

No. 18-

In the
SUPREME COURT OF THE UNITED STATES

In Re Chien

&
Andrew Chien
Petitioner,

v.

Commonwealth of VA, Mark R Herring, Chesterfield
County, Karl S. Leonard, Frederick G. Rockwell III,
Judy L Worthington, Mary E Craze, Wendy S Hughes,
Donald W Lemons, Glen A Huff, W. Allan Sharrett,
Dennis S Proffitt
Respondents.

On Petition for Writ of Certiorari to
the United States Court of Appeals
for the Fourth Circuit No. 18-6346 & 18-1523

BRIEF FOR PETITION

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December 14, 2018

QUESTIONS PRESENTED

1. For No.18-6346, the question is whether the order is void which committed administrative error, a non-judicial act by not issuing summons to defendants in the original complaint based on claims of Defendants' violation of Fourth Amendment, and engagement of Subject Error, and Territorial Jurisdiction Error under color of State act.
2. For No. 18-1523, the question is whether the order contained errors of unfairness and due process by (a) to use the void order in the Doctrine of Res Judicata and Collateral Estoppel; (b) abused the two-years' time bar by omitted the time-toll law of Virginia regarding false imprisonment; (c) abused the qualified immunity of the Clerks, Sheriffs and officer of Virginia Government; (4) omitted 42USC §1983 Claims against Commonwealth of Virginia, and State Judges in declaration and injunction relief..
3. Additional question is whether the principles of Fair Debt Collection Practices Act ("FDCPA") should be executed in Commonwealth of Virginia.

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PARTIES TO THE PROCEEDING

Petitioner:

Andrew Chien

Respondents:

Commonwealth of Virginia,
Mark R Herring
Chesterfield County of Virginia
Dennis S Proffitt
Karl S. Leonard
Judy L Worthington
Mary E Craze
Wendy S Hughes
Donald W Lemons
Glen A Huff
Frederick G. Rockwell III
W. Allan Sharrett

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RULE 29.6 DISCLOSURE 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 two Judgments of the United State Court of Appeals for the Fourth Circuit.

OPINIONS BELOW

For Case No. 18-6346, the order, dated 8/20/2018. Appendix B.2a-4a, of the United State Court of Appeals for the Fourth Circuit (4th Circuit), is unpublished, but can be found public by several websites to publish Court documents, such as scholar.google.com; docket.justia.com; casemine.com; etc. The denial of rehearing en banc, dated 9/18/2018, Appendix A 1a, is unpublished. The order of the U.S District Court for Eastern District of Virginia (“EDVA”) on Case 1:13CV993 dated 11/6/2013, Appendix M, 51a-55a, isn’t reported, but can be found publicly in above-mentioned websites.

For Case No. 18-1523, the order, dated 6/19/2018, Appendix D.6a-7a, of the 4th Cir. is unpublished, but can be found public in some websites. The denial of rehearing en banc, dated 9/18/2018, Appendix C. 5a, is unpublished. The order of the U.S District Court for EDVA on Case 1:17CV677 dated 3/5/2018, Appendix F. 11a-27a, can be found publicly in some websites.

JURISDICTION

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

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."

42USC§1983 provides in relevant part:
"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State . . . subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress . . ."

INTRODUCTION

Andrew Chien ("Chien") is sole proprietorship for financial consulting, a resident of Connecticut ("CT") with no regular business and property in Virginia ("VA"). However, in 2011, Chien joined the Chapter 11 and final liquidation process of Commonwealth Biotechnologies Inc ("CBI"), a VA public company in which Chien was a shareholder, and was hired to manage the special shareholder meeting. In the process, Chien met conflict with CBI's only operating officer Richard J Freer ("Freer") and his attorneys Andrew K Clark ("Clark") and other of LeClairRyan, because Chien found that Freer first, then joined by Clark and other of LeClairRyan embezzled cash of CBI during Chapter 11. Then,

Freer at Clark retaliated Chien as a whistle-blower by excuse of Chien defaming Freer and caused his compensation loss in CBI, and filed a defamation lawsuit, through abused process between Clark with Respondent Judy L Worthington ("Worthington"), obtained a default judgment, further with Clark in fabricated evidence to get award of \$1.6 million of CBI's compensation damage plus 6% interests per annum against Chien from Chesterfield County Circuit Court of VA ("Chesterfield Court"), presided by Respondent Judge Frederick G. Rockwell III. ("Judge Rockwell").

