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
TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

This is a profound case challenging Tennessee's sovereignty, being used as a false cloak to usurp and subvert constitutionally protected rights so as to advance corrupted interests. This petition raises questions of constitutional and federal court authority, to effect reform of a state government that is no longer republican in character or form and whether attorneys, in collusion with judges, can violate constitutionally protected rights and perpetrate crimes under color of law with impunity. The facts of this case are not disputed and clearly evidence rights violations and federal crimes perpetrated against Petitioner by Respondents.

The questions presented are:

1. Whether a state's sovereign immunity is vitiated when the state government is no longer republican in character or form.
2. Whether a citizen of a state has a right to effect reform of the state government through suit in federal court, when a state's constitution expressly guarantees its citizens an unalienable and indefeasible right to reform the government in such manner as they may think proper and the imperative for reform is undeniable.
3. Whether attorneys are held above the law when state and federal courts wrongfully abrogate jurisdiction, and wrongfully deny fair due process, in cases alleging civil and criminal law and rights violations perpetrated by licensed attorneys.

PARTIES TO THE PROCEEDINGS

John A. Gentry was the appellant in the U.S Court of Appeals for the Sixth Circuit and plaintiff in the U.S. District Court Middle District Tennessee.

Respondents, The State of Tennessee; Pamela Anderson Taylor; Brenton Hall Lankford; and Sarah Richter Perky were defendants in district court, and appellees in the circuit court.

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PETITION FOR A WRIT OF CERTIORARI

In the case Gentry v. Tennessee Board of Judicial Conduct; et al, Petitioner respectfully petitions for a writ of certiorari of the United States Court of Appeals for the Sixth Circuit, since this matter is of imperative and exceptional public importance.

OPINIONS BELOW

In the case Gentry v. Tennessee Board of Judicial Conduct; et al;

The opinion and memorandum of the Dist. Ct. is included in appendix, See Appendix A.

The ORDER of the U.S. Court of Appeals for the Sixth Circuit denying initial hearing en banc is included in appendix, See Appendix B.

The ORDER of the U.S. Court of Appeals for the Sixth Circuit affirming dismissal is **NOT RECOMMENDED FOR FULL-TEXT PUBLICATION** and is included in appendix, See Appendix C.

The ORDER of the U.S. Court of Appeals for the Sixth Circuit denying petition for rehearing en banc is included in appendix, See Appendix D.

JURISDICTION

In the case Gentry v. Tennessee Board of Judicial Conduct; et al, the order denying petition for rehearing en banc by the court of appeals was entered on May 29, 2018. The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Pertinent statutory provisions are reproduced in the appendix to this petition. See Appendix H through K, and Q.

STATEMENT

Here before the Court is a matter of exceptional public importance, necessitating imperative of this Court to exercise its supervisory power so as to re-institute due process and the republican principles upon which our country was founded. In state court proceedings, Tennesseans are routinely subjected to federal law and rights violations and have no means

to seek redress and no means to enforce constitutionally guaranteed rights. The government of the State of Tennessee has so far departed from the principles upon which our country was founded, the State has forsaken its republican character and subjects its people to despotism. The facts of this case are undisputed and prove beyond doubt the State is no longer republican in character or form.

In related case Gentry v. Thompson, Petitioner, hereinafter "Mr. Gentry", brought suit against Judge Joe H. Thompson for repeated and gross violations of due process under 42 U.S.C. § 1983. Mr. Gentry sought the protection of his state government through judicial oversight agency, which was denied through intentional gross negligence and further conspiracy to deprive rights.

Mr. Gentry then sought redress and only equitable relief in federal court only to find his case dismissed by the Dist. Ct. under the Rooker-Feldman Doctrine (proven in error) with dismissal upheld in appellate court through erroneous abrogation of jurisdiction under sovereign, judicial immunities and not under Rooker-Feldman, See related Case No 17-1479 , Appendix A, presently before this court and for which consolidation is sought. The uncontested facts of that case and this case, prove that state court judges and legal professionals can violate rights and perpetrate federal crimes with impunity.

In this case, Petitioner brought suit against the State of Tennessee, et al., challenging corruption that routinely occurs at all levels of Tennessee's legal and judicial system, under various RICO and civil rights statutes and as a reform action under the State's constitution. State court judges routinely conspire with attorneys to perpetrate federal crimes and

violate protected rights. State agencies put in place to provide oversight and prevent this conduct: through conspiracy, and or, gross negligence, fail to provide objective oversight, thus permitting such conduct to occur unchecked.

So as to protect unconstitutional conduct and violations of federal laws by state officials and agencies, the state has enacted into law, unconstitutional immunity for rights violations, federal crimes, and other scandalous conduct by its state officials and governmental entities. ***Actus repugnans non potest in esse produci.***

The State has forsaken the republican form of government in character and form. These are not conclusory allegations but undisputed facts, which are well-evidenced in the record, state statutes, and Annual Reports of state oversight agencies.

Many of the grievances stated in our Declaration of Independence are the same injustices to which Tennessee litigants are routinely subjected. These "long train of abuses and usurpations" provide sound justification for demanding reform, just as the grievances stated in our Declaration of Independence justified our independence from Great Britain. Due to the fact the state's constitution grants right to Mr. Gentry, to effect reform in such manner as he may think proper, and further states that nonresistance is "absurd" (See Appendix Q), Mr. Gentry seeks reform through the supervisory power of this Court. To prove this, let fair and impartial court consider facts and arguments of constitutional law as follows;

REASONS FOR GRANTING THE PETITION

I. Constitutionally Guaranteed Rights Are Unenforceable In Any Court, Under Any Circumstance

The undeniable fact that constitutionally guaranteed rights are no longer enforceable for Tennesseans, alone provides sound basis for this Court to exercise its supervisory power. No matter the crime or rights violation, Tennesseans cannot enforce their rights against state court judges, even when only seeking equitable relief. **(1)** If a citizen complains of rights violations or crimes perpetrated against them by a state court judge to the State's judicial oversight agency, The Tenn. Bd. of Judicial Conduct (TBJC), the complaint is dismissed. The State does not dispute the fact that the TBJC dismisses 100% of complaints filed by non-legal professionals. **(2)** If suit is brought against the state court judge in state or federal court, the state asserts that "sovereign immunity" protects them in their official capacity and so too are these cases dismissed, even when only equitable relief is sought. **(3)** In both federal and state courts, if suit is brought against a state court judge in his personal capacity, the state asserts "judicial immunity" protects them in their personal capacity, and again, the courts always dismiss these cases too, even when only equitable relief is sought. **(4)** If suit is brought against the state for rights violations, the defense of "sovereign immunity" is used as a false cloak to deny enforcement of constitutionally guaranteed rights. **(5)** If a Tennessean attempts to bring suit against a "governmental entity" for rights or federal law violations, the state has enacted unconstitutional

statute providing false and unconstitutional immunity from suit (see below) as well the sovereign immunity defense.

