. State court judges would not violate rights or perpetrate crimes under color of law, and in collusion with attorneys, except for the fact that they know they can do so with impunity. This argument cannot be defeated.

By that same logic, if the federal district courts were functioning as intended and enforcing constitutionally guaranteed rights, hereto also our state courts would adhere to constitutional provisions. Instead, our federal district courts make every effort to deny due process in cases bringing suit against state court judges and legal professionals, and wrongfully dismiss these cases under false application of res judicata, Rooker-Feldman Doctrine, sovereign immunity, and judicial immunity. See Appendix I, p. 15a attached to Petitioner's Petition for a Writ of Certiorari.

Continuing with this common-sense logic, the federal district courts would not be able to wrongfully dismiss cases against state court judges and legal professionals except for the fact that the district courts know their erroneous rulings will be upheld in federal circuit courts. See Appendix A, Petition for Writ Certiorari, which is the Sixth Circuit ORDER dismissing suit against a state court judge in a case with undisputed facts evidencing rights violations and where only equitable relief was sought. Moreover, the facts of proceedings in this case thus far, suggests the Circuit Court and its Clerk's Office interject themselves to deny due process. See Appendix J, Petition for Writ Certiorari, which is a Second Motion To Disqualify Circuit Court judges.

Finally, and continuing with this simple and common-sense reasoning, the circuit courts would not render such erroneous rulings except for the fact of knowing that this our highest court will not grant cert in cases of circuit court "error".

These unfortunate facts render constitutionally guaranteed rights completely unenforceable causing great harm to individuals throughout the country as well as harm to the country as a whole. Our president has concisely stated the effects of this harm in recent Executive Order as follows;

> **Human rights abuse and corruption undermine the values that form an essential foundation of stable, secure, and functioning societies; have devastating impacts on**

> **individuals; weaken democratic institutions; degrade the rule of law; perpetuate violent conflicts; facilitate the activities of dangerous persons; and undermine economic markets.** *Executive Order Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption,* December 21, 2017

These same harms described by our President are the same harms caused by rampant state court corruption and the federal courts' unwillingness to enforce constitutionally guaranteed rights. See "For The Good Of The People And In Public Interest" D. Ct. Dkt 109 PageID #2469 – 2477.

Petitioner recognizes the need to preserve public trust, and he empathizes with the Court's personal bias but respectfully asserts an unwillingness to enforce constitutionally guaranteed rights and erroneous abrogation of jurisdiction under Rooker-Feldman or sovereign immunity doctrines amounts to treason to the Constitution according to early Supreme Court Opinion as follows:

> "It is most true that this court will not take jurisdiction if it should not; but **it is equally true that it must take jurisdiction if it should.** The judiciary cannot, as the legislature may, avoid a measure because it approaches the confines of the Constitution. We cannot pass it by because it is doubtful. With whatever doubts, with whatever difficulties, a case may be attended, we must decide it, if it be brought before us. **We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution. Questions may occur which we would gladly avoid, but we cannot avoid them. All we can do is to**

> **exercise our best judgment, and conscientiously perform our duty.**" *Ex parte Young*, 209 US 123, 28 S. Ct. 441, 52 L. Ed. 714 - Supreme Court, 1908 (at 143)

Here before the Court is a case challenging corruption that is prevalent at all levels of the State's legal system. A case challenging unconstitutional statutes enacted to protect corruption. A case with undisputed facts evidenced in the record. How possibly can this Court deny cert except due to profound personal bias? Of course, it is in this Court's discretion whether or not to grant cert, but in a case such as this, such denial, according Justice Peckham in Ex parte Young, amounts to treason against the Constitution.

When in terms of "The Court", or any other branch of Government is concerned, the first and foremost question when assigned an inherited emolument that begs to be answered is: "What do the words "Your Honor" mean to you? Do they simply imply a "Job Title", or do they mean "You're Honorable?" Petitioner respectfully trusts in the latter, as pertaining to this Honorable Court.

Again, Petitioner has no desire to bring the judiciary into disrepute and wholeheartedly believes in our system of justice. Petitioner has repeatedly sought humble redress only to be met with repeated injury. The fact Petitioner seeks review in this case evidences his belief in our system of justice.

