

11/2/18

No.18- 598

In the
SUPREME COURT OF THE UNITED STATES

Andrew Chien

Petitioner,

v.

Andrew K. Clark; LeClairRyan (Atten: Gary D. LeClair); Richard J Freer; Christian K Vogel; Michael G Caldwell; Joseph M. Rainsbury; Joaquin L Madry; Ilan Markus; James R Byrne; Estate of Everette G Allen Jr.; William K Grogan; Bradley A Haneberg, Vincent McNelley; Island Stock Transfer

Respondents.

On Petition for Writ of Certiorari to
the United States Court of Appeals
for the Second Circuit No. 17-3695

PETITION FOR A WRIT OF CERTIORARI

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November 2, 2018

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QUESTIONS PRESENTED

1. Whether the Second Circuit erred that to grant Appellees motion for summary affirmance while to deny Chien's three motions as moot, indicating so far there were no final solutions of the merits of following three motions: (a) to stay the District Court's order for both penalty of pre-filing injunction and denial of Chien's complaint, because that order erred by abandoned Rule 8(b)(6) of Fed. R. Civ. Proc by not admitting Chien's allegations after 14 defendants-appellees, except Island Stock Transfer voluntarily, didn't file pleadings to deny Chien's allegations; (b) to disqualify District Court Judge because the Judge consistently violated standard procedure in bias and prejudice Chien; (c) default judgment against Appellees because none of them to file Responding Brief to answer the facts and causes raised in Chien's Brief.
2. Whether the Racketeer Influenced and Corrupt Organizations Act ("RICO") permits the District Court for Connecticut ("CT"), following fair and impartiality, to process the pleading of the plaintiff, who has been living and working in CT, for issuing equitable relief and triple damage to protect him from injury of the liberty, property or business caused by ongoing criminal activities taken place in Virginia ("VA"), CT, Nevada, and Florida.

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**PARTIES TO THE PROCEEDING AND
RULE 29.6 STATEMENT**

Andrew Chien is sole proprietorship for financial consulting. No parent corporation or publicly held company owns ten percent or more of Chien's sole proprietorship. However, Chien owns 90% of outstanding shares of common stock of China Bull Management Inc (ticker "CHBM") which registered in Nevada from 12/17/2010 to 12/31/2016, then moved to Wyoming after 1/1/2017.

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BRIEF FOR PETITION

Petitioner Andrew Chien respectfully requests that this Court reverse for the Judgments of the United State Court of Appeals for the Second Circuit.

OPINIONS BELOW

Both Opinions of the United State Court of Appeals for the Second Circuit dated July 12 and August 7, 2018 respectively are unpublished.

JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1254.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fed R Civ Proc. Rule 8(b)(6) provides: “An allegation—other than one relating to the amount of damages—is admitted if a responsive pleading is required and the allegation is not denied. If a responsive pleading is not required, an allegation is considered denied or avoided”.

The Fourth Amendment of the Constitution provides: “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

18 U.S.C. § 1964 of the Racketeer Influenced and Corrupt Organizations Act (RICO), provides in

relevant part: (a) The district courts of the United States shall have jurisdiction to prevent and restrain violations of section 1962 of this chapter by issuing appropriate orders, including, but not limited to: ordering any person to divest himself of any interest, direct or indirect, in any enterprise; imposing reasonable restrictions on the future activities or investments of any person, including, but not limited to, prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect interstate or foreign commerce; or ordering dissolution or reorganization of any enterprise, making due provision for the rights of innocent persons. (c) Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee.

Connecticut General Statutes ("C.G.S")52-605 – Filing of foreign judgment; certification; effect; notice; (b) Such foreign judgment shall be treated in the same manner as a judgment of a court of this state. A judgment so filed has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating or staying as a judgment of a court of this state and may be enforced or satisfied in like manner.

28 U.S. Code § 1334(a) Except as provided in subsection (b) of this section, the district courts shall have original and exclusive jurisdiction of all cases under title 11.

INTRODUCTION

Andrew Chien (“Chien”) is sole proprietorship for financial consulting, a resident of Connecticut (“CT”). Chien is victim of nearly seven years of the pattern of racketeering and fraud in violation of civil RICO, involved by Appellees-defendants in different stage, with purpose to damage Chien’s liberty, property and business as retaliations of Chien as a whistle-blower to disclose Appellee Richard J Freer (“Freer”) first, then joined by Appellees Andrew K Clark (“Mr. Clark”) and Christian K Vogel (“Vogel”) of LeClairRyan to steal cash of Commonwealth Biotechnologies Inc (“CBI”) during process of chapter 11 and liquidation from 2011-2013.

Despite of the exclusive jurisdiction of District Court over Chapter 11, “28USC§1334(a)”, Freer at Mr. Clark and other two attorneys of LeClairRyan at abused process, obtained a default judgment from Chesterfield County Circuit Court of Virginia (“VA”) for \$1.6 million compensation damage plus interests (“VA Judgment”) of Freer, caused by Chien’s “defamation” in the Chapter 11 process.

Freer, at Appellees Mr. Clark, James R Byrne (“Byrne”), attorneys of LeClairRyan to certify VA Judgment in CT Superior Court on 9/22/2012, which has been active, entering the 7th years now. But, on 1/4/2013, Freer, Mr. Clark in conspiracy with Appellee William K Grogan (“Grogan”), a private lawyer with title of Commissioner in Chancery, made self-dealing by a falsified certificate to conceal CT debt collection activities, to initiate VA debt collection, which committed subject error, violating Amend X and Article Four of Constitution, plus violating VA Code: “§8.01-247 when action on contract governed by the

law of another state or country barred in Virginia".

Further, despite the objection of no jurisdiction made by Judge Frederick G. Rockwell III ("Judge Rockwell") and his chamber of Chesterfield County Circuit Court of VA for more than six times, Mr. Clark manipulated Grogan, in conspiracy with Sheriffs of Chesterfield County Circuit Court, in VA, incarcerated Chien for 1148 days until 6/27/2016, under excuse of "civil contempt", not "civil court contempt" because of Judge's rejection.

Since Chien's personal assets of bank cash already paid to Freer in full in March of 2013 at the action of CT Superior Court, the purpose to detain Chien in VA was for the cash and other assets of a public company of China Bull Management Inc. (with trading ticker: "CHBM"), which established on 12/17/2010 in Nevada, having about 40 shareholders. Chien is founder and Chairman, and 90% of shareowner of CHBM.