The undisputed facts of this case leave no doubt that Tennesseans are provided no means to address grievances against the state or its officials for rights violations. This singular fact provides sound basis for this Court to assert its supervisory power.

II. Rights Violations And State Official Corruption Have Devastating and Far Reaching Consequences

In a recent Executive Order, our President recognized the harm caused by corruption 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 harms enumerated by our President, are the exact same harms Mr. Gentry has argued are the result of state court corruption, and why reform is necessary. Since these same harms enumerated by our President are the same harms caused by corrupted state court proceedings, hereto is

imperative for this Court to exercise its supervisory power.

III. The Constitution of Tennessee Guarantees An Unalienable And Indefeasible Right To Reform Government

The Const. of the State of Tenn., art. I, § 1 (See Appendix Q) states;

> "That **all power is inherent in the people, ... they have at all times, an unalienable and indefeasible right to alter, reform, or abolish the government in such manner as they may think proper.**"

There is no doubt Mr. Gentry seeks to reform the government of Tennessee as evidenced in the record at; D. Ct. Dkt. No. 36, ¶¶ 9 – 11, PageID #1023, D. Ct. Dkt. No. 106, PageID #2428, and D. Ct. Dkt. No. 47, PageID #1369. Mr. Gentry stated in his complaint that he seeks reform and has asserted his right to reform the state government.

In the case, Marbury v. Madison, 5 US 137, 2 L. Ed. 60, 2 – Sup. Ct. 1803, quoting Blackstone: "*it is a general and indisputable rule, that where there is a legal right, there is also a legal remedy by suit, or action at law,...*" (at 163). Further in the Marbury opinion, the Supreme Court states the people have an original right to establish for their future government, such principles as shall conduce their own happiness and federal courts have jurisdiction over unconstitutional conduct. (*id* at 176, 179)

Considering the evidence of the case proving multiple federal law and rights violations inflicted upon Mr. Gentry, unconstitutional state statutes

enacted to protect corruption, and the Annual Reports of state oversight agencies evidencing intentional gross negligence, the necessity of reform is obvious.

These rights and federal law violations are not unique to this case: they are routine practice by the State. Given the fact that 1.48 complaints against state court judges are filed **per day** with the Tennessee Board of Judicial Conduct (TBJC) D. Ct. Dkt. No. 36, ¶ 179 PageID #976, and D. Ct. Dkt. No. 90, Ex 1, PageID #1928 and #2058-2059, and the further fact that the state has enacted unconstitutional laws to protect the usurpation of constitutionally protected rights, the need to reform is undeniable. See D. Ct. Dkt. No. 106 and D. Ct. Dkt. No. 111, and Appendix H through K.

Moreover, the facts show that the TBJC only acts on complaints filed by members of the legal community, a distinct class of persons, dismissing all other complaints in violation of the Fourteenth Amendment Equal Protection Clause. **In and of itself, that failure to provide Equal Protection is sufficient harm to give Plaintiff standing.** As stated by the U.S. Supreme court in the case, *Northeastern Florida Chapter of the Associated General Contractors of America v. City of Jacksonville, FL* 508 U.S. 656, 113 – Sup. Ct. 1993.

> **The "injury in fact" in an equal protection case of this variety is the denial of equal treatment resulting from the imposition of the barrier, not the ultimate inability to obtain the benefit.** (at 666).

In the case, Pacific States Telephone & Telegraph Co. v. Oregon, 223 US 118, 32 – Sup. Ct., 1912, the supreme court stated:

> ... **to afford no method of testing the rightful character of the state government, would be to render people of a particular State hopeless in case of a wrongful government.** (at 146)

In Cruikshank, the Supreme Court stated: "*the very idea of a government, republican in form, implies a right of its citizens to petition for redress of grievances.*" *United States v. Cruikshank*, 92 US 542, 23 – Sup. Ct, 1876 (at 553).

In Tennessee, this right is guaranteed to its citizens in the state's constitution, Article I, Section 1 (Appendix Q), thus sovereign immunity is irrelevant in a cause of action demanding reform. In *Cruikshank,* the Sup. Ct. acknowledged the separate governments of the separate states, were not sufficient for the promotion of the general welfare of THE PEOPLE and established the United states to "secure the blessings of liberty." (at 550). The very purpose of our national government is to address state reform actions such as the one before the court today. Although the Court must accept a Plaintiff's allegations as true, *Scheuer v. Rhodes*, 416 U.S. 232, 236, 94 – Sup. Ct. 1974, the following unconstitutional laws leave no doubt that reform is required.

A. State Statute Providing Unconstitutional Immunity – TCA 29-20-205; *Actus repugnans non potest in esse produci*

State statute, Tennessee Code Annotated (TCA) 29-20-205 (Appendix H), is repugnant to the principles upon which our Republic was founded. This law is self-incriminating, and prima facia evidence the state must be required to reform. Knowing that conduct such as; *"gross negligence, false imprisonment pursuant to a mittimus from a court, false arrest, malicious prosecution, intentional trespass, abuse of process, libel, slander, deceit, infliction of mental anguish, invasion of privacy, civil rights violations, and malicious prosecution without probable cause,"* should all be anomaly conduct by governmental entities, this begs the question: "*Why would the State enact in statute, and provide immunity for conduct that should be an anomaly..., conduct for which redress should be available*?" The only answer to this question is that this conduct by state officials and "governmental entities" is not the occasional anomaly, but common occurrence, and the state seeks to protect its corrupt activities by unlawfully preventing suits against the state through the enactment of unconstitutional law.