It is plausible to consider that this Court has been insulated from these type cases due to the complexity of navigating the federal court system, and the fact that no member of the legal profession would provide representation in case like this. It is further plausible to consider, that this Court has remained insulated from these type cases based on recommendations of the Justices' Clerks.

It is Petitioner's hope that through this motion, this Honorable Court will consider fairly consider whether such personal bias exists and whether such bias should be set aside to preserve the republican principles upon which our country was founded.

IV. Brothers And Sisters Of The Robe

In a New York Times article, it was reported, Justice Gorsuch made the statement: "**it is incredibly disheartening to hear things that might undermine the credibility and the independence of the judiciary.**", and that: "**any criticism of his brothers and sisters of the robe is an attack or a criticism on everybody wearing the robe as a judge.**" Specifically, that article included the following report:

> Mr. Sasse said on the Senate floor that Judge Gorsuch "got a little bit emotional, and he said that any attack or any criticism of his brothers and sisters of the robe is an attack or a criticism on everybody wearing the robe as a judge."

> "I think that's something that this body should be pretty excited to hear someone say who's been nominated to the high court," he added. "He said that **it is incredibly disheartening to hear things that might undermine the credibility and the independence of the judiciary**." *New York Times*, February 9, 2017

How possibly can Petitioner hope for fair and impartial consideration in a case such as this demanding reform of a State's legal system that has been alleged and proven corrupt? A case where the facts are not disputed and well evidenced in the record? A case where persons wearing robes of justice violated rights and perpetrated crimes against Petitioner?

Based on the above statement, and belief that: "**any criticism of his brothers and sisters of the robe is an attack or a criticism on everybody wearing the robe as a judge.**", such a Court would consider a case such as the one before the Court today, not only a personal attack or criticism, but an attack on the entire judiciary. It is perhaps that belief system and that unwillingness to accept criticism of the judiciary that places our republic in jeopardy.

As stated above, Petitioner comes before this Court as a friend of "The Court", and in defense of the principles upon which our country was founded. "The Court" are the various state and federal entities comprised of fair and impartial persons who uphold the law, ensure justice is served, and render

impartial decision based upon the rule of law and according to the principles provided for in our federal and state constitutions.

"The Court" is not the bad actors who violate rights, perpetrate crimes under color of law, and render decision based on corrupt interests – those persons, despite the fact they may wear the robe of a judge, are not "The Court", they are merely "bad actors". It is those "bad actors" who bring disrepute to the judiciary, not Petitioner.

Considering this belief that "**any criticism of his brothers and sisters of the robe is an attack or a criticism on everybody wearing the robe as a judge.**", one can reasonably assume this is a fraternal code and belief held by all judges and justices who wear the robe. Although only Justice Gorsuch is alleged to have made this statement, one can reasonably assume this belief is universally held amongst the judiciary. Considering the facts of district court and circuit court proceedings, and wrongful dismissals, a reasonable person would agree this is a universally held belief amongst the judiciary.

V. Membership In Fraternal Organizations Undermines The Integrity Of The Court

In his book, "THE FRATERNITY, Lawyers and Judges in Collusion," Paragon House, 2004, endorsed by Senator John McCain and other legislators and dignitaries, The Honorable Judge John Fitzgerald Molloy tells us that the

legal profession must change lest chaos consume our courts. This is such a profound and visionary passage in Judge Molloy's book that its requires reproduction in its entirety herein as follows;

> But, caution! If we are to move away from the potentially fatal favoritism that the Fraternity has achieved for itself, it will require delicate tailoring because the present system is still working – and, in some respects, well. **But, change course we must, for we are on the "edge of chaos," as an objective observer of this system has concluded.**[1]
>
> Changing course does not necessarily mean throwing away a precious baby with the bathwater. **There is great good in parts of our system – proven by our standard of living and freedom from tyranny, oppression, and discrimination.** But the legal system that achieved this is simply not the same legal system that we have today, as it has been massaged to the benefit of the few – the Fraternity.
>
> Changes as fundamental as now needed should be achieved in increments, keeping always to the twin objectives of providing a judicial system that will effectively reveal the truth and that will discourage forces that are anti-social, i.e., discourage burglary, rape, murder, etc. And it is in this category of the "anti – social" that the dominance of our society by the Fraternity should be placed.
>
> **This means that every opportunity should be taken to sever the Fraternity into its two constituent parts – lawyers and judges – so as to deprecate the awesome strength that it obtains by having the bench and the bar as one fraternal organization. This separation should take place in as many ways as possible and whenever possible.**
> *The Fraternity "Lawyers and Judges in Collusion"*, p. 227-228