On 9/26/2012, Freer at other attorneys of CT division of LeClairRyan, certified VA judgment in CT Superior Court, JD of New Haven, under case: 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 China Bull Management Inc. (a public company with trading ticker: "CHBM"), and other. In the meantime, Chien filed countersuit under pro se in CT against Freer, CBI and LeClairRyan.

For purpose to depress Chien's countersuits and take assets of non-parties, Chien was arrested twice and total incarcerated in VA for 1148 days(nearly 38 months) from February of 2013 to June of 2016, without any criminal procedure under excuse of "civil contempt" (not "civil court contempt" because of Judge's rejection), manipulated by Clark and others of LeClairRyan, in the conspiracy and self-dealing with William K Grogan ("Grogan"), another private lawyer with title of Commissioner in Chancery, an agency of Chesterfield Court. Their offenses of Amend IV and "42USC §1983" as well as acts of "18USC §1961-1968

Racketeer Influenced and Corrupt Organizations" ("RICO"), are already alleged in this Court, No. 18-598, Chien v Clark et al. None of the Respondents of No. 18-598 was a VA state actor, or a member of the Enforcement Department of VA. But they freely used police force and jail facilities to arrest and incarcerate Chien much longer, which gave them enough time to secretly fabricate many public documents and forged a stock certificate to steal assets of third party for paying Grogan and LeClairRyan.

The key issue here is that as Clark with many attorneys of LeClairRyan made files to VA Prince George Count Circuit Court ("Prince George Court") (presided by Respondent Allan Sharrett ("Sharrett")), VA Court of Appeals (presided by Respondent Glen A Huff ("Huff")), and VA Supreme Court (presided by Respondent Donald W Lemons ("Lemons")) with clearly and repeated statements that Grogan is only an agent, and his orders not the final orders of the Chesterfield Court, therefore the other or upper level VA Courts didn't have jurisdiction to make ruling until Chien finished his process in Chesterfield Court. But, Clark at Grogan made his orders well executed in Chesterfield Court despite that Respondent Judge Rockwell and his Chamber announced, for more than six times, opinions either verbal or writing to object VA Debt Collection because of no jurisdiction. Grogan never made any report to Chesterfield Court to allege Chien with "civil contempt" which is a civil case. In *Workers v. Bagwell*, 512 US 821, 827 (1994) - Supreme Court:

"[C]ivil contempt sanctions, ... may be imposed in an ordinary civil proceeding upon notice and an opportunity to be heard. Neither a jury trial nor proof beyond a reasonable doubt is required."

Therefore, Chien's imprisonment was violation of the Amend IV. In VA District Court, Chien consistently filed countersuits. In 2013, Chien filed 1:13CV993 together with Writ of Habeas Corpus but failed. After release, Chien filed 1:17CV385, failed again under abused Doctrine of Res Judicata and Rooker-Feldman. Then, Chien filed "1:17CV677" to sue VA Government and some employees for their corruption or negligent, but failed by the errors mentioned later. Chien filed appeals in 4th Circuit with No.18-1523 for Case 1:17CV677, and No.18-6346 for Case 1:13CV993. 4th Circuit didn't correct the mistakes of both cases.

STATEMENT OF THE CASE

A. Due Process & Subject Fraud in Case CL. 12-485 of VA Chesterfield Court

There are three errors of the order on 08/09/2012 by Judge Rockwell in case CL12-485:

(1) subject error, offended "28USC 1334(a)", because the case was for the purpose to compensate Freer's compensation loss for his employment under Chapter 11. The time period of the case was between 2/17/2012 and 8/9/2012 for less than six months, while CBI's chapter 11 was running over two years and ten months from 1/20/2011 to 11/12/2013. The Bankruptcy Court mandated Freer's change of employment status and compensation claim since 1/20/2011. Freer's compensation reduced to half in 2012, then no payment after April of 2013, was due to decision of the Bankruptcy Court on the progress and results of liquidation of CBI, nothing to do with Chien. One of defamation claim was that while Chien attending CBI §341 meeting on 2/18/2011, questioned Freer's fabricated 2010 unpaid compensation, which

eventually supported by audited CBI financial statement for year 2010, published in April of 2011.

(2) Due Process error: (a)the default judgment made on 6/8/2012, was wrongly accusing Chien offended Rule 3:8(a) of VA Supreme Court for 21 days reply while Chien replied within 16 days; (b) the hearing arrangement on 6/8/2012, was a conspiracy between Respondent Worthington and Clark, because Chesterfield Court never sent Chien a notice that there was a hearing scheduled.