The purpose of our legal system is to prevent not punish crime. By enacting TCA 29-20-205, the state removes all deterrent for such conduct. For the state to nullify deterrent law by enacting a law providing unconstitutional immunities, and then through its oversight agencies to grossly and negligently dismiss all complaints made against state court officials (D. Ct. Dkt. No. 90, Ex 1, PageID #1928 and #2058-2059) demonstrates a profound necessity of reform.

Moreover, the conduct of the state government is in violation of oath of office, and contrary to the well-being of the people, and in violation of both state and

federal constitutions. The Const. of the State of Tenn., art. X. § 2 (See Addendum Q) states;

> Each member ..., shall ... take an oath ... : I ____ do solemnly swear (or affirm) ... that I **will not propose or assent to any bill**, vote or resolution, **which shall appear to me injurious to the people, or consent to any act or thing, whatever, that shall have a tendency to lessen or abridge their rights and privileges**, as declared by the Constitution of this state.

Most certainly TCA 29-20-205, is injurious to the people, usurping their guaranteed right to bring suit against the state and seek redress for false arrest, malicious prosecution, civil rights violations, etc., etc. Tenn. Const. Art I § 17, states all courts shall be open for an injury done him in his lands, goods, person, or reputation (See Appendix Q). TCA 29-20-205 usurps this right for redress of harms caused by state agencies.

In 1916, the United States Supreme Court affirmed in opinion, that a law "*must be construed, if fairly possible, so as to avoid not only the conclusion that it is unconstitutional, but also grave doubts upon that score.*" *United States v. Jin Fuey Moy, 241 U.S. 394, 401, Sup. Ct. (1916)*; see also *Clark v. Martinez, 543 U.S. 371, 380–81. Sup. Ct. (2005).* Here, TCA 29-20-205 is repugnant to the constitution. Again, ***Actus repugnans non potest in esse produci.***

B. State Statute Corrupting Due Process – TCA 24-9-101

TCA 24-9-101 (Appendix I) is a statute in violation of Amendment XIV, § 1 due process clause. Our entire system of jurisprudence rests on the well-established procedures of direct and cross-examination of witness testimony. TCA 24-9-101 unconstitutionally provides that certain persons are exempted from testifying at trial, but subject to subpoena to a deposition. In recent legislation, the state voted to expand the list of persons exempt from testimony through proposed legislation which makes licensed clinical social workers exempt from subpoena to trial. TCA 24-9-101 sets the stage for economically disadvantaged litigants to be subjected to one-sided deposition testimony. The likely and devastating outcomes resulting from this unconstitutional legislation are deprivation of due process, children wrongfully taken, persons wrongfully declared mentally unfit, etc. Such outcomes are the clear intent and purpose of this unconstitutional law.

The final clause of TCA 24-9-101, grants the state trial courts authority to award attorney fees to a party successfully defending against a subpoena to trial, which is nothing more than an unjust punishment, and seizure of property without jury, inflicted upon a party seeking fair due process.

C. TCA 28-3-104 is Unconstitutional Under Both State and Federal Constitutions

"*Congress surely did not intend to assign to state courts and legislatures a conclusive role in the formative function of defining and characterizing the essential elements of a federal cause of action.*" *Wilson v. Garcia*, 471 US 261 - Supreme Court 1985,

471 US 261, 105, 1938, 85 L. Ed. 2d 254 · Supreme Court, 1985. "*The relative scarcity of statutory claims when § 1983 was enacted makes it unlikely that Congress would have intended to apply the catchall periods of limitations for statutory claims that were* ***later enacted by many States.***" (at 278).

"*Thus, in considering whether all § 1983 claims should be characterized in the same way for limitations purposes, it is useful to recall that § 1983 provides "a uniquely federal remedy against incursions under the claimed authority of state law upon rights secured by the Constitution and laws of the Nation." Mitchum v. Foster*, 407 US 225, 92 S. Ct. 2151, 32 L. Ed. 2d 705 · Supreme Court, 1972.

TCA 28-3-104(a)(1)(B) states: "...the following actions shall be commenced within one (1) year after the cause of action accrued: **Civil actions** for compensatory or punitive damages, or both, **brought under the federal civil rights statutes**" See Appendix J.

Suits brought under the federal rights statutes are brought in federal court, not state courts. Yes, the state legislatures have authority to enact statute setting time limitations for civil suit for state statute violations and torts. Yes, if the U.S.C. does not define a statute of limitations, federal courts turn to state statutes for time limitations in "like-kind" causes of action. Regardless, states do not have authority to create statutes of limitations on federal statutes. Due to the fact that this law explicitly states: "***Civil actions... brought forth under the federal civil rights statutes***": (1) this subsection of statute does not set time limitations on state suits brought in state courts under state statute, (2) this statute is expressly directed at federal suits, brought in federal courts,

under federal statutes, which makes this law unconstitutional. **Congress has never granted power to the various states to set time limit bars on suits in federal courts under federal laws, and TCA 28-3-104 does exactly that – and TCA 28-3-104 is therefore unconstitutional.**

Again, State of Tenn. Const., art. X. § 2 states:

> Each member ..., shall ... take an oath ... : I ____ do solemnly swear (or affirm) ... that **I will not propose or assent to any bill**, vote or resolution, **which shall appear to me injurious to the people**...

The state constitution explicitly states that legislators are to swear oath to not propose or assent to any bill, or consent to any act or thing, whatever, that shall have a tendency to "**lessen or abridge their rights and privileges**", as declared by the Constitution of this state."

Tenn. Const., art. I. § 17 (See Appendix Q) states:

> That all courts shall be open; and every man, for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.

Clearly TCA 28-3-104 unjustly lessons and abridges remedy by due course of law, and administration of justice, and the legislators enacting TCA 28-3-104 are in violation of their oath of office, and therefore TCA 28-3-104 is unconstitutional under the State's constitutional provisions. It must be obvious that in enacting TCA 28-3-104, the state is circumventing the intent of

Congress's enactment of federal civil rights statutes and lessoning the right of its people to seek redress of harm caused by rights violations and discriminatorily privileged "certain professionals".