[1] Quoting from Mary Ann Glendon's A Nation Under Lawyers, (New York: Farrar, Straus & Giroux, 1995), p. 285

The unfortunate circumstances our nation presently faces, proves we are no longer on the "edge of chaos" – our courts are now in a "state of chaos"

- A young boy is shot and killed during state court proceedings and shoot-outs are occurring in and outside courthouses across the country.
- Obvious perjurious testimony is routinely used as basis of decision, and when perjury is proven false, perjury statutes are not enforced.
- State court judges openly conspire to violate rights and perpetrate crimes with impunity.
- States have enacted statutes repugnant to the Constitution and with the single decipherable intent of protecting corruption.
- Constitutionally protected rights are not enforceable even when only seeking equitable relief.
- Since constitutionally protected rights are not enforceable, THE PEOPLE are subjected to despotism.
- The people of California are in open rebellion against their state government and are seeking to form a new state government.
- Attorneys conspire against their own clients as occurred in this case.

Clearly this country is in dire need of this Court to exercise its supervisory power and put us back on track to reinstitute the principles upon which this country was founded.

Unfortunately, members of this Court and the Clerks who assist the Justices, appear to have a Conflict of Interest suggesting an appearance of loss of impartiality. Petitioner respectfully refers the Court to its own docket Case

No. 17-256 in which that Petitioner has also requested Justices of this Court to recuse.

In that Petitioner's Request For Recusal, she has evidenced an appearance that the Supreme Court Clerk's Office has interfered with judicial proceedings by denying entry into the record. This Petitioner is not surprised as he has experienced much the same interference, by the Sixth Circuit's Clerk's Office. See Petitioners Petition For A Writ of Certiorari, Appendix J.

In Case No. 17-256, that Petitioners Request For Recusal, has also evidenced a financial relationship between members of this Court and their Clerks with the American Inn Of Courts. Where The Honorable Judge John Fitzgerald Molloy tells us: "**This separation** (of judges and lawyers) **should take place in as many ways as possible and whenever possible",** conversely, the mission of the American Inn Of Courts is exactly the opposite, and draws judges and lawyers together "to improve the law." Clearly the financial relationship between this Court and the American Inn of Courts draws into question whether or not this Court can fairly and impartially consider this case. Out of respect for the members of this Court, Petitioner will not belabor this concern, but surely any reasonable person should have prudent concern.

VI. Supreme Court Opinions Suggest Change In Due Process Enforcement

In the case *Caperton v. AT Massey Coal Co., Inc.*, 556 US 868, 129 S. Ct. 2252, 173 L. Ed. 2d 1208 - Supreme Court, 2009, Chief Justice Roberts stated in dissenting opinion: "*The end result will do far more to erode public confidence in judicial impartiality than an isolated failure to recuse in a particular case.*" (at 2267).

Intending no disrespect, this statement by Chief Justice Roberts suggests that "public confidence" is more important than justice, and it is better to preserve public trust than to reverse the decision of a biased judge. Petitioner respectfully suggests Chief Justice Roberts has been too long removed and/or too insulated from what is happening in our state courts.

Failure of obviously biased judges are no longer "isolated failure". Denial of recusal is common occurrence forcing litigants to try their cases before judges who are bent on abrogating rights and perpetrating crimes under color of law. It is exactly this type of thinking in our highest Court, that has exacerbated the problem of rampant corruption in state courts.

Justice Roberts further stated: "*We have thus identified only two situations in which the Due Process Clause requires disqualification of a judge: when the judge has a financial interest in the outcome of the case, and when the judge is presiding over certain types of criminal contempt proceedings.*" (*id* at 2268).

This statement that due process requires disqualification in only two instances is contrary to the intent of congress's enactment of 28 U.S.C. § 455(b)(1) which requires disqualification "Where he (or she) has a **personal bias or prejudice** concerning a party..."