Chien rejected to embezzle the corporation cash to pay his personal judgment debt. Then, Freer, Mr. Clark and Grogan conspired with Appellee Island Stock Transfer ("Island") to forge a stock certificate of CHBM for Freer to replace Chien, which offended "18USC §513(C)(2)". Under false identity of CHBM, Freer in CT, stole all cash of CHBM, and paid both Grogan and LeClairRyan in November of 2014. Chien later knew the grand larceny, and filed countersuits or appeals in both VA and CT, not success. Chien was released until 6/27/2016 after Chien won Writ of Habeas Corpus under Judge Rockwell.

This complicated RICO was majorly performed in VA and CT. Appellees here took major party of it. They were aided by the corruption of some employees of VA Judicial System, which will be alleged in Petition for a Writ of Certiorari from Fourth Circle's

Cases 18-6346 and 18-1523, scheduled to be submitted in December of 2018, and an associated application of (18A401) already submitted to this court.

STATEMENT OF THE CASE

A. Violation of Amendment IV.

No one argued the fact that it has clear and convinced evidence that Chien Chien suffered violation of Amendment IV by Appellees Mr. Clark, Grogan and Freer in conspiracy with sheriffs to make false arrests and imprisonments in VA for 1148 days based on "civil contempt".

No one argued the evidence that Judge Rockwell and his chamber made more than six times of objections, either verbally or writing from 3/23/2013 to 8/12/2015, to VA debt collection because of no jurisdiction. Eventually, he issued order on 5/27/2016 to question the legality of incarceration from "civil contempt" which made Chien's winning of writ of habeas corpus and finally released on 6/27/2016.

From on line encyclopedia of Wikipedia:

"The Fourth Amendment (Amendment IV) to the United States Constitution is part of the Bill of Rights. It prohibits unreasonable searches and seizures. In addition, it sets requirements for issuing warrants: **warrants must be issued by a judge or magistrate, justified by probable cause**, supported by oath or affirmation, and must particularly describe the place to be searched and the persons or things to be seized."(add emphases)

All incarceration orders, were ghost-written, sometimes distributed directly by Mr. Clark, issued in

the name of Grogan with title of Commissioner in Chancery, who is neither judge nor magistrate, but a private lawyer who has to got money from Chien's detain to pay his living and his office expenses, even the money belonged to non-party. Judge's Canon 3(C)(1)(c) prohibited Grogan from acting as Judge to issue order for criminal punishment.

Grogan's job responsibility is limited to investigation of civil cases assigned by the court, as specified in Section "F. Commissioner in Chancery, IV, Chapter 1 – Overview, Circuit Court Clerk's Manual "

Additionally, VA Code "§8.01-506C" (initiating interrogatories by motion to Court), "§8.01-506D" (any order must report and obtaining approval), "§8.01-507, 507.1, 509, 615" (any property sale must be approval), "§8.01-609" (procedure same as the court's), "§8.01-610" (order of Chancery not the Court's authority), specified Commissioner in Chancery is just agency, doing auxiliary work under leadership of the court.

Further, following fact and VA Codes prohibited Grogan to imprison Chien:

(a) As above-mentioned, Grogan must get income from his orders, here Grogan got payment from incarcerating Chien, then at Freer to steal cash of CHBM, which is corruption under color of judicial act, VA §18.2-441. Grogan committed acts of RICO.

(b) VA Code "§8.01-612" has clear meaning that the authority of issuance of CAPIAS is by the court, not Commissioner in Chancery, because Grogan is not a member of department of law enforcement of Chesterfield County of VA (VA Code: "§ 15.2-836"), not a judge as defined by VA code "§ 19.2-5" Therefore, Grogan has no any authority to make sentence of Chien, which created his disqualification to issue any Court Contempt order by VA Code "§19.2-129", which

defines "punish for contempt" is sentence.

(c) In VA crime code, there is no cause of "civil contempt". In Chien's jail records of Offense Information, it listed Chien's status: "Not serving Time/Not Sentence", and the charge of offense code as "CON3210S9", which is court contempt by a judge (not Commissioner in Chancery) under punishment of VA Code "§18.2-456" and "§18.2-457" with maximum penalty of \$250 or ten days in jail if without jury impaneled.

(d) The office of Commissioner in Chancery is just a normal private law firm, not suitable facility in safety, qualified to hold hearing in criminal case.

There were total eleven hearings by Grogan and Mr. Clark. Among them, three hearings held in the judicial facilities dated 3/2/2013, 6/19/2013, and 5/7/2014 (in this one Grogan impersonated as a Judge) respectively, eight hearings were in the commercial buildings: two hearings held in the headquarter of LeClairRyan, dated 6/30/2014 and 4/24/2015, and six hearings in Grogan's office dated 3/1/2013, 5/9/2013, 6/6/2014, 12/9/2014, 7/14/2015, and 3/29/2016 respectively. In the eight hearings, Chien was embarrassed and discriminated by hand-cuffed and shackling in whole session. Since both offices located in commercial streets, the police cars for escrowed Chien, were parked in either garage of LeClairRyan, or backyard or commercial street near Grogan's office, Chien had to be embarrassed by walking in front of public with hand-cuffed, shackling and inmate garbs before entering the office, an intentional tort at Chien.

B. Detaining Chien is for stealing cash of CHBM, Act of RICO.

No one argued the facts that to incarcerate Chien in VA, was to enforce Chien taking the cash of CHBM to pay both LeClairRyan at Mr. Clark, and Grogan. But, CHBM is a public company, isn't party of any lawsuit. No one argued that Grogan's order dated 2/18/2014 under ghost-written by Mr. Clark, to Island for forging a stock certificate of CHBM replacing Chien, was secret, no motion, no service of a copy to Chien until very later. Currently, the stock certificate was pledged in LeClairRyan.

No one argued the fact that CHBM is a public company having revenue before Chien's incarceration and its cash was coming from sale of shares to shareholders with purpose to serve the operation of the company's business, not for serving Chien to pay his personal judgment debt.

No one argued the fact that as a public company, CHBM has liability to submit the audited financial statements on every quarter and every year, the embezzlement eventually will be disclosed except to escape any filing of SEC as Freer did since 2014 till now. To escape any filing of SEC is to destroy the qualification of public listing status of CHBM, which damaged Chien's job, property and reputation.

No one argued the fact that Island is an agency to execute the order of CHBM for print the stock certificate. The medallion signature guarantee needs two signatures to represent the corporation: Mr. Chien as President, and Mr. Li as Secretary. Even Chien lost liberty, Secretary Mr. Li still can distinguish and stand up to oppose the RICO act against the company. On 3/11/2015, under Chien's incarceration, Mr. Li made affidavit to declare that Freer claimed stock certificate by using his signature, and calling CHBM shareholder meeting, and taking

cash of CHBM, were done without his knowledge.