TCA 28-3-104 is also in violation of the equal protection clause of U.S. Const. Amend. XIV § 1, Tenn. Const., art. I. § 30, and U.S. Const. Art. I § 9. TCA 28-3-104(c) clearly grants special privilege to persons of "trust"; attorneys and CPA professionals, while denying that same "privilege" to medical professionals. The title alone of TCA 28-3-104 "Personal tort actions; actions against certain professionals" tells us TCA 28-3-104 is unconstitutional. "Certain Professionals"? What about other professionals? Why aren't other professionals provided equal protection of the law as required by U.S. Const. Amend. XIV § 1? TCA 28-3-104 is nothing more than a "special privilege" granted in violation of federal and state constitution emolument clauses.

TCA 28-3-104 is in violation of U.S. Const. Amendment XIV, equal protection clause. TCA 28-3-104 (c)(1) states: "*Actions and suits against licensed public accountants, certified public accountants,* ***or attorneys for malpractice shall be commenced within one (1) year after the cause of action accrued...***" Conversely, there is a larger deadline for medical malpractice lawsuits encoded in TCA 29-26-116 (Appendix K): "*In no event shall any such action be brought more than three years after the date on which the negligent act or omission occurred...*" Considering that the professions of accountancy, medicine, and law are professions that are self-regulated, provide service to society, and require formal education and qualification, the statute of

limitations provided in the law should be equal for these professions. Obviously, this law was enacted to eliminate legal malpractice suits, while preserving revenue streams to the legal profession from medical malpractice suits.

The unconstitutional immunities and shorter statute of limitations provided for in TCA 29-20-205 and 28-3-104, are also in violation of the emoluments clause, U.S. Const. art I § 9, in that persons holding office, and or, trust under them are granted special privilege and emolument.

TCA 29-20-205 is also in contradiction of TCA 28-3-104 which provides a one-year statute of limitations for false imprisonment, and malicious prosecution, etc. False imprisonment and malicious prosecution are most often tortious actions perpetrated by the state through its "governmental entities" (agents). To provide a statute of limitations in TCA 28-3-104 for false imprisonment and malicious prosecution, and then provide immunity from these torts in TCA 29-20-205 is contradictory statute.

Here before the Court, evidenced by unconstitutional state statutes, is evidence proving the necessity of government reform, and that Mr. Gentry's case cannot be dismissed, pursuant to Tenn. Const. art. I § 1. These unconstitutional statutes prove the state has conspired to interfere with civil rights, in violation of 42 USC § 1985. These unconstitutional laws are the catalyst that permitted the defendants of this case to conspire and inflict federal crimes upon Mr. Gentry and to deprive him due process and equal protection of the laws. Considering these unconstitutional statutes and intent therein, the need for reform is undeniable.

IV. Eleventh Amendment State Sovereignty Is Vitiated When A State Government Acts Contrary To Federal And State Constitutions

A state's sovereignty is established through its constitutional authority.

> **Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not. ..., the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority.** *Luther v. Borden, 48 US 1, 12 L. Ed. 581, - Supreme Court, 1849.*

Mr. Gentry has proven that the state has transformed itself from a sovereign government into a corrupt enterprise (See D. Ct. Dkt. No. 36, PageID #971 – 1005, D. Ct. Dkt. No. 111 PageID 2536, D. Ct. Dkt. No. 106 PageID 2442). The Supreme Court repeated in Sheehan, officials who knowingly violate the law are not entitled to immunity. *San Francisco v. Sheehan 135, 1765 – Sup. Ct., 2015 (at 1774).*

The doctrine of judicial immunity exists to protect mistaken but reasonable decisions, not purposeful criminal conduct. Similarly, sovereign immunity is established by a state government republican in form and character. The state has clearly enacted several laws that are repugnant to our federal constitution: laws whose decipherable intent is to protect corrupt state court proceedings. The state's Office of Attorney General defends such conduct and takes no action to prevent future unconstitutional and

criminal conduct and the TBJC "looks the other way" and dismisses 100% of complaints. In so doing, the state effectively aides and abets rights and federal law violations and is guilty as principle, and no longer republican in character or form.

In the Gentry v. Thompson case, the Cir. Ct. panel ruled Eleventh Amendment immunity extended to the defendant judge in that case (related Case No. 17-1479, Appendix A, presently before this court). By the same logic, crimes committed by state agents and agencies reflect back, and extend to the state, resulting in the state's loss of republican character. A state that is no longer republican in form or character vitiates sovereign immunity just as a judge vitiates judicial immunity when acting criminally or unconstitutionally. To hold otherwise renders the people of a state hopeless in circumstance of a wrongful government as referenced in the Pacific States Telephone v. Oregon case above.

Herein, Mr. Gentry has provided sound legal argument that a state vitiates sovereign immunity when its agents and agencies act criminally or unconstitutionally. Collectively, with enactment of unconstitutional laws to protect unconstitutional and criminal behavior, the state has abandoned its republican character. Based on sound legal argument, Mr. Gentry seeks ***First Impression*** opinion on whether a state vitiates its immunity when it has forsaken its republican character.

V. A Suit Against The State With The State As Defendant And Judge Violates Due Process Clause

Const. of the State of Tenn., art I. Declaration of Rights, § 17 states: "That **all courts shall be open**; and every man, ..., **shall have remedy by due course of law**, and **right and justice administered without sale**, denial, or delay. **Suits may be brought against the state in such manner and in such courts as the Legislature may *by law* direct.**"

The state constitution clearly permits suits against the state. The phrases "*shall have remedy by due course of the law,*" "*and right and justice administered without sale*" and the Amendment XIV, U.S. Const., require a fair and impartial court in which to be heard. Both federal law, 28 U.S.C. § 455 – Disqualification of justice, judge, or magistrate judge, and Tennessee Supreme Court Rule 10: Code of Judicial Conduct Canon 2 Rule 2.11 **require a judge to disqualify in any proceeding in which the judge's impartiality might reasonably be questioned.**

Since the State Constitution permits suits against the state, proceedings in a suit against the state must be conducted in accordance with the due process clause. Due process cannot be provided in a proceeding where the defendant is both defendant and judge. Mr. Gentry has proven that corrupt activities routinely occur in state court proceedings and he demands reform of the state's legal system. Mr. Gentry cannot expect a fair and impartial hearing before a state court judge who may be a participant in corrupted state court proceedings. Tennessee Sup. Ct. Rule 10, Canon 2 Rule 2.11 requires state court judge disqualification in a case

such as this. Therefore, due process requires his suit be heard by a fair and impartial federal court. The District Court's determination that a suit against the state cannot be brought in federal court unless a state's constitution expressly provides for federal court jurisdiction is in violation of the due process clause.