Chief Justice Roberts concluded his dissenting opinion in the Caperton case with the following statement:

> It is an old cliché, but sometimes the cure is worse than the disease. I am sure there are cases where a "probability of bias" should lead the prudent judge to step aside, but the judge fails to do so. Maybe this is one of them. **But I believe that opening the door to recusal claims under the Due Process Clause, for an amorphous "probability of bias," will itself bring our judicial system into undeserved disrepute, and diminish the confidence of the American people in the fairness and integrity of their courts.** I hope I am wrong. (*id* at 2274)

This statement that "opening the door" will bring our judicial system into "undeserved disrepute" turns a blind eye to the rampant corruption occurring in state court proceedings. In this case, Petitioner has repeatedly asked state court and federal court judges to recuse with each request denied so as to subject him to further rights violations and federal crimes. Again, the facts of this case are not contested and are well evidenced in the record. Again, this would not happen if state oversight agencies and federal courts were functioning as intended.

Petitioner refers this Court to Auditor's Compilation Report, D. Ct. Dkt. 90-1, PageID #1927-2081, which is an analysis of eighteen states' Annual Reports of various state judicial oversight agencies. This report proves the states receive thousands of complaints against judges and dismiss 100% of those complaints filed by non-legal professionals. This analysis is not a statistical analysis, it is matter of basic addition and subtraction proving the states provide no oversight of their judiciary based on their own reporting.

Petitioner invites the Court to review social media sites such as the Judicial Accountability Mvt. at https://www.facebook.com/groups/jam2016/, or Estranged Parents at https://www.facebook.com/groups/940766166013314/ with thousands of members. THE PEOPLE are suffering great harm because we no long have means to enforce our rights and we are being subjected to "mock trials" held before biased judges who render decision based upon corrupt interests.

Further in the Caperton opinion, Justice Scalia echoed Chief Justice Roberts sentiments and stated:

> The decision will have the opposite effect. **What above all else is eroding public confidence in the Nation's judicial system is the perception that litigation is just a game, that the party with the most resourceful lawyer can play it to win, that our seemingly interminable legal proceedings are wonderfully self-perpetuating but incapable of delivering real-world justice.** (*id* at 2274)

> **Undoubtedly. The relevant question, however, is whether we do more good than harm by seeking to correct this imperfection through expansion of our constitutional mandate in a manner ungoverned by any discernable rule. The answer is obvious.** (*id* at 2275)

In his book, "THE FRATERNITY, Lawyers and Judges in Collusion", endorsed by Senator McCain, The Honorable Judge John Fitzgerald Molloy tells us Justice Scalia's concern is exactly what our courts have transformed into:

> "The unique symbiotic relationship between bench and bar has resulted in making a game of our trials, a game played by clever and expensive lawyers whose skills in technical rules and in salesmanship control the outcome. **Today's judges do not interfere with the games lawyers play.**"
>
> As the years have progressed, the judiciary has taken more and more of a passive role during the taking of evidence, Judges now almost never ask questions in trials because the Fraternity frowns upon such aggressiveness- **judges are expected to be content in their function as umpires at contests of skill between lawyers**. at p. 14

Contrary to Chief Justice Roberts and Justice Scalia's sentiments, in the case, *re Murchison*, 349 US 133, 75 S. Ct. 623, 99 L. Ed. 942 - Supreme Court, 1955, Justice Black stated:

> A fair trial in **a fair tribunal is a basic requirement of due process**. Fairness of course requires an absence of actual bias in the trial of cases. But **our system of law has always endeavored to prevent even the probability of unfairness.** To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in

> the outcome. That interest cannot be defined with precision. Circumstances and relationships must be considered. This Court has said, however, that "**every procedure which would offer a possible temptation to the average man as a judge . . . not to hold the balance nice, clear and true between the State and the accused, denies the latter due process of law.**" *Tumey* v. *Ohio,* 273 U. S. 510, 532. Such a stringent rule may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties. **But to perform its high function in the best way "justice must satisfy the appearance of justice."** *Offutt* v. *United States,* 348 U. S. 11, 14.

These earlier Supreme Court opinions compared to the more recent opinions suggest a disturbing shift of opinion about the essential elements of due process.

VII. The Present Business Model Of The Legal Profession And Judiciary Is Not A Sustainable Business Model

Petitioner would have this court know, he empathizes with the personal bias of this Court as it is necessary to preserve the public trust in the judiciary, and as a former U.S. Marine, Petitioner well understands the camaraderie of a brotherhood. However, such personal bias must be made with deference to the constitution and preservation of the republican principles upon which our country was founded.