No one argued the fact that after Chien's release, CHBM filed 8-K of SEC on 7/11/2016 to announce the shareholder meeting results of 7/10/2016, and with 100% voted shares to elect Chien as president, and to reject Freer becoming a controlled shareholder. Nine shareholders under oaths, verified that they didn't elect Freer, and not receive any cash dividend as liquidation as claimed by Freer when he stole cash, and they wanted their stock certificates back.

C. Nevada officially corrected Freer's false corporation identity.

No one argued the fact that Nevada officially corrected Freer's false corporation identity. Even after Mr. Clark, Grogan and Freer conspired with Island to forge a stock certificate, there was still no SEC document to approve Freer was president, capable to take cash from the bank. Then by taking the advantage that after Chien incarcerated, CHBM missing the annual filing and renew license, Freer made corporation false identity in Nevada on line to fill the annual officer list for year 2014 and 2015 on 11/18/2014 and 12/30/2014 respectively to claim himself as both President and Secretary of CHBM to replace both Chien and Mr. Li.

Nevada State's website is self-disciplinary. Anyone can go into the website to claim his position, but he must make a declaration under penalty of perjury such as.

Are you authorized to manage this business? Click OK if you are authorized, or cancel if you are not authorized

I declare under penalty of perjury that the information provided is true, correct and complete to

the best of my knowledge and belief and acknowledge that pursuant to NRS 239.320 it is a category C felony, to knowingly offer a false or forged instrument for filing in the Office of the Secretary of State

From Statutes of Nevada, Freer's false identity action should deserve punishment of class C felony (NRS 193.130...2(c)) due to Nevada code NRS 239.320:

“An officer who mutilates, destroys, conceals, erases, obliterates or falsifies any record or paper appertaining to his or her office, is guilty of a category C felony and shall be punished as provided in NRS 193.130.”

NRS 193.130 Categories and punishment of felonies.

“2.(c) A category C felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years. In addition to any other penalty, the court may impose a fine of not more than \$10,000, unless a greater fine is authorized or required by statute.”

On 11/26/2014, Freer by using Nevada 2014 CHBM officer listing form, went into People's United Bank of CT to take all cash of CHBM, to pay Grogan and Mr. Clark of LeClairRyan.

Freer didn't file CHBM annual officer list for year 2016. After release, Chien made complaint to Nevada government, and recovered his authority in Nevada's registration on behalf of CHBM. In August of 2016, he recovered annual officer list to the same as original. Then Chien moved CHBM to Wyoming in end of 2016,

to dissolve CHBM in Nevada, which caused Freer's panic. For the continuously making his false corporation identity, he registered a company on 12/1/2016 in VA using same name of China Bull Management then lied to SEC to claim VA company to replace Nevada company. For the lying purpose, he went into website of Nevada on 12/15/2016 to fill another CHBM's dissolution form. Eventually, Nevada Secretary corrected the three forms, which are official evidence that Freer by making false lists, committed felony offense for three times in Nevada.

D. VA judgment debt is void.

There is no argument of the facts on which Chien claimed VA judgment debt is void, because:

(1) Freer' defamation lawsuit itself offended 28USC 1334(a) by usurped the authority of the Bankruptcy Court in CBI's chapter 11. In Case: *Kalb v. Feuerstein*, 308 U.S. 433, 438 (1940), Supreme Court
“The action of the state court in this case in proceeding contrariwise, without the consent of the bankruptcy court, was not merely erroneous, but was in excess of its authority, void, and subject to collateral attack.”

There are records that during Chapter 11, the Bankruptcy Court dominated the jurisdiction of the past and current compensation claims of all employees of CBI, including Freer, and made decision when and how to hire and pay Freer as follows:

- (a) On 1/27/2011, the Bankruptcy Court made order to designate Freer to perform the duty on behalf CBI in Chapter 11.
- (b) On 2/7/2011, the Bankruptcy Court appointed Unsecured Creditor Committer, pursuant to “11USC §1102”, with purpose to supervise operation of CBI.

(c) On 6/20/2012, Bankruptcy Court changed Freer's employment from Full time to part time consultant, and cut payment to half. After April of 2013, Freer got no payment, because CBI had no assets left, despite that Chapter 11 was closed in November of 2013.

(d) On 1/4/2013, CBI announced Amend Reorganization Plan with clearly terms that Bankruptcy Court had exclusive jurisdiction to process Freer's compensation claim in CBI.

75 years Freer lost job in CBI was due to bankruptcy, nothing to do with Chien.

(2) Additionally, the default judgment was solicited by Mr. Clark and Appellee Allen of LeClairRyan in abused process to wrongly accuse Chien offended Rule 3:8(a) of VA Supreme Court for 21 days reply while Chien made reply within 16 days.

(3) The damage judgment made on a perjured evidence of Freer's CBI compensation loss.

In the damage hearing dated 7/30/2012, Freer, and Mr. Clark etc., presented the only evidence of Freer fabricated CBI Compensation Table to masquerade Freer's embezzlement in 2010 as evidence of high income as "successful businessman". Then, on 8/9/2012, Judge Rockwell signed the Final Judgment asked by Mr. Clark for Freer's CBI salary loss. Later, Mr. Clark delivered same fabricated chart to VA Supreme Court and District Court for Eastern District of VA respectively to get favored ruling attacking on Chien.

E. Ignored the statutes, usurped the authority of Magistrate and Judges, and frequently made falsified certificates, evidence statements in several courts.

No one disputed Mr. Clark and other Appellees aided or engaged following fraud

(1) Freer's embezzlement during Chapter 11.

Freer submitted to the Bankruptcy court of "Summary of Schedule" filed on 2/3/2011, to falsely claim CBI unpaid him compensation of \$158, 519 in pre-petition, which major consisted of (a) Unpaid stock option of \$52,500 (b) 2010 unpaid of compensation cash over \$97,582. However, in the audited financial statements with 10-k, CBI reported Freer's compensation in 2010 was \$124,515, and fully paid. As for stock option, it became useless because his exercised price was above \$3 per share while the stock price after Chapter 11, already collapsed to \$0.02 /share. Chien was the first person to discover the embezzlement and disclosed it, and aided CBI's Chairman to control the Chapter 11 process at a shareholder meeting approved by SEC, but eventually failed by conspiracy of Freer with Appellee Bradley A Haneberg ("Heneberg"), which caused the beginning of retaliation of Freer, aided by Mr. Clark and others. More retaliation developed from Chien's another disclosure LeClairRan together with Freer to steal CBI cash to pay Freer personal legal fee, details later.