(3) Due Process (evidence) error. In the damage hearing on 7/30/2012, the only evidence that Freer got higher payment and loyal to CBI by willingness to work under “without full” payment in 2010, was evidence of embezzlement of CBI because the compensation in 2010 was fully paid in the audited financial statement of 10-K for both year 2010 and 2011 filed by CBI to US Securities and Exchange Commission (“SEC”). The embezzlement was discovered and questioned by Chien in §341 meeting. Freer’s lawsuit was retaliation.

B. Abused VA Debt Collection-Primary

There are Constitutions and Statutes to prohibit the VA Debt Collection on Chien. First, there is the subject error because Chien’s property only locates in CT, and the venue of VA Debt Collection offended VA Code “§8.01-206.5(a)”, further CT debt collection has been going on since 09/22/2012, and the VA Debt collection initiated three month later on 1/3/2013 by violating VA Code “§8.01-247 when action on contract governed by the law of another state or country barred in Virginia”. Secondly, VA Debt Collection by force, violated VA Code “§18.2-7 Criminal act not to merge civil remedy” as well as “42USC §1983”.

For purpose to further understand the illegal of VA Debt Collection, to cite the Fair Debt Collection Practices Act (“FDCPA”), codified as “15USC§1692 – 1692p”, will be helpful.

The judgment debt is the money payment issue between two privates: Chien is the ‘consumer as defined by “15USC§1692a(3)”, Freer is the creditor, “15USC§1692a(4)”. LeClairRyan for Freer, is a debt collector, “15USC§1692a(6)”, acting in both CT, and VA where Grogan joined as a member. In 1977, the U. S. Government began the effective of FDCPA with the primary goal of protecting consumers from "abusive, deceptive, and unfair debt collection practices, including threats of violence, use of obscene language, certain contacts with acquaintances of the consumer, late night phone calls, and simulated legal process." Bass v. Stolper, 111 F.3d 1322, 1324 (7th Cir. 1997). But, here, LeClairRyan acted willfully to pick two venues in both CT and VA to collect debt which violated “15USC§1692 i (a)(1)”, as well as made Chien suffered double jeopardy, Especially, Chien applied personal bankruptcy in US District Court of CT from July to December of 2013. LeClairRyan at the attorneys Ilan Markus, James R Byrne on behalf of Freer, filed appearance in CT. But LeClairRyan at Clark, conspired with Grogan and Sheriff still detained Chien in VA, which approved LeClairRyan acted intentionally engaged abused debt collection. To steal the cash of CHBM is violated “15USC §1692f(1)” for improperly occupying assets of non-party To imprison Chien, violated:

“15USC§1692 d (1) The use or threat of use of violence or other criminal means to harm the physical person, reputation, or property of any person.”

This violation is serious, and kept longer for 1148 days. If the Government had taken action, it should have money penalty for the debt collector, of \$16000 for every day as mentioned in Case: Jerman v Carlisle et al., 130 S.Ct. 1605,1609 (2010), US Supreme Court:

"The Act is enforced through administrative action and private lawsuits. With some exceptions not relevant here, violations of the FDCPA are deemed to be unfair or deceptive acts or practices under the Federal Trade Commission Act (FTC Act), 15 U.S.C. § 41 et seq., and are enforced by the Federal Trade Commission (FTC). See § 1692l. As a result, a debt collector who acts with "actual knowledge or knowledge fairly implied on the basis of objective circumstances that such act is [prohibited under the FDCPA]" is subject to civil penalties of up to \$16,000 per day. §§ 45(m)(1)(A), (C); 74 Fed.Reg. 858 (2009) (amending 16 CFR § 1.98(d))."

The money penalty will be daily, is based on "15USC§45(m)(1)(C) In the case of a violation through continuing failure to comply with a rule or with subsection (a)(1), each day of continuance of such failure shall be treated as a separate violation, for purposes of subparagraphs (A) and (B)."

U.S. laws are supreme, Article VI of Constitution. From Chien's case, the Commonwealth of VA should have followed FDCPA to make money penalty at the VA Debt Collector for \$18,368,000. But their employees acted reversely which created their personal liabilities. In District Court, Chien didn't alleged under FDCPA, instead with similar principles contained in tort and RICO. FDCPA will help to recognize the error of Judge O'Grady of the District Court for EDVA, who classified VA debt collectors engaged act of the 'Chancery Court", Appendix I. 43a.

4th Circuit didn't correct the error.