It is likely the Justices of this Honorable Court have never presided over domestic issues such as the one that gave rise to this case. It is also likely

Justices of this Court have been long removed from the trial courts. Under these assumptions, it is improbable that the Justices of this Court can know the profound and far reaching consequences of corrupted state court proceedings. In Petitioner's Motion To Expedite Initial Hearing En Banc, filed in the 6th Cir. Petitioner stated as follows:

> As stated by Mr. Gentry in his complaint, "**The conduct of the State through its agencies, agents and arms of the state is no different than a law enforcement officer watching a gang rape and taking no action to stop such abhorrent behavior.**", D. Ct. Dkt No. 36 PageID #975. Mr. Gentry does not use the term "gang rape" lightly, or to be overly dramatic. This term simply best describes the reality of the devastation caused by the TBJC's gross negligence. Indeed, the resulting symptoms of these rights deprivations and betrayal of public trust, inflicted by judges and attorneys, are very much similar to the symptoms of rape. Karin Huffer, M.S., M.F.T. has defined this trauma as Post Traumatic Stress Disorder in her book: LEGAL ABUSE SYNDROM. **6th Cir. DktEntry 19, PageID 12**

The emotional trauma and financial devastation resulting from corrupted state court proceedings is long lasting and adversely affects the GDP of our entire country. Petitioner presented the District Court with scholarly analysis of why this is a true. See "For The Good Of The People And In Public Interest" D. Ct. Dkt 109 PageID #2469 – 2477. The consequences of corrupted state court proceedings are not going to get better, nor will the damage they cause remain static. The consequences will only become worse, and more

severe, until such time as corrective measures begin to occur. Petitioner suggests now is the time for those corrective measures to occur, now is the time for our federal courts put aside personal bias in the best interest of all, including in the interest of those who would abrogate rights.

In his book, "THE FRATERNITY, Lawyers and Judges in Collusion", The Honorable Judge John Fitzgerald Molloy, details how the legal profession had transformed over the last several decades.

Judge Molloy details the most profound transformation occurred as a result of billing practices of the legal profession. Around the year 1947, Judge Molloy's firm billed based on the following factors: " 1) what we had achieved for the client, 2) what was the client able to pay, and 3) what the client expected to pay." *id* p. 3. By the year 1969, all top-rated lawyers began billing on the "time-is-money" concept and thus came into effect today's billing standard of six-minute increments. Judge Molloy stated:

> "And, as this time-is-money concept became gospel, the time necessary to get things done extended wondrously — oh, yes! — wondrously!" *id* p. 5

Judge Molloy then went on to explain how this new "time-is-money" concept, incentivized the legal profession to create new procedural rules, complicating the legal process, "to make less, what lay persons could do for themselves." (establishment of a monopoly)

Judge Molloy then tells us the next evolution in the legal profession came about as new legal theories were introduced, and thus came into being, product liability, slip and fall, and other similar torts.

Petitioner asserts that today's legal profession has unfortunately further evolved to deny due process. Instead of court rules, made to complicate the legal process, court rules are now implemented to confound due process. Case in point, Petitioner directs the Court's attention to MD Tenn. Local Rule 16.01(b)(2)(a) Cases Exempt from Customized Case Management which states "*All actions in which one of the parties appears pro se.*" is exempt from customized case management. Obviously, this rule is unconstitutional denying equal access to court to pro se litigants. Also, as discussed in Petitioner's Second Motion For Circuit Court Judges; Batchelder and Cook To Recuse or Disqualify (See Appendix J attached to Petition);

> As this Court knows, pursuant to 6 Cir. R. 27(g), a litigant may request reconsideration of an action of a panel, of a single judge or of the clerk. Unfortunately, further pursuant to 6 Cir. R. 45(c) a motion to reconsider must be filed within 14 days of service of notice of entry of the order.
>
> Certainly, this court must recognize how easily 6 Cir. Rules 27 and 45 can be exploited to deny proper due process as has been made possible to occur in this case.