Additionally, Chien in case 3:16CV01881, Chien listed Free's more cash and stock embezzlements: in summer of 2010 or later, Frer at abusing accounting of CBI, stole Chien's personal cash of \$3,600; and in the Chien attended one of CBI liquidation sales, Freer stole additional \$25,000 from the revenue of sale stock of Mimotopes. Further, during Chapter 11, Freer issued huge quantities of CBI shares to himself to increase his ownership from 326,753 shares, about 3% before Chapter 11 to 7,485,141 shares about 40% on 04/18/13 without any authorization, especially not

following control shares acquisition regulation of either VA code “§13.1-728” or “Section 14 proxy” of Exchange Act to get the approval of both CBI Board and shareholders. These allegations are new, relative to VA Judgment, because they approved that Freer violated ethics, 17 CFR 229.406, not qualified as a director of a public company, and Chien never defamed Freer. But, the District Court set aside of them without reason, and the Second Circuit didn’t correct it.

(2) The falsified unpaid compensation which Freer’s claimed on 2/3/2011, had waited for over two years, paid in April of 2013. Chien’s attending CBI’s Chapter 11, was a threat to him. Embezzlement is serious crime with maximum sentence up to 20 years imprison due to VA code “§18.2-111” and “§18.2-95”, therefore, for the purpose to suppress Chien, Freer at Allen, Mr. Clark, and other of LeClairRyan on 2/17/2012, filed a defamation lawsuit of Complaint, Case CL.12-485, VA Chesterfield County Circuit Court, against Chien, and get big award.

(3) Freer and Mr. Clark initiated VA debt collection by perjury for concealing debt collection in CT.

Freer certified VA Judgment in CT Superior Court since 9/26/2012, Docket: NNH-CV-12-4053717-S, which has been active. In March of 2013, CT Superior Court took Chien’s cash in his personal relative account to Freer, but rejected to take any cash from Chien’s custodian business related accounts, such as CHBM and other.

From day one of VA Debt Collection, Freer and Mr. Clark engaged intentional tort by filled and submitted false certificate in the form of “Summons to Answer Interrogatories-VA Code §8.01-506”

"I certify that I have not proceeded against the Judgment Debtor(s) under §8.01-506 within six(6) months from this date

01/04/2013 Andrew Clark

Date Creditor's Attorney"

Additionally, they engaged self-dealing, and didn't file motion for permission of engaging Commissioner, as specified in VA Code "§8.01-506 (C)":

" Provided, however, that as a condition precedent to proceeding under this section, the execution creditor has furnished to the court a certificate setting forth that he has not proceeded against the execution debtor under this section within the six months last preceding the date of such certificate. Except that for good cause shown, the court may, on motion of the execution creditor, issue an order allowing further proceedings before a commissioner by interrogatories during the six-month period. Any judgment creditor who knowingly gives false information upon any such certificate made under this article shall be guilty of a Class 1 misdemeanor...." (emphases added)

Here, Mr. Clark and Freer committed Class 1 of misdemeanor in VA from the day one of VA Debt Collection.

(4) Ignored authority of the Federal Court.

The subject error of VA debt collection was easily identified when Chien applied personal bankruptcy in Bankruptcy Court of CT on 7/19/2013, where the trustee was assigned to manage Chien's personal property. The Bankruptcy Court of CT arranged a conference call on 11/7/2013, Hon Judge Manning of the Bankruptcy Court wanted Grogan to release Chien, by made comments: (a) that debt collection is

civil act, can't use criminal punishment; she said: “[w]ith Mr. Chien being incarcerated, he does make a valid point that he can't comply with Chesterfield Court's orders if he's in jail, and I agree with that”; and (b) asking Freer's counsel Appellee Ilan Markus (“Markus”) to draft an order to release Chien. But, Freer and his attorneys ignored the order.

(5) More ignoring Chesterfield County Circuit Court.

The first order of indefinitely incarcerating Chien dated 5/10/2013, was to use the offense of “Court Contempt”. Then Grogan's office, by-passed the Magistrate who had an early order to bail out Chien at \$1000, directly sent a fax of the order to a sergeant for execution, never serving Chien a copy, no record in the Docket of Case CL12-485. On 5/31/2013 hearing, Judge Rockwell in front of Chien, Freer and Mr. Clark, verbally ordered that the court will not endorse the incarceration. But, Mr. Clark still made another draft to incarcerate Chien indefinitely at Grogan who issued on 6/19/2013 without “court contempt”, replaced with title of “Detaining Creditor Order” to list many items of Chien's professional belongings and third-parties' assets under Chien's custody located in CT, to exchange Chien's release. In later additional four incarceration orders dated 5/7/2014, 6/6/2014, 3/9/2015, and 8/31/2015, the offense changed to “civil contempt”. ***Definitely these orders were fully served for the private interests. To use police to arrest and move Chien in self-dealing, is extortion, abduction and kidnapping.***

(6) On 5/7/2014, Mr. Clark of LeClairRyan, Grogan, Freer, conspired with then alternative Clerk Craze to impersonate Grogan as a judge by wearing robe of the judge, and sat in the Courtroom of VA Chesterfield

County Circuit Court, signed the order ghost-written by Mr. Clark, for detaining Chien.

F. Perjury of Grogan's representation of the Chesterfield County Circuit Court.

(1) While Appellees Mr. Clark, Joseph M. Rainsbury ("Rainsbury") and others of LeClairRyan in VA Supreme Court and Court of Appeals made multi-filings that Grogan was an agent of the Circuit Court, and Grogan's orders not the final orders of the Circuit Court, therefore the upper level Courts didn't have jurisdiction to make ruling until Chien finished his process in the Circuit Court. However, the assets under Chien's custody located in CT, and Chien filed "42USC §1983" complaint in Federal Court. Without the order of Chesterfield County Circuit Court, there is no way to solicit the Federal Court to use Doctrine of Rooker-Feldman in denial of complaint, also there is no way for CT Superior Court to incorporate with VA Debt Collection. Therefore, it is the conspiracy skills of about a dozen of attorneys (some are not appellees) of LeClairRyan to masquerade Grogan orders as the Court's by the following ways: (a) concealed the material information that Mr. Clark ghost-wrote Grogan's orders without motion procedure, and the Circuit Court didn't permit Grogan doing this; (b) in Grogan orders, such as dated 3/19/2013, 5/7/2014, dated 6/6/2014, in the first paragraph emphasized Grogan's agency was appointed:

"This matter came original before me, in my capacity as a duly appointed Commissioner in Chancery for the Circuit Court of Chesterfield County, and pursuant to a Summon...."

(c) Then, in all other associated language to claim that Chien's incarceration was due to violate Court's orders, indicating Grogan's orders were the Court's.

Mr. Clark developed the language skill in perjury. This is perjury due to VA Code "§18.2-435 Giving conflicting testimony on separate occasions as to same matter". Here, the separate occasions are filings of LeClairRyan's employees in different Courts.

Appellees, filed in one court only, then committed fraudulent concealment.