C. Corruption of VA Debt Collection

There is the judicial corruption performed by Grogan to embezzle the cash of CHBM, which was originally under Chien's custody. VA Code limited Grogan's job on the investigation of civil case, with every case being assigned by the Court, VA Code "§ 8.01-607". And the document of the case was referred by the clerk "§8.01-608". Further, Grogan's payment must be approved by the Court, after he made report as specified in Codes "§8.01-609.1" & "§8.01-618.1". Additionally, VA Code "§8.01-506C" (initiating interrogatories for 6 months 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), specified that Grogan can't do self-dealing. However, during the illegal incarceration for 1148 days, Grogan never made any report to Chesterfield Court, and his income was unauthorized.

That Grogan obtained personal income from his orders, is destruction of the fair and impartiality of either civil or criminal procedures, and offense of honest service as defined by "18USC§1346". Further, VA Code "§ 18.2-441" specified as Class 4 felony offense for Commissioner to receiving bribes.

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 business, not for Chien to pay his debt. There are US Securities Laws to protect investors. The financial statements of CHBM must be audited periodically following Generally Accepted Accounting Principles to verify whether the cash was properly used. This is why Freer never filed Form 10-

Q or 10-K of CHBM after he stole the cash by falsified to claim he was president of CHBM. Due to regulations, even to forge a stock certificate of CHBM is not easy. 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 that without to incarcerate Chien, Grogan's secret order dated 2/18/2014 to forge a stock certificate of CHBM for Freer, will not work. Because Grogan can't overcome barrier of CT Superior Court and requirement of SEC filing. Further, Island Stock Transfer locates in Florida, not accepts order of VA Commissioner in Chancery, Grogan still needed conspiracy with Worthington to make false certificate to fabricate Grogan order was the order of the Chesterfield Court, despite of the facts that the order was secret and no motion procedure existed. The excuse of forging the stock certificate, was to pay down Chien's debt. But, in reality, Freer paid Chien zero for the over 1 million shares. Freer just used that certificate as a tool to fabricate his official position of CHBM, then to steal cash for paying Grogan and LeClairRyan at Clark.

That Grogan at Freer, stole cash of CHBM is a private act of grand larceny as defined by VA Code "§18.2-95" and "§18.2-111", under excuse of collecting debt, while Worthington aided it.

D. Clerks' Responsible in False Imprisonment

VA Code “§8.01-612” has clear language, Commissioner in Chancery doesn’t have authority to issue arrest warrant, but the Clerks has such power due to VA Code:

“§16.1-69.40 Powers and duties of clerks... The clerk and deputy clerks ... may ... issue warrants, detention orders, and other process..., subject to the limitations set forth by law”,

In the website of Chesterfield Circuit Court with link:

chesterfield.gov/1127/Circuit-Court-Clerk

It listed job of the clerks in criminal case is to issue arrest documents/legal process to be served on defendants or witnesses. Therefore, the real executors to incarcerate Chien for 1148 days, was Respondents Clerks Worthington (on duty before April of 2014), Mary E. Craze (“Craze”, on duty between April to November of 2014) and Wendy S Hughes (“Hughes”, on duty after November 2014) due to VA Codes:

“§17.1-502.B. Any circuit court clerk may establish and maintain his own case management system”; “§17.1-215: Process Book (being accuracy)”; “§17.1-214: Clerk to deliver or send process to sheriff”; and “§17.1-219.1. Transportation orders; authorization for clerk to issue orders to custodian”.

VA Codes specified the procedures so details that before Grogan took any act, all of debt interrogatories would have arranged first by the Clerk’s office under the order of the Judge. But here Clark at Grogan usurped the authority of the Judge. During VA Debt Collection from 1/4/2013 to 6/27/2016, Grogan issued orders for 14 times, plus 9 orders for transportation, while the Docket of Case CL.12-485 of Chesterfield Court had little records. Despite of no Judge’s authority, every execution was going well. Obviously,

Clerks and Sheriffs in conspiracy, well did what Grogan and Clark wanted.

It costs taxpayers' money to put someone in the jail, and the jail must keep consistent communication with the Court. The Clerk was responsible to manage the offense records of the inmates, and get funding to pay jail for various costs of housing, transportation, inmate program and other, about \$2000 per month. In Chapter 781, Virginia Acts of Assembly, Item 70 listed the Standard of inmate costs of local or state responsible:

"Item 70. B.