Further transformation of the legal profession is evidenced in the rampant vexatious litigation that routinely transpires in state court

proceedings. This case is a perfect example. What should have been a matter of simple divorce, has been extended out three years and is still ongoing even today. How possibly can this occur, except for the fact of obvious vexatious litigation? Petitioner's ex-wife was billed $188,000 during trial court proceedings and likely another $50,000 during state appellate court proceedings as a result of vexatious litigation. See D. Ct. Dkt 94, PageID 2204.

Enactment of 42 U.S.C. § 1983 further evidences rampant vexatious litigation. In the Supreme Court Case, *Mitchum v. Foster, 407 US 225 - Supreme Court 1972;*

> **Proponents of the legislation noted that state courts were being used to harass and injure individuals**, either because the state courts were powerless to stop deprivations or **were in league with those who were bent upon abrogation of federally protected rights.** (*Id* at 240)
>
> This view was echoed by Senator Osborn: ...**We are driven by existing facts to provide for the several states in the South what they have been unable to fully provide for themselves; i. e., the full and complete administration of justice in the courts.** And the courts with reference to which we legislate must be the United States courts." Id., at 653. And Representative Perry concluded: "Sheriffs, having eyes to see, see not; **judges, having ears to hear, hear not; witnesses conceal the truth or falsify it;** grand and petit juries act as if they might be accomplices . . . . [A]ll the apparatus and machinery of civil government, all the processes of justice, skulk away as if government and justice were crimes and feared detection. **Among the most**

> **dangerous things an injured party can do is to appeal to justice."** Id., at App. 78. (*Id* at 241)

We can hear a further echo of Representative Perry's statement of: "Judges, having ears to hear, hear not: witnesses conceal the truth or falsify it..." in the words of Judge Molloy who stated:

> "The unique symbiotic relationship between bench and bar has resulted in making a game of our trials, a game played by clever and expensive lawyers whose skills in technical rules and in salesmanship control the outcome. **Today's judges do not interfere with the games lawyers play.**"
>
> As the years have progressed, the judiciary has taken more and more of a passive role during the taking of evidence, Judges now almost never ask questions in trials because the Fraternity frowns upon such aggressiveness· **judges are expected to be content in their function as umpires at contests of skill between lawyers.** *Id* at 14

The facts show the legal profession has evolved to exploit: the time-is-money concept, complicated court rules, and new legal theories. Today this transformation continues and now includes; court rules implemented to deny due process, state statutes are enacted to usurp constitutional rights, routine vexatious litigation, and unenforceability of constitutional rights. In this case, the facts of appellate court proceedings thus far, suggest that the courts themselves now interject to deny due process. This begs the following questions: "What next? How next will the legal profession transform and evolve? Will the rights violations become more severe? Will federal crimes be

perpetrated without even the semblance of due process?" The facts of this case already provide the answer to those questions due to the fact Petitioner was extorted under color of law, and other crimes such as witness tampering and subpoena evasion were perpetrated against him. See D. Ct. Ckt 36. The only remaining question is how much worse will this problem become.

Petitioner asks this Court to consider whether or not this is a sustainable business model. Petitioner contends it is not. Judge Molloy wrote his book as a confessional and to try to explain why there has been such an evolution to the legal profession and to provide answers to the following questions;

> Why are the energies of our people now devoted so much to litigation? Why are court trials so complicated and prolonged? Why are lawyers now needed so much more than when my father practiced? **Why do lawyers charge so much that many of my friends do not consult with a lawyer when they should**? Why have jury awards grown to astronomical amounts? Why are the results of litigation determined so completely by the respective skills of the lawyers? *Id* p. 7

With the advent of the internet, the public is becoming more and more aware of how the legal profession has adversely transformed over the last several decades. Social media groups, with large memberships, are forming across the country to raise public awareness, provide advice, provide support, and to combat the problem. For example, Facebook groups such as: "Fathers'

Rights Movement", "Judicial Accountability Movement" (mentioned above), and many others similar groups have formed with tens of thousands of members, along with smaller groups like "Support Group For Parents Fighting CPS/Family Court United to Save Our Children". The internet has also created the ability for pro se litigants to research and learn the law, to understand what their rights are, and how to enforce their rights (or try to).

Considering Judge Molloy's question: "*Why do lawyers charge so much that many of my friends do not consult with a lawyer when they should?*", and the fact of raised public awareness, it seems likely people will eventually choose to settle their matters out of court, as both sides lose due to exorbitant litigation costs. Evidence of this is already occurring as we see a decrease in state civil suits, and significant increase in § 1983 and RICO federal cases.