(3) By the cheating method, Rainsbury got favored ruling in 4th Circuit under Recording No.13-8017; Markus got favored ruling in the Bankruptcy Court for CT; Appellee Joaquin L Madry got favored ruling in District Court for CT under Case 3:12CV01378 (AWT). Appellees Byrne and Michael G Caldwell ("Caldwell") got favored ruling in CT Superior Court by concealment that VA Chesterfield County Circuit Court rejected to follow "28USC §1738" to certify Grogan orders to CT.

(4) For the purpose to get Chien's professional belongings, and assets of non-parties under Chien's custody, Grogan, Mr. Clark, Freer, Byrne, and Caldwell deceived and cheated CT Superior Court, under veil of VA camera hearing, to solicit shipped, in September of 2014, some assets and eight boxes of documents including about 50 stock certificates in several companies, owned by about 20 shareholders, from CT to Grogan's firm. Till today, these goods didn't have a list, value, or return to Chien. (Chien received a letter of Grogan in 2017 to mention there are remaining documents in his office, and asking Chien to pick them, but Chien insisted to pick them until a list to be made to identify the missed items). These Appellees invaded Chien's property right under

42USC §1982.

After these goods shipped to VA, there was never a camera hearing. But, they forged stock certificate for Freer, then stole cash of CHBM. Later, Chien filed motion to disclose the fraud in CT Superior Court, which held a conference call on April 24, 2015, and Grogan, Mr. Clark and Chien attended it in VA, while Freer, Byrne and Caldwell of LeClairRyan attended in CT. Then Byrne, and Caldwell together filed the objection dated 4/23/15, attached and delivered a set of the following documents to the Court in CT while Mr. Clark delivered copies of same set to Chien in VA, which included:

- (a) a copy of Freer perjured stock certificate;
- (b) Freer false CHBM shareholder meeting document, including Notice, Agenda and Ballot;
- (c) a fabricated shareholder election report, made by Appellee Vincent McNelley ("McNelley").
- (d) a fabricated shareholder meeting minutes with Mr. Clark listed as Counsel and McNelley as Secretary for Freer's CHBM.
- (e) Freer's letter to CT Bank to fully withdraw saving of CHBM under false pretenses.
- (f) Freer's false CHBM board meeting on 12/8/2014 listing McNelley as Acting Secretary.
- (g) copy of Grogan's order dated 10/31/2014, to disclose that he made order for what Freer did for stock certificate and cash of CHBM, including order Freer to pledge stock certificate to LeClairRyan.

After Grogan, Mr. Clark, Byrne, and Caldwell, Freer deceived CT Court that Grogan order of 10/31/2014 were the order of Chesterfield County Circuit Court, and all documents regarding CHBM were legal, by concealed that they didn't make any filing to SEC to report control change of CHBM, CT

Superior Court granted Freer's sanction motion against Chien on 7/15/2015.

Later, the time sheet of LeClairRyan, disclosed that Grogan order was ghost-written by Mr. Clark on April 22, 2014, reviewed by Byrne on next day. They in conspiracy, fabricated the order date for about 6 months earlier. Further, Mr. Clark on 3/24/2015 conspired with Grogan for another incarceration order which was mailed to Chesterfield County Circuit Court on 4/24/2015, and Chien received copy from the court on 5/1/2015. They always made antedate orders to make Chien impossible to timely appeal. Most important, Mr. Clark and other Appellees operated RICO in the color of VA judicial act.

G. Retaliation

The excuse of detaining Chien in VA was to discover Chien's hidden personal assets. But eventually, LeClairRyan's Appellees, Freer, and Grogan didn't find any hidden personal assets, replaced to occupy non-party's.

That Chien suffered the 72 hours solid incarceration, after the arrest on 5/8/2013 in the hearing of CBI's Chapter 11, by an out-of-date CAPIAS of 3/19/2013, was to prevent Chien from writing a motion to object Mr. Clark and Mr. Vogel together with Freer to steal \$35,000 from CBI to pay Freer's personal legal fee to LeClairRyan under the countersuit of 3:12CV01378(AWT) in District Court of CT, which initiated by Chien in October of 2013.

Chien was failed in 3:12CV01378(AWT) due to that the incarceration caused Chien lost e-mail connection with the Court, and couldn't respond to the Court's inquiry before 6/12/2013. Hon. Thompson made order on 8/21/2013 to deny Chien's complaint but with

comments that Freer didn't have any evidence to approve his compensation loss caused by Chien, and in VA to arrest person in civil case is malicious prosecution, but he didn't know Chien's incarceration.

During Chien's bankruptcy, Chien also filed adversary proceeding, Case 13-03037(JAM), with hope to invalid Freer's VA Judgment. But, Chien couldn't join the standard court procedure to attend hearing and obtain creditor's filing timely. Even the bankruptcy court was willing to assign attorney for Chien, but they had problem to find attorney in VA to aid releasing Chien. Eventually, Chien withdrew the bankruptcy application.

On 12/19/2014, Mr. Clark, and Freer went into jail and threatened Chien being to stay in jail for life, if Chien had rejected to make the consent. But Chien rejected by continuously filing various countersuits and appeals to oppose the grand larceny. The detain until June of 2016, was fully for suppressing Chien.

On 9/8/2014, Mr. Clark, LeClairRyan and Freer in Price George Circuit Court of VA, under Case CL.14-491 which had total 3 defendants, deceived the court, and solicited penalty of pre-filing-injunction against Chien, for Grogan, CBI and all attorneys of LeCalirRyan (about 390 nationally) in any new lawsuits for any issue, which applied in all state courts of VA (VA has 120 Circuit Court and 120 district court). Therefore, that order consists of over 390 misrepresentation and over 90,000 jurisdictional errors, which is still effective today, which is discrimination of Chien's equal protection right..

More retaliations showed in Grogan order dated 8/31/2015, ghost-written and distributed by Mr. Clark in conspiracy to replace Grogan.

“ORDERED that Mr. Chien shall remain in the

custody of the Chesterfield County Sheriff's Department and incarcerated at the Riverside Regional Jail until Mr. Chien and/or Ms. Fu comply with Connecticut Court's decisions/rulings ordering the computers and any other property to be turned over...;

ORDERED that Mr. Chien shall remain in the custody of the Chesterfield County Sheriff's Department and incarcerated at the Riverside Regional Jail during the duration of any appeal of the Connecticut Court's decisions/rulings ordering the computers and any other property relevant to satisfying the Judgment Creditor's Judgment to be turned over;

ORDERED that upon my receipt of any further decision(s) and/or rulings, by any Connecticut state, court relating to the Connecticut Court's decisions/rulings ordering the computers and any other property to be turned over by Mr. Chien and/or Ms. Fu, I will promptly review such decision(s) and/or rulings to determine if any further action should be taken with regards to Mr. Chien's remedial incarceration at the Riverside Regional Jail and/or any other aspect of this Debtor Interrogatory;"

Among Grogan's three orders, first one was to punish Chien to force another witness Ms. Fu (Chien's ex-wife) to yield; second one was to punish Chien for Chien's appeal in CT; third one was to hold Chien in VA to force CT court to give a favor ruling. The language is so clear to hold Chien in VA for preventing Chien from CT Court process.