VI. The Doctrine of Nonresistance is "Absurd" And The Intent Of The State's Congress To Permit Reform Actions Is Clear

Considering Sections 1 and 2 of Article I of the state's constitution, the intent of the state's constitutional convention in 1870 was obvious in establishing popular sovereignty and power inherent in THE PEOPLE. Joshua W. Caldwell, author of *STUDIES IN THE CONSTITUTIONAL HISTORY OF TENNESSEE*, who had the "good fortune" to be acquainted with members of 1870 convention, conveyed this fact in his book. "*No Tennessean... fails to quote Mr. Jefferson's (Thomas) declaration that the Constitution was "the least imperfect and most republican of the state constitutions.*" Quoting Governor Carrol's 1822 message to the general assembly "***A well regulated and independent judiciary is so essential to the character of the State... that it has a strong claim upon your attention at all times.***" (p. 169). In Tennessee today, the state is grossly negligent in regulating the judiciary, as evidenced in the Annual Reports of the Tennessee Board Of Judicial Conduct. This being essential to the character of the state, the state has forsaken its republican character and vitiated its sovereign immunity, necessitating reform. The intent of the state's constitution and Mr. Gentry's

right to seek reform through federal court intervention is unalienable and indefeasible.

VII. The Legal Profession Fails to Police Itself

Recently, Tenn. state court judge Casey Moreland was arrested by federal authorities, See Appendix F which is Petitioner's Motion To Expedite Petition For Initial Hearing En Banc.

The fact that the TBJC received and dismissed multiple complaints against a judge of such character, evidences the state provides no objective oversight of its judiciary, evidencing a profound need of reform.

Furthermore, the Office of the Attorney General for the State of Tennessee, as counsel for the state, has been noticed on all pleadings, motions, and memorandums filed into these cases. Knowing the facts of this case and federal crimes and rights violations perpetrated against Mr. Gentry, the Office of the Attorney General does not recommend corrective actions against the perpetrators (state officials and attorneys in positions of public trust) for crimes and rights violations. Indeed, the Office of the Attorney General provides counsel for the perpetrators of crimes and rights violations and ignores the misconduct of attorney defendants.

Tenn. Sup. Ct. Rule 8: Rules of Professional Conduct, Rule 8.3(a) states: "*A lawyer who knows that another lawyer has committed a violation*" of the rules, "***shall inform*** *the Disciplinary Counsel of the Board of Professional Responsibility.*" Rule 8.3(b) states: "*A lawyer who knows that a judge has committed a violation of applicable rules of judicial*

*conduct ... **shall inform** the Disciplinary Counsel of the Board of Judicial Conduct."*

Despite clear knowledge of attorney and judicial misconduct, the Office of the Attorney General takes no action to inform the Board of Professional Responsibility or Board of Judicial Conduct. Due to this fact, state attorneys; Joseph Ahillen, Jaclyn L. McAndrew (Case No. 17-5204), Stephanie A. Bergmeyer and Attorney General Herbert H. Slavery III, all attorneys with the Office of Attorney General are in violation of Tennessee Supreme Court Rule 8. The same is true of counsel for the other Defendants, Attorneys William S. Walton, Lauren Paxton Roberts and Erika R. Barnes.

The Preamble to Sup. Ct. Rule 8 states: "*The legal profession's relative autonomy carries with it special responsibilities of **self-government**.*" Clearly the legal profession is not policing itself in the State of Tennessee which is nothing less than state endorsed commission of federal crimes and rights violations.

In D. Ct. Dkt. 16, Mr. Gentry raised this issue and motioned for the Attorney General to withdraw due to the facts that: (1) defending criminal and unconstitutional conduct is not in public interest, (2) the Attorney General has a duty to recover state funds used for improper actions by state officials and, (3) ethical issues resulting from obligation to dual interests. The Attorney General Herbert H. Slatery III himself responded: "*All decisions made by the Attorney General and Reporter are final and cannot be reviewed by **"any court,"** and certainly not by Plaintiff.*" See D. Ct. Dkt 17.

The statement "... cannot be reviewed by **"any court"** ..." **evidences the fact that the Attorney General is under the misconception that he is above**

judicial review even by this our highest Court. Here is clear evidence that the State and Attorney General exempt themselves from the law of the land, further evidencing the state has lost its republican character and must be reformed.

Mr. Gentry complained to the TBJC of judicial misconduct by the state court judge presiding over his case. His allegations were supported by undeniable evidence in certified court reporter transcripts and court orders. See Dist. Ct. Dkt. No. 19-1, PageID #100 – 155. As evidenced in the record: D. Ct. Dkt. No. 90-1, PageID #1928 and #2058-2059, all complaints filed against state court judges by non-legal professionals are dismissed as a matter of practice and intentional gross negligence, and so too was Mr. Gentry's complaint wrongfully dismissed. This barrier established by the TBJC, dismissing 100% of complaints filed by non-legal professionals, violates the equal protection clause of the fourteenth amendment: *Northeastern Florida Chapter of the Associated General Contractors of America v. City of Jacksonville, FL* 508 U.S. 656, 113 – Sup. Ct. 1993, and this fact alone provides standing to Mr. Gentry. Moreover, this fact, and the further fact that judges and attorneys are above the law, proves the necessity of state government reform.

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 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.