Further consider, that many judges have obtained conceal and carry permits and carry firearms for personal protection. There was a recent story about a judge and court security officer who had a shoot-out with a litigant's father on the steps of a courthouse in the Chicago area that you may have read. Considering the worsening of the severity of rights violations and federal crimes perpetrated in state court proceedings, if that problem continues to exacerbate, it is possible to see large public revolt at some point, instead of just individuals that we already see today. Alternatively, we may see hunger

strikes like those of the suffrage movement and similar type protests engaged in to bring about change. It is unlikely such reform actions will occur during this generation or perhaps even the next, but given present increase in severity of state court corruption, such an unfortunate outcome becomes possibility. Evidence of this possible outcome is obvious already due to the fact that many judges are now carrying firearms. Judge Molloy also discusses this fact and how before transformation of the profession to its present state, courthouse security had been unnecessary.

Economically and as a long-term business model, the legal profession's business model is also not likely sustainable. The target litigants for vexatious litigation are generally high-earners. As these target litigants are destroyed financially, their economic output is reduced as is true in this case. Due to the emotional trauma suffered by them in these type cases, the effect is long lasting. When this occurs across a large demographic of our society, it contracts the GDP of the entire country reducing future revenue streams to the legal profession. Moreover, as wealth is transferred from target litigants to legal professionals through vexatious litigation, the target litigant's ability to provide for their family is lessened affecting the family unit as whole. This has even longer reaching adverse consequences affecting the children of target litigants. In addition to the emotional trauma suffered by these children, they

are many times adversely affected financially with loss of college funds and financial support of the family unit further contracting the GDP of our society with lasting long-term effects.

Petitioner provided similar such arguments to the District Court Judge who responded by stating Petitioner's argumentation was histrionic. Respectfully, Petitioner asserts this is a short-sighted view and suggests an unwillingness to accept the reality of how the legal profession has transformed itself.

Consider the economic output and ideology of communism. Under communist ideology, all members of society receive an equal share. The ideal GDP and equal sharing of economic output of such a society is depicted in Fig. 1 below. However, we learn in Economics 101, that because members in such a society do not have incentive to produce, since they receive an equal share regardless of their productivity, the overall output of the society contracts, depicted in Fig. 2 below.

Figure 1

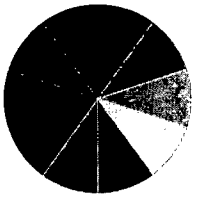

Figure 2

When high earning individuals are targeted through vexatious litigation, and are emotionally devastated, and or financially destroyed, their ability to contribute to society is lessened. When this happens nationwide, and to large numbers of litigants, it contracts the GDP of the entire country.

The American Bar Association has already recognized the need to curtail vexatious litigation. Over 20 years ago, the ABA's Model Rules intentionally eliminated an express duty to zealously advocate and replaced it with a duty to represent one's client with "reasonable diligence" The modification of the ABA's model rules is reflected in 28 U.S.C. § 1927. Instead of reducing vexatious litigation, the problem is now exacerbated through rights violations and perpetration of crimes.

Assuming that a personal bias of this Court exists in favor of Defendants, Petitioner respectfully asks the Justices of this Court, and their respective Clerks, to consider the sustainability of the legal profession's business model, and whether such plausible personal bias should be put aside so as to preserve republican principles, and to prevent or reduce future harm to litigants and to the country. If such bias exists, and cannot be put aside, Petitioner respectfully asks each Justice, and their respective Clerks, to disqualify from all proceedings in this case.

In *Liteky v. United States*, 510 U.S. 540, 555, 114 S. Ct. 11477, 127 L.Ed.2d 474, 1994, the Sup. Ct. stated § 455(a) "was never intended to enable a discontented litigant to oust a judge because of adverse rulings made, . . . ***but to prevent his future action in the pending cause***," which is the intent of this motion.

VIII. A New Aristocracy?

In not holding judges and attorneys accountable to the supreme law of the land, our federal constitution, and granting them unconstitutional immunities, even when they violate constitutionally protected rights and perpetrate crimes, and only equitable relief is sought, is to grant them special privilege and emolument and effectively establishes an aristocracy.