H. Chien's Lawsuits in CT District Court

- (1) Case 3:15CV01620(AVC)

Case 3:15CV01620 was filed on 11/9/2015 under Chien's handwriting, with only 4 defendants: Freer, Mr. Clark, LeClairRyan, and Grogan, and 16 counts. Chien requested to assign an attorney, which was rejected by Magistrate Judge on 2/3/2016. App.30a-31a. After Chien won "Writ of Habeas Corpus", and obtained release on 6/27/2016, Chien on 9/13/2016, made 1st Amendment of Complaint, which was the second time of request of leave for Amendment, but was first time under liberty to make filing by using a computer; in which there were 11 defendants with over 700 counts. But the Judge rejected Chien's amendment, App.29a, and made order dated 9/29/2016, App. 9a-29a, on the version of Chien's hand-writing, which had poor quality.

For example, Chien listed Count 1 to sue defendants to forge a stock certificate of CHBM, the Count made such ruling. App.24a.

"(a)Count One

.....
The court concludes that count one of the complaint fails to state a cause of action. The complaint does not make any claims pursuant to a statutory cause of action and the plaintiff may not amend his complaint in his response brief. In addition, Chien has failed to provide a basis for his standing to bring claims on behalf of CHBM. Therefore, in addition to its deficiencies under the Rooker-Feldman doctrine, as previously discussed, the motion to dismiss counts two and three is granted for failure to identify a proper cause of action." (emphases added)

Here, for turnover of the order, Chien must overcome several issues: (a) states Chien isn't representing CHBM, but for his job, and reputation; (b) from beginning, to properly identify the statutes which defendants violated, no revise allowed; (c) dispute the abuse of Rooker-Feldman doctrine.

This is why Chien didn't make appeal of Case "3:15CV 01620", but to make a new case "3:16CV 01881" in which Chien declared that defendants stole the assets of third parties, therefore Chien sued based on his job and reputation, representing himself only. Further, 18USC 513 (c)(2) has exactly definition of "forge", "because it has been falsely altered, completed, signed, or endorsed". The affirming authority of Grogan based on Rooker-Feldman doctrine, is baseless. From common sense, Grogan should aid Chien gradually paying down the judgment debt, by protecting, not destroying, Chien's business and properties. Further, CHBM isn't party of any lawsuit, Grogan has no any excuse to interrupt CHBM business. Most important CHBM is a public company. Article Six of Constitution makes Securities Laws to overwrite any State act. If Freer had taken 90% of shares of CHBM were legal, he would have followed NRS 78.379 and Securities Laws to file proxy with SEC for a vote, in which the acquiring shares have no vote right primarily. But Freer did nothing for SEC filing, due to Sec.14(a)(1) of Exchange Act, his acquisition of shares is "unlawful for any person...in contravention of such rules and regulations ..." Additionally, Freer must cancel his stock certificate if he can't finish the acquisition of 60 days, as specified in Sec.14(d) (5). Further, CHBM following Section 14 of Exchange Act of 1934, called shareholder meeting on 7/10/2016 to reject Freer's control shares, nine

shareholders made affidavits to approve the genuine of the shareholder meeting and their stock certificates loss. Nevada State corrected false of Freer officer identity in CHBM.

When new case 3:16CV01881(AVC) filed, the claim of Freer's stock certificate forged, has enough facts and causes to support. Same for the civil right claim, there is no doubt that Chien's release, jail records to support the claim of "42USC §1983" from Amendment IV. The new case, based on many filings in SEC, the Courts, and States, detailed in 1000 counts, cited 14 Defendants' violations for 126 US Constitutions and Statutes, including: (a) 5 US Constitution; (b) 54 Federal Statutes; (c) 58 VA Statutes; (d) 6 CT Statutes; (e) 3 Nevada Statutes.

But, the District Court used the order on Case 3:15CV01620 as collateral estoppel to deny Chien's new case. The order issued on 10/10/2017, App. 4a-8a, stated, App. 7a-8a.,

"The current 211-page complaint essentially attempts to end run the court's previous denial of Chien's motion to amend. The complaint in this case includes claims and parties included in Chien's previously filed, and denied, motion to amend and proposed amended complaint.

Although the complaint includes three additional parties, the claims are based on the same facts and events as previously alleged and any differences are only superficial. Further, *Chien fails to state why the claims and/or parties were not included in his original Freer September 29, 2016 ruling in the Freer case*, the court provided notice regarding the possibility of sanction..... The defendants' motion for

sanctions is granted. **The case is hereby dismissed and the plaintiff is prohibited from filing further actions in this court without leave of the court.**

The judgment errors are obvious. Case 3:16CV01881 has 14 defendants, added 10 new defendants, not 3. Why? because Chien in his First Amendment of Case 3:15CV01620, wanted to expand from 4 to 11 defendants, but rejected. Secondly, Chien was incarcerated for long time, and his request for assigning an attorney was rejected by the court, the violation of Amendment VI, made him impossible to present his case well. Further, after he lost liberty, he couldn't operate CHBM to contact shareholders and the Nevada Government, to make SEC filings and fill IRS tax forms. This is why he couldn't raise these new events in his original filings dated 11/9/2015.

For the purpose of reopening the case in the District Court after Chien got the order of Second Circuit, Chien filed motion on 9/17/2018, to argue that Second Circuit dismissed Chien's various motions "as moot", meaning dismissal without prejudice, as in case: Semtek International Inc. v. Lockheed Martin Corp, 531 U.S. 497, 505 (2001), US Supreme Court:

"The primary meaning of 'dismissal without prejudice,' we think, is dismissal without barring the plaintiff from returning later, to the same court, with the same underlying claim."

But, the District Court rejected it on 10/1/2018 without any explain. App.3a.

REASONS TO GRANT THE PETITION

A. Commissioner in Chancery has no legal authority to issue imprisoning order in both VA

and CT.

In this case, some Appellees abused the legal phrases of “civil court contempt” with “civil contempt”. Traditionally, “civil contempt” and “civil court contempt” are same meaning because every contempt order has been issued by Judge. But, here is different. Judge Rockwell repeated to object such orders, which in the name of Grogan, but ghost-written by Mr. Clark on behalf of the interests of LeClairRyan. Therefore, the civil contempt orders are illegal.