2. Local responsible inmate-(a)any inmate arrested on a state warrant and incarcerated in a local corrected facility, as defined by § 53.1-1, Code of Virginia, prior to trial;(b)any person convicted of a misdemeanor offense and sentenced to a term in a local correctional facility; or (c) any person convicted of a felony offense and given an affective sentence of (i)twelve months or less or (ii) less than one year.

3. State responsible inmate- any person convicted of one or more felony offense and (a) the sum of consecutive effective sentence for felonies, committed on or after January 1, 1995, is (i) more than 12 month or (ii)one year or more..."

From the above Item 70.B.3, and the time length of the incarceration, Chien should be the inmate of State responsible. But, Chien was not, and Chien's incarceration was secret, escaped from the supervising, and monitor of the Department of Correction. Despite of Chien imprisoned for 1148 days, the three Clerks wrongly classified the status of Chien's incarceration under as Item 70. B.2.(b), misdemeanor. In the Offense Case Management

System presided by Clerks for unified use among the Court, Sheriff department and the jail, it listed the charge of Chien as in the table.

Offense Date	Offense Code	Offense Description	Grade
03/19/13	CON3210S9	Contempt of Court General -Without A Jury	Misdemeanor

The VA Offense code is "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. But despite of the fact that Chien's incarceration period was 114 times more than the 10 days of the period specified by Offense Code. Clerks still used it, and made deceit records. The jail under supervised by Sheriff, billed the housing inmate costs monthly, and the Clerks must sign the bill by affirming the inmate records in the Court are correct. Without the sign of the Clerks, the jail will not get housing payment from VA Criminal System fund, presided by the County Administrator of Chesterfield County. The VA government never gave fund to incarcerate someone for civil contempt.

This false accounting is serious, because Wrongly Appropriated Public Assets by any full-time officer, agent will have penalty, due to VA Code "§18.2-112.1.B", which specified that "when the value of such use exceeds \$1,000 in any 12-month period, is guilty of a Class 4 felony". Here, Clerks and Sheriffs jointly deceived the County Administrator of Chesterfield County by made 38 sets of the false paper work to misuse of public assets for 38 times of violations.

Additionally, the three Clerks had her special issues to abuse the Court operation respectively.

Worthington was fraud to protect the guilty of Class 1 of misdemeanor of Clark and Freer as specified by VA Code “§8.01-506.C”, because Freer at Clark submitted falsified certificate by filled and submitted the form of “Summons to Answer Interrogatories-VA Code §8.01-506” on 1/4/2013, in additional of the fraud of self-dealing without motion procedure. Worthington received that Form on 1/7/2013, but she didn’t ask Freer and Clark to follow procedure of “8.01-506.C”. Worthington should know that Grogan in conspiracy with Sheriff Dennis S Proffitt (“Proffitt”) to issue orders of CAPIAS. On 5/30/2013 hearing, Judge Rockwell in front of Freer. Clark and Chien, verbally ordered that he will not endorse to incarcerate Chien, but Worthington as Clerk to record instruction of Judge Rockwell, still execute Grogan’s detaining orders dated 5/10/2013 and 6/19/2013 without the orders in the Docket. She made false affidavit for Grogan’s order of 2/18/2014 but not entering Docket of Grogan’s order.

Craze on 5/7/2014 aided to impersonate Grogan as a judge to wear robe of a judge and sitting in the court-room to sign the order ghost-written by Clark without motion procedure, despite that she knew that senior Grogan never had working experience or qualification as a judge. Craze didn’t enter Grogan two incarceration orders dated 5/7/2014 and 6/6/2014 in the Docket.

Hughes on 4/24/2015 received both orders of Grogan’s: one is definitely incarcerating Chien dated on 3/9/2015; another is to Order Freer to own the cash of CHBM with date of 10/30/2014. Hughes knew that there was no report for Grogan, but she executed the incarceration order and entered that order in the Docket while she set aside of the order dated

10/30/2014. This approved that she made discretion before she helped Grogan to escape the standard criminal procedure and usurp the authority of Judge. She on 9/14/2015, entered the Docket another incarceration order dated 8/31/2015 distributed by Clark.

E. Sheriffs' Responsible in False Imprisonment

VA Code “§17.1-214” specified that: Sheriff took orders from Process Book. But during all period of Chien’s incarceration, all orders, including two CAPIAS and six incarceration orders, and nine transportation orders, were directly taken by Sheriffs Proffitt (before April of 2014), and Karl S. Leonard (“Leonard”, after April of 2014) from Clark or Grogan. Most of the transportation orders didn’t report to the Clerk office. Chien’s incarceration records were secret, which never entered VA Police System. These showed the conspiracy among Sheriffs, Clarks and Grogan, Clark. The two Sheriffs having their own fraud respectively during their different service period.