Mr. Gentry does not contend that all members of the state's legal system engage in corrupt activities or that all proceedings are corrupt. Mr. Gentry alleges and has already proven that corrupt conduct does occur; and when it does occur, the state, through its agents and agencies intentionally **fails to provide proper oversight and protects such conduct.** A single occurrence of state sanctioned corrupt conduct in state court proceedings suggests reform is needed. The facts that (1) 1.48 complaints are received per day by the TBJC and wrongfully dismissed, (2) unconstitutional state statutes were enacted to protect corrupt conduct, (3) a judge such as Judge Casey Moreland was allowed to remain on the bench despite multiple complaints, (4) judges and attorneys are not subject to the law of the land and, (5) the Office of the Attorney General defends unconstitutional and criminal conduct, without recommending corrective action, demonstrates a profound need of reform. In his complaint, D. Ct. Dkt. No. 36, PageID #1023, Mr. Gentry has sought the following redress:

- For the federal court to issue order upon the State to put in place proper legislation and oversight of the Board of Professional Responsibility, Board of Judicial Conduct, and the Court of Appeals;

- For the federal court to issue order causing dissolution or reorganization of the State's corrupt racketeering enterprises;
- For the federal court to issue order upon Defendant State of Tennessee to Provide Equal Protection under the law, and provide litigants due process in fair and impartial courts;

Mr. Gentry seeks reform of the state government and such right is guaranteed to him in the state's constitution, art. I § 1. As a Force Reconnaissance Marine (D. Ct. Dkt. 128, 128-1 to 128-13), and Certified Public Accountant, Mr. Gentry has the intellect and intestinal fortitude to withstand and survive state court corruption. Many others do not have this same strength and fall as helpless victims to substance abuse and sometimes suicide as a result of state court corruption when it occurs. Mr. Gentry is prepared to present proof of this assertion at trial. **Mr. Gentry demands reform of the state in hope that others do not suffer the same emotional and financial harm inflicted upon him.**

This harm inflicted upon the people is not only harmful to the involved parties, it is harmful to the country as a whole. **In the present case, corrupt conduct during state court proceedings has adversely affected foreign and interstate commerce and our balance of trade, See D. Ct. Dkt. No. 36 PageID #936 - 937.** As a whole, corrupted state court proceedings adversely affect our nation's GDP. Mr. Gentry has presented the court with compelling argument, "For The Good Of The People And In Public Interest" D. Ct. Dkt 109 PageID #2469 – 2477, that our nation's

GDP output is adversely affected further evidencing that the state government must be reformed. See also Sixth Circuit DktEntry, 37-1 through 37-15.

Given the number of complaints filed against judges with the TBJC, and the facts that constitutionally protected rights are unenforceable in federal and state courts, this Court should exercise its supervisory power over the lower courts that wrongfully dismiss cases like this one. Further given the emotional and financial harm arising from corrupt state court conduct and Tennessee litigants being forced to have their cases heard before courts without the protection of the fifth and fourteenth amendment provisions, further necessitates supervisory power of this Court.

The unconstitutional state statutes themselves cause recognized injury to the interests of the United States. See generally, Bowen v. Kendrick, 483 U.S. 1304, (1987), New Motor Vheicle Bd. v. Orrin W. Fox Co. 434 U.S. 1345, (1977), and see also Walters v. Nat'l Ass'n of Radiation Survivors, 468 U.S. 1323, 1324 (1984).

Furthermore, the continuing harm to Tennessee litigants being forced to have their cases heard in courts by judges with unconstitutional immunities must be resolved so as to guarantee enforceability of constitutional rights.

VIII. This Court Should Exercise Its Supervisory Power

Pursuant to Sup. Ct. Rule 10(a), reasons for which review is appropriate include **when a United States court of appeals has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such departure by a lower court, as to call**

for an exercise of this Court's supervisory power. Facts of proceedings show such is the case in this matter. During Dist. Ct. proceedings, Petitioner was repeatedly denied due process as follows: (1) wrongfully denied evidentiary hearing, (2) the Dist. Ct. refused to grant TRO to stop a federal crime in progress being perpetrated against him by Respondents TAYLOR and LANKFORD, (3) wrongfully denied amended complaint as a matter of course pursuant to Fed. R. Civ. P. R. 15(a)(1)(B), (4) wrongfully denied leave of court to amend, (5) **and the Magistrate's conduct toward Petitioner was such that it appears impeachable in nature**. See Appendix L, which is a memorandum Petitioner filed in Dist. Ct. that evidences the conduct of the magistrate that appears impeachable in nature. Petitioner complained in Dist. Ct several times about the conduct of the magistrate in Dist. Ct. DktEntries 112, 115, 117, 120, 121, and 125. This court should take note of the order by the Dist. Ct. Judge (Appendix A, footnote 1) where the Dist. Ct. Judge only referred to DktEntry 120 as not being basis of withdrawal, suggesting withdrawal from the magistrate was in fact due to the reasons detailed in Dist. Ct. DktEntries 112, 115, 117, 121, and 125.

Mr. Gentry motioned and provided supporting memorandum, for the Magistrate Judge to disqualify due to a profound appearance of bias and conduct toward him that appeared impeachable in nature. D.Ct.DktEntries 120 and 121 (Appendix L). The Magistrate denied disqualification on September 18, 2017, D.Ct.DktEntry 124. The next day, Mr. Gentry filed: **PLAINTIFF'S NOTICE OF INTENT TO MOTION FOR COURT REVIEW OF MAGISTRATE'S DENIAL OF PLAINTIFF'S**

MOTION TO RECUSE AND/OR DISQUALIFY, See Appendix M. Seven days later, and prior to being able to tender his Motion for Court Review of Order Denying Disqualification, the Dist. Ct. Judge withdrew referral to the Magistrate and dismissed the entire case WITH PREJUDICE, See Appendix A. These unfortunate facts strongly suggest bias and that the case was dismissed to protect the misconduct of the magistrate judge.

During appellate court proceedings, Petitioner sought disqualification of two active judges, due to profound personal bias, See Appendix P, page 158a, referencing and incorporating first motion to disqualify.