In CT, there is similar statutes with VA to prohibit Chancery from issue contempt order. C.R.S. “§51-33 Punishment for Contempt of Court” with notes: “This section does not apply to contempts by disobedience to the decrees of a court of chancery”.

B. CT Court has authority to halt the execution of the VA Judgment in CT.

Chien initiated countersuit in CT Superior Court based on Freer’s fraud and C.R.S, Section: “§52-605(b)”, but was rejected to enter the standard process due to the foreign judgment. Chien appealed and failed. Chien, for purpose of allowing counter-suit against Freer, filed suit in District Court to sue CT Supreme Court and some judges for declaration relief under Case 3:18CV00228(CSH). But, the District Court immediately rejected to process it due to existing of the pre-filing injunction under case 3:16CV01881. The Second Circuit didn’t correct this mistake.

C. Based on CT Local interests to Discover Misconduct of LeClairRyan in Execute VA Judgment in CT.

In Case Nevada v. Hall, 440 US 410, 421 (1979) - Supreme Court ordered:

“But this Court's decision in Pacific Insurance Co. v. Industrial Accident Comm'n, 306 U.S. 493, 59 S.Ct. 629, 83 L.Ed. 940, clearly establishes that the Full Faith and Credit Clause does not require a State to apply another State's law in violation of its own legitimate public policy.”

Chien operates CHBM in CT. The Grand Larceny was taken at CT's Bank, and the lost fifty stock certificates of shareholders were shipped from CT. LeClairRyan has two branches in CT, most attorneys are salary employees, working in team with two or three attorneys to be listed in one pleading of any Court. Their fraud was for the interests of LeClairRyan, which currently holds Freer forged stock certificate, and offended “18USC §513(b)”. LeClairRyan widely offended CT Code “§53a-48” for conspiracy by ghost-making fabricated documents in VA, then distributing them to file in CT courts under the names of CT employees. From existing disclosed time-sheet, Mr. Clark who doesn't have attorney license in CT, made over 50%-time contribution for filings in various CT Courts. Mr. Clark repeated to make filings on behalf of LeClairRyan, therefore his fraud represented the policy of LeClairRyan, because “a client of the corporation, for he would be subject to the directions of the corporation and not to the directions of the client.”(NAACP v. Button, 371 US 415,461 (1963)).

LeClairRyan has its own history of employees' fraud in lawsuits and managing corporation affairs. In the bankruptcy case of Health Diagnostic Laboratory, LeClairRyan agreed in September 2016

to pay a \$20.375 million settlement to the bankruptcy estate of HDL. In a separate settlement in March 2017, Dennis Ryan, partner of LeClairRyan and two former executives of HDL agreed to pay a total of \$28.8 million to HDL's bankruptcy estate (source: Richmond Times-Dispatch).

D. Constitution and Statutes Overrides Laws of Judge.

On page 14 of the book "The Nature of the Judicial Process (1921)" by Benjamin N. Cardozo:

"The rule that fits the case may be supplied by the constitution or by the statute. If that is so, the judge looks no farther. The correspondence ascertained, his duty is to obey. The Constitution overrides a statute, if consistent with the constitution, overrides the law of judges. In this sense, judge made law is secondary and subordinate to the law that is made by legislators."

Any valuable case laws must follow Constitution, and statutes in consistent with Constitution. Further, the Judge should exactly use the definition, meaning, and procedure clearly specified in the Constitution, and Statutes in consistent with Constitution, as in *Krampen v. Com.*, 510 S.E.2d 276,278 (Va. Ct. App. 1999)

"Where a statute is unambiguous, the plain meaning is to be accepted without resort to the rules of statutory interpretation.'.....'Courts are not permitted to rewrite statutes. This is a legislative function. The manifest intention of the legislature, clearly disclosed by its language, must be applied" (citation omitted)

The District Court made errors, by not to use Amendment IV and Federal Rule of Criminal Procedure to affirm Chien's false imprisonment claim, and not applying Article VI to use Exchange Act of 1934 to override VA acts in CHBM relative issues. The Second Circuit didn't correct the errors.

E. RICO Claims Stand.

"18USC §1961(1)(D)" applied any criminal offense in either Chapter 11 fraud out-of-the bankruptcy court, or fraud in sale of securities, just as Freer together with Mr. Clark and other Appellees did in either CBI or CHBM. In CHBM, Freer with Grogan, Mr. Clark, LeClairRyan, offended "15USC §77x" and "18USC §1348"; while in CBI, Freer and McNelley and Haneberg offended "18USC §1001" and "18USC §1348". Especially, Freer and McNelley offended "18USC §1350 officer willful made false certificate to SEC" for 10 Counts in their certifications of EXH.32.1 in filing 10-K or 10-Q for CBI from April of 2011 to April 2013 to hide Freer's embezzlements in both cash and shares, and falsify used other director's name.

Further, "18USC §1961(1)(A)" applied any State statutes regarding felony offense, which made more criminal codes of either of US, VA, CT, and Nevada, can be applied in Case 3:16CV01881. Such as: Freer offended 3 counts of NRS 193.130.2(c) for him making 3 falsified forms of CHBM in Nevada.

RICO claims have three predicate acts:

Predicate Act 1: Aided to retaliate Chien, which was active in all period from 2011 to steal Chien cash of \$3,600, to make a fraud judgment in 2012, and to consistently destroy business of CHBM. till today.

Freer obtaining VA judgment by Court fraud, committed offense of "18USC §1513(e)" of with the

intent to retaliate, taking any action harmful to Chien's livelihood. In Chien's multi-countersuits, appeals, and personal bankruptcy, defendants prevented Chien from normal access to the courts, attending hearing, and receiving documents from Courts or opposed parties, and offended "18USC §1512(a)(2)(A)& (a)(2)(B)(i)-(iii)& (a)(2)(C)".

Predicate Act 2: Extortion, abduction and kidnapping, under definition of "18USC §1951(b)(2)", or VA Code "§18.2-47". One period was from 2/28/13 to 2/3/13 (2 days), another from 5/8/13 to 6/27/16 (1146 days).

Predicate Act 3: aided to interrupt interstate commerce, "18USC §1951", such as CHBM and other companies. Here, the allegations are wide, including: "18USC §1341 & §1343" of mail& wire fraud; "18US §1952 "of interstate transportation in aid of Racketeering enterprises; and "18USC §1956 & §1957" of laundering of money etc.

F. Article III and Rule 8(b)(6) of Fed R Civ Proc.

Article III standing

"[T]he irreducible constitutional minimum of standing contains three elements. First, the plaintiff must have suffered an injury in fact—an invasion of a legally protected interest which is (a) concrete and particularized ... and (b) actual or imminent, not conjectural or hypothetical.... Second, there must be a causal connection between the injury and the conduct complained of—the injury has to be fairly... trace[able] to the challenged action of the defendant...Third, it must be likely, as opposed

to merely speculative, that the injury will be redressed by a favorable decision.”