Proffitt arrest Chien on 5/8/2013 by an order dated 3/19/2013, then solitary confined Chien for 72 hours, and to use physical tortious to prevent Chien from writing a motion to object Freer and Clark to steal about \$35,000 from CBI; and kept incarceration order dated 5/10/2013 secret, and never served Chien a copy, and set aside Chien’s request for an attorney.

F. Sanction Order in Case CL 14-491 of Prince George Court

In summer of 2014, Chien from Virginia Prisoner Litigation Reform Act, in the Prince George Court, filed two separated lawsuits. One is Chien v Freer, Clark and LeClairRyan under Case: CL.14-491. Clark,

and other two of LeClairRyan represented the defendants. Another is Chien v. William K Grogan & Associates, and Commonwealth of VA, under case: CL.14-549. Respondent Attorney General Mark R Herring (“AG Herring”) together with Assistant Attorney General, J. D. McChesney (“McChesney”) represented defendants. The two cases concentrated on the illegal incarceration. The court originally arranged a hearing dated 9/8/2014, but was objected by McChesney in ally with Clark. Then the Court cancelled the hearing, and later rubber-stamped two separated orders asked by McChesney and Clark respectively.

The order of case of CL.14-549 was to dismiss the complaint without any sanction. However, the order of case of CL.14-491, has following sanction term:

“ORDERED that Defendants’ Motion for Sanction is GRANTED and the following pre-filing injunction is hereby instituted and shall remain in effect unless otherwise modified by the Court:

...

(ii) Andrew Chien is hereafter prohibited from commencing a new lawsuit in any state court in the Commonwealth of Virginia against following persons, entities, and/counsel who have involved a prior pro se litigation commenced by Andrew Chien:(a) Richard J. Freer; (b) Andrew K. Clark; (c) LeClairRyan P.C. (including any attorneys employed by LeClairRyan, P.C.); (d) Commonwealth Biotechnologies, Inc.; (e) William K. Grogan, Commissioner in Chancery; (f) William K. Grogan & Associates; and (g) the Commonwealth of Virginia (collectively the “Named Defendants”);

(iii) Should Andrew Chien desire to file a new lawsuit against any of the foregoing Named

Defendants, he is required to do the following: (a) inform the court in which he seeks to file of the pertinent facts concerning the action he intends to bring, including the existence of the pre-filing injunction imposed by this Order and of any outstanding litigation against the Named Defendants; and (b) obtain leave of that court to file the action;”(emphases added).

Due to article in Richmond Times-Dispatch, LeClairRyan has about 390 attorneys nationally; therefore, Clark represented 396 persons/entities totally (exclude Clark to represent himself). Commonwealth of VA has 120 Circuit Courts and District Courts respectively, in which the Circuit Court for Prince George County didn't have jurisdiction for other 119 Circuit Courts and District Courts respectively. Then, the sanction order contained 393 misrepresentations and 94,248 ($=396*119*2$) jurisdiction errors, which created serious and widely legal unfair of due process on Chien, with 94,248 persons/ places in combination, which violated Amend V and XIV of Constitution. Further, the pre-injection is not limited to the issue argued in Case Cl 14-491, but for any new lawsuit, such as a car accident, or any tort, any argument relative to issue of third party in the future interests of either personal or business. This is a forever legal unjust privilege over Chien with violation of Amend V and XIV, for the 396 personals, including Commonwealth of VA, misrepresented by Clark

In Summer of 2015, Chien in Chesterfield Court filed new lawsuit against Grogan and two Clerks of the Court for illegal incarceration etc., under case: CL.15-1569. Then, Grogan, at AG Hearing, filed motion on 7/24/15 to dismiss the case by applying the

pre-filing injection requirement as shown in the sanction order of the case CL.14-491, and he won on 7/28/2015 without to follow standard operation to file Motion to Dismiss or Demurer, which violated due process.

G. Hon. Huff Omitted Chien's Civil Right Twice

For the illegal incarceration, Chien appealed in the VA Court of Appeals presided by Hon. Huff twice. The first one was assigned the Recording No. 1242-13-2.

On 7/12/13, the Court prejudiced Chien by issuing following order:

“Andrew Chien Appellant against Richard J Freer Appellee, Record No. 1242-13-2; Circuit Court No. CL.12-485 (Appeal of the March 19, 2013 order)

It Appears that this Court does not have jurisdiction over this