In Federalist No. 43, in consideration of Article I § 9, U.S. Constitution, James Madison asked: "But who can say what experiments may be produced by the caprice of particular States, by the ambition of enterprising leaders...?" Today, we have one answer to that question... The bar has created a "Caste" and societal group who make the law, and hold themselves above the law and not subject to the law. Instead of "Lords", "Princes" and "Kings", our present society is subject to a new form of "Nobility" known as "judges", "esquires", etc.

As further stated by James Madison in Federalist 43:

> **"In a confederacy founded on republican principles, and composed of republican members, the superintending government ought clearly to possess authority to defend the system against aristocratic or monarchial innovations.** The more intimate the nature of such a union may be, the greater interest have the members in the political institutions of each other; and the greater right to insist that the forms of government under which the compact was entered into should be SUBSTANTIALLY maintained.
>
> **But a right implies a remedy; and where else could the remedy be deposited, than where it is deposited by the Constitution?**
>
> **It may possibly be asked, what need there could be of such a precaution, and whether it may not become a pretext for alterations in the State governments, without the concurrence of the States themselves.**

Indeed, at the time of the founding, it was obvious to the members of our new Republic to repudiate, and guard against, a government comprised of monarchial or aristocratic rule. "*What need there could be of such a precaution?*" Today, we now know the need of that precaution and why Article I § 9, U.S. Constitution was included in our federal constitution. Fortunately, having suffered the grievances detailed in our Declaration of Independence, our founding fathers included in the constitution, the emoluments clause and we only need to find US authority willing to enforce the provisions of our federal constitution, and protect the people.

This Court must enforce the provisions of the Constitution as it is your duty, and solemn responsibility. To not do so brings us back full circle to the very reasons we declared our independence from England and the Crown.

IX. Alternative Motion To Affirm Impartiality And/Or Evidence Impartiality

Alternatively, Petitioner respectfully asks each Justice and their respective Clerks to affirm and/or evidence their impartiality before deciding whether or not to grant review in this case. In the case, *Withrow v. Larkin*, 421 US 35, 95 S. Ct. 1456, 43 L. Ed. 2d 712 · Supreme Court, 1975, Justice White stated there us a "a presumption of honesty and integrity in those serving as adjudicators" (at 47). Here, Petitioner by no means questions the honesty or integrity of any member of this Honorable Court. However, considering the fact that constitutionally protected rights are not enforceable against judges or attorneys, and that such an unfortunate circumstance could not have occurred if there were proper oversight, it is prudent to question the impartiality of this Court. Further considering the statements of this Court made public, and the Courts apparent relationship with a fraternal organization of judges and attorneys, hereto is good cause to respectfully request affirmation of impartiality and or disqualification.

If members of this Court would affirm their impartiality, and perhaps evidence their impartiality by providing reference to earlier cases of their enforcement of constitutional rights against defendant judges or attorneys, Petitioner will respectfully withdraw his motion for disqualification.

X. CONCLUSION

Given the nature of this case, and arguments herein stated, the Justices of this Honorable Court should disqualify themselves from these proceedings or alternatively affirm and/or evidence their impartiality.

Dated: February 11, 2018

Respectfully submitted,

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XI. AFFIDAVIT OF PETITIONER

State of Tennessee)

County of Davidson)

I, John Anthony Gentry, after being first duly sworn according to law, do hereby make oath, verify, state, and affirm, pursuant to the penalties of perjury under the laws of the United States, and by the provisions of 28 USC § 1746, that all statements included in the above and foregoing MOTION TO DISQUALIFY CHIEF JUSTICE ROBERTS, JUSTICE KENNEDY, JUSTICE THOMAS, JUSTICE GINSBURG, JUSTICE BREYER, JUSTICE ALITO, JUSTICE SOTOMAYOR, JUSTICE KAGAN, JUSTICE GORSUCH, AND ALL CLERKS ASSISTING THE AFORE LISTED JUSTICES OR IN THE ALTERNATIVE MOTION TO AFFIRM AND/OR EVIDENCE IMPARTIALITY, are true and correct representations, to the best of my knowledge, information and belief.

Dated: February 11, 2018

John Anthony Gentry

Sworn to and subscribed before me, this

the 11th day of February, 2018

Notary Public Tamara R Martin Radley

My Commission Expires 06 January 2020