Lujan. 504 U S. at 560-61 (internal quotation marks omitted).”

Article III stated the allegation must be “concrete and particularized” and Rule 8(b) of Fed R Civ Proc requires Defendants to respond every allegation, otherwise, these allegations should be admitted. Here, when Chien’s pleadings dismissed, Second Circuit waivered Appellees to file Brief; and the District Court waivered Defendants except Island voluntarily filed, to file responsive pleading for Chien’s 1000 counts, which lacks of any fairness and impartiality. Article III has discipline to allege in “concrete and particularized”, with which Chien’s 1000 counts followed. Taking partial Counts in Case 3:16CV01881 against Mr. Clark as examples. In the ¶149 of Complaint of Case 3:16CV01881, it has:

“149. Allegations of Mr. Clark:

(a) 11 Counts of money laundering, offense of “18USC §1956 or §1957” to damage Chien’s business:

Events: (1) 6 Counts of his attempting, aiding Freer stolen, and finally received majority of the stolen cash for \$73,430 of CHBM in November of 2014.... Among the six, five Counts are attempts for money laundering as shown in Mr. Clark manipulated Grogan orders dated 3/2/13, 5/10/13, 6/19/13, 5/7/14 and 6/6/14 ... (2) 5 Counts of attempting stealing cash of USChina Venture III as shown in Mr. Clark manipulated Grogan orders dated 3/2/13, 5/10/13, 6/19/13, 5/7/14 and 6/6/14. The offenses are punishable about the same as grand larceny of VA Code “§18.2-95” as specified in

VA Code “§18.2-26” of punishment for attempts of non-capital felonies.”

Although the successfully money laundering was only once, but the counts were 11, due to his ghost-writing Grogan’s five orders for the laundering cash of CHBM, plus USChina Venture III which wasn’t public, no Stock Transfer Agency, and caused Mr. Clark and others couldn’t make forged stock certificate and the money laundering in that company. But, these attempts also were felony offense from VA Code “§18.2-26” of punishment for attempts of non-capital felonies. District Court alleged Chien complaint not concise (see note 5; App.8a) which can be modified in the trial. Currently, it is important to list every issue of the fraud. The details will expose RICO acts doing intentionally, consistently, willful and well plotted, therefore, the error of the collateral estoppel from precedent case, will be easily found.

Due to long-time incarceration which caused Chien not doing business, the registration of USChina Venture III was suspended by Nevada.

Taking another example for the Counts against Byrne who made fraud in CT:

“155. Allegations against James Byrne (“Byrne”)
(a) Byrne committed 11 Counts of perjury due to CT Code “§53a-156”.

Events: (1) 1 Count was his 9/26/12 filing to certify VA Judgment with concealment that the VA Judgment obtained from perjury evidence and abused process. (2) 7 Counts was that Byrne together with Defendant Freer, Caldwell of Defendant LeClairRyan on 4/24/15 in a trial phone call held by CT Superior Court, submitted six forgery documents plus copy of Grogan 10/31/14 order with false claim that it

is the order of Chesterfield Circuit Court ... then obtained sanction order on Chien....(3) 3 Counts was that Byrne on behalf of Grogan on 4/30/14, in CT submitted Grogan orders dated 3/2/13, 5/10/13, and 6/19/13 as the orders of Chesterfield Circuit Court for wrongly appropriated assets of non-parties.”

The perjury accusations stand also due to “18USC §1621 & 1623”. Byrne intentionally violated the rule of “28USC §1738” and there were no VA court’s certificates to verify Grogan’s orders as Chesterfield County Circuit Court of VA. Byrne offended “18USC 1959(a)(4)” to aid RICO of VA.

G. Abused Doctrine of Res Judicata and Rooker-Feldman.

To use Case 3:15CV01620 as collateral estoppel abused doctrine of Res Judicata. Doctrine of Rooker-Feldman can’t stop Chien’s case because the CT Court has jurisdiction with RICO acts in VA due to “18USC §1965”, and has territorial jurisdiction to halt the execution of VA Judgment in CT.

H. Unfairly treatment

Chien suffered significant unfair treatment under both Cases 3:15CV01620 and 3:16CV01881. When Chien made filing on 11/9/2015, Chien had been incarcerated over two and half a year without conviction, but the District Court still rejected to assign an attorney on the order dated 2/3/2016, App.30a-31a. which not only violated Amendment VI, but also showed to ignore Chien’s civil right as

“Most significantly, however, the allegations in the complaint lack merit and are unlikely to succeed. “App.30a.

Further, it cited Chien's previous failed cases as the prediction of Chien's failure in 3:15CV01620.

"Mr. Chien has a history of filing frivolous lawsuits in this and other courts, and has been sanctioned repeatedly for his conduct." App.30a.

The order violated Rule 404 of Federal Rules of Evidence to use character as evidence:

"Rule 404. Character Evidence; Crimes or Other Acts

(a) Character Evidence.

(1) Prohibited Uses. Evidence of a person's character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait."

To use character to make ruling already created the prejudice which prohibited the judge from looking the new evidence favoring Chien.

After Chien released, Chien recovered his capability to do research, collect evidence, and run business to make CHBM in compliance of both Nevada State and Exchange Act of 1934, which is enough to approve Appellees' fraud, but the District Court set these clear and convincing evidence aside by intended picking Chien's version of the complaint prepared under no liberty to deny Chien. When a new complaint with high quality, was submitted, the District Court didn't execute the basic steps of a civil lawsuits of Rule 8(b)(6) to admit these allegations not denied, plus to make sanction which is prejudice.

There is operation rule in the District Court which discriminates prose. After every case close, there is a judicial proceedings survey limited to counsels. In Chien's case, 10 counsels were accused to join RICO., and the remaining 4 were represented by counsels. Therefore, the Judge would, from one side only, get

good survey unanimously in past two cases by denying Chien. On the contrary, if the judge had followed constitution to give Chien a justice ruling, the Judge would have obtained many negative comments of his jobs from one side only without positive one, which will affect his reputation. This survey rule discriminates Chien here. Chien filed judicial complaint against the District Court's judge, which was denied by the Second Circuit.

CONCLUSION

This writ of certiorari should be granted. The Second Circuit should grant Chien's Motion to remand Chien's case to the District Court entering discovery and trial stage by a new judge because 13 Defendants/Appellees didn't deny Chien's allegations. Island's Motion to Dismiss was frivolous because it didn't find any Statutes which allow him to do self-dealing to usurp the authority of CHBM.

Respectfully-submitted

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