Upon commencement of appellate proceedings, Petitioner petitioned for initial hearing en banc (See Appendix E). While the 6th Cir. was not in session, and only after two weeks filing, and during which occurred the Thanksgiving holiday, the two judges for whom disqualification was sought, issued a **defective "two judge panel" order** (Appendix B), in violation of 28 USC § 46(b), denying initial hearing en banc (See Appendix E Petition For Initial Hearing En Banc), and denying disqualification without stating any basis for denial and without denying evidenced personal bias. See second motion to disqualify, attached as Appendix P, evidencing further conduct of Cir. Ct., contrary to due process. As this Court knows, "A court may take steps to use the en banc power sparingly, **but it may not take steps to curtail its use indiscriminately**." *Western Pacific Railroad Corp. v. Western Pacific Railroad Co.* 345 US 247, 73 656, 97 L. Ed. 986, Supreme Court, 1953 (at 261).

The Sixth Circuit panel assigned to the case included Judges: McKeague, Kethledge, and Thapar. The panel did not rule on the issues presented to the court in a clear denial of due process. See Appendix N, page 145a – 146a. Incredulously, suggesting the panel did understand upon which case they were ruling, the panel rendered decision pertaining to a matter (and party) not presented to the court. See Appendix N, page 147a.

In his Petition for Rehearing En Banc (Appendix G), Mr. Gentry complained about intentional misapplication of Fed. R. Civ. P. as basis for affirming wrongful denial of an evidentiary hearing he had moved the Dist. Ct. to hear, and for which he complained of in his Brief of Appellant. The panel cited the previously titled "Motion Day" Rule 78 as a means to intentionally circumvent Fed. R. Civ. P. Rule 12(i) which explicitly provides that an evidentiary hearing must be heard if the court is so moved. See Appendix G, page 90a – 96a. Due to the facts listed above evidencing denial of due process and misapplication of Fed. R. Civ. P. Mr. Gentry properly motioned for disqualification of the panel, in further proceedings, See Appendix N and order denying, Appendix O.

Since Sixth Circuit I.O.P. 35(d)(1) states; "The court will treat a petition for rehearing en banc as a petition for rehearing before the original panel, **this was not an error of the panel, but intentional circumvention of Fed. R. Civ. P. 12(i) through intentional misapplication of Rule 78.**

In Appendixes to this Writ, Appendix L, M, N, O, and P, Mr. Gentry has respectfully evidenced in the record, conduct of the Dist. Ct and Circuit Court that calls into question the integrity of the entire case.

As this Honorable Court is well aware, due process and a right to be heard are principles basic to our society. In the case, Armstrong v. Manzo, 380 US 545 · Supreme Court, 1965, the United States Supreme Court stated;

> A fundamental requirement of due process is "the opportunity to be heard." Grannis v. Ordean, 234 U. S. 385, 394. **It is an opportunity which must be granted at a meaningful time and in a meaningful manner.** The trial court could have fully accorded this right to the petitioner **only by granting his motion to set aside the decree and consider the case anew. Only that would have wiped the slate clean. Only that would have restored the petitioner to the position he would have occupied had due process of law been accorded to him in the first place. His motion should have been granted.**

In the case, Goldberg v. Kelly, 397 US 254 · Supreme Court, 1970, our Supreme Court stated the following;

> These rights are important in cases such as those before us, **where recipients have challenged proposed terminations as resting on incorrect or misleading factual premises or on misapplication of rules or policies to the facts of particular cases.**

Out of respect for the judiciary, and due to page/word count limitations, Mr. Gentry will not belabor this honorable court with further detailing of the questionable conduct of the district or circuit

courts. If this court deems necessary, additional facts of proceedings can be stated in a Sup Ct Rule 44 Petition for Rehearing or requested briefing.

There is no doubt the Dist. Ct. and the appellate court have departed from the accepted and usual course of judicial proceedings requiring the supervisory power of this court to ensure the integrity of our federal courts.

IX. Sixth Circuit ORDER Affirming Dismissal of Complaint Against Respondent Sarah Richter Perky, Necessitates Imperative of this Court to Exercise its Supervisory Power.

Mr. Gentry brought suit against Respondent Perky under 18 U.S.C. 1962, 42 U.S.C §§ 1983 and 1985.

The panel affirmed dismissal of Mr. Gentry's § 1983 cause of action finding Respondent Perky was not a state actor, but while knowing that a private party may be held liable under § 1983 for conspiring with a state actor. Since the panel (1) recognized Mr. Gentry made an assertion of conspiracy evidenced in the panel's statement in the panel's order "*Gentry has done no more than append "a bare assertion of conspiracy"* ..." (See Appendix C page 39a), and (2) upheld denial of evidentiary hearing, in which he would have further evidenced conspiracy, was intentional circumvention of Fed. R. Civ. R. 12(i) and misapplication of Rule 78. Therefore, the order affirming dismissal on that cause of action was intentional denial of due process necessitating imperative of this court to exercise its supervisory power.

The panel affirmed dismissal of Mr. Gentry's §1985 cause of action falsely stating Mr. Gentry did

not allege class-based animus. In his Second Amended Complaint, Petitioner alleged as follows:

> Plaintiff alleges that the corrupt racketeering activities predominately (but not exclusively) occur in family court cases or litigation arising out of family court cases **and the corrupt racketeering activities target high earning individuals and business persons who engage in interstate and foreign commerce**. Dist. Ct. Dkt 36 PageID 941 ¶ 52

The above was also communicated to the panel in reply brief. Clearly high earning individuals and business persons who engage in interstate and foreign commerce are a distinct class of persons and class-based animus. Due to the fact that the panel was required to review the case de novo (See Appendix C, page 38a), **it is either true the panel intentionally ignored the allegation or it is true the panel has demonstrated judicial ineptitude by not recognizing stated allegations.** Since this was not a matter of error by the panel but a departure from accepted and usual course of judicial proceedings, imperative of this court's supervisory power is necessary.

Without stating what statute of limitations apply, the panel further found that "Gentry's §§ 1983 and 1985 claims are barred by the statute of limitations...". Presumably, the panel refers to Tenn. Code Ann. § 28-3-104. There is no doubt the statute of limitations stated in Tenn. Code Ann. § 28-3-104 is unconstitutional. Mr. Gentry challenged the constitutionality of this law in both Dist. Ct. and Cir. Ct. **All defendants in the case, as well as both the**

Dist. and Cir. courts remained silent due to the fact that they well know that statute is unconstitutional.

As argued above, that statute is in violation of the emoluments clauses of both state and federal constitutions, and the state has no authority to set a statute of limitations on federal statute. See Section III C above. Again, since the panel was required to review the case de novo (See Appendix C, page 38a), **it is either true the panel intentionally ignored the challenge of statute constitutionality, or it is true the panel has demonstrated judicial ineptitude.** Yet again, since this was not a matter of error by the panel but a clear departure from accepted and usual course of judicial proceedings, imperative of this court's supervisory power is necessitated.

The panel affirmed dismissal of the RICO allegations against Respondent Perky agreeing with the district court's statement that *"... any of Perky's actions establish the necessary predicate racketeering acts to state a § 1962 violation requires "a strained and tortuous interpretation of the facts"*

As the panel stated in its order, pleaded facts are to be "*accepted as true and viewed in the light most favorable to the plaintiff.*" To state a Plaintiff's facts are to be accepted as true and viewed in light most favorable, and then assert the facts require a strained and tortuous interpretation, is contradictory language further suggesting intentional denial of due process or judicial ineptitude. This is true while Mr. Gentry was denied evidentiary hearing based on misapplication of federal rules and wrongfully denied leave to amend despite repeated objections. Here too, this was not a matter of error by the panel but was a departure from accepted and usual course of judicial

proceedings, again, necessitating imperative of this court's supervisory power.

X. Sixth Circuit ORDER Affirming Dismissal of Complaint Against Respondents Pamela Anderson Taylor and Brenton Hall Lankford, Necessitates Imperative of this Court to Exercise its Supervisory Power.

Mr. Gentry initially brought suit against Respondents Taylor and Lankford in state court for fraud, constructive fraud, abuse of process and IIED (fraud case), See reference in Appendix A, p. 6a. In a clear denial of due process, that case was dismissed under fraudulently applied theories of litigation privilege and res judicata.

This court, and any honest judge, well knows litigation privilege is no defense for fraud or abuse of process, and res judicata only applies to cases with the same parties, and same causes of action. The underlying litigation that resulted in the fraud case was a divorce proceeding, a different cause of action: divorce case compared to fraud case, with different parties: Gentry/husband v Gentry/wife in divorce case, and Mr. Gentry v Taylor and Lankford in fraud case, completely different parties.

Mr. Gentry provided the Dist. Ct. with transcripts and memorandums from those proceedings evidencing where Mr. Gentry provided the biased and corrupted state court judge numerous TN Sup. Ct. opinions leaving no doubt litigation privilege and res judicata were failed defenses presented in a mock hearing. See Dist. Ct. DktEntry 104, and attachments 1 – 6.

Respondents Taylor and Lankford then used their fraudulently obtained dismissal from the fraud case

in state court, as basis for again asserting litigation privilege and res judicata in federal court as well as the often misconstrued Rooker-Feldman doctrine. The Dist. Ct Judge recognized Mr. Gentry was bringing separate causes of action in federal court in stating:

> "... plaintiff's causes of action against Taylor and Lankford in the instant lawsuit are undisputedly based upon different legal theories and upon principles of federal, not state, law,..."

It is beyond doubt, that the Dist. Ct. intentionally and wrongfully dismissed causes of action against Respondents Taylor and Lankford based solely on the theory of res judicata and without addressing the failed defenses of litigation privilege and Rooker-Feldman. The complete failure of the res judicata defense is further established in Sixth Circuit's opinion which did not affirm dismissal based on res judicata.

In the panel decision intentionally and wrongfully affirming dismissal of causes of action against Respondents Taylor and Lankford, the entire decision affirming dismissal is reflected two sentences as follows:

> As with his claims against Perky, Gentry has not plausibly alleged that a conspiracy existed or that Taylor's and Lankford's acts establish the necessary predicate acts of racketeering. Accordingly, we affirm the district court's dismissal of Gentry's claims against Taylor and Lankford. Appendix C, page 40a.

Here again is clear evidence of judicial ineptitude, or intentional denial of due process. Mr. Gentry stated class-based animus as discussed above, yet the above decision does not reflect dismissal under 42 USC § 1985.

Moreover, Mr. Gentry's Second Amended Verified Complaint, Dist. Ct Dkt 36, was comprised of 103 pages with PageID 930 through 942 stating general allegations against Respondents Taylor and Lankford of multiple USC violations, allegations affecting interstate and foreign commerce, and allegations of investment of income in operation of racketeering enterprise(s) affecting interstate and foreign commerce.

Furthermore, in Mr. Gentry's second cause of action in his complaint, stating specific claims against Taylor and Lankford, PageID 950 through 971, Mr. Gentry meticulously laid out allegations and included supporting evidence (EXHIBIT C, D, E, F, G, H, and I along with cited transcripts) in his VERIFIED COMPLAINT.

For the panel to simply state "*Gentry has not plausibly alleged that a conspiracy existed or that Taylor's and Lankford's acts establish the necessary predicate acts of racketeering.*", and after actual reading of the amended verified complaint, **proves that either the panel made an intentionally false statement, or they failed to perform *de novo* review as they stated they would**, and denied due process.

Mr. Gentry not only "plausibly alleged" conspiracy and established "the necessary predicate acts of racketeering" and conspiracy to interfere with rights (§ 1985), **Mr. Gentry effectively proved his case in his Second Amended Verified Complaint, anticipating in advance that he would be wrongfully**

denied fair due process and wrongfully denied an evidentiary hearing and jury trial. Mr. Gentry will provide this honorable with a copy of that complaint during these proceedings or in a Sup. Ct. Rule 44, Petition for Rehearing.

Such conduct by Sixth Circuit panel, pursuant to Sup. Ct. Rule 10(a) makes review by this court more than appropriate **due to the fact that such conduct is a clear departure "from the accepted and usual course of judicial proceedings".**

CONCLUSION

The Petition for writ of certiorari should be granted.

Petitioner refers the Court to related Sup. Ct. Case No. 17-1479, scheduled for conference on September 24, 2018, and asserts these cases should be consolidated.

DATED: August 1, 2018

Respectfully submitted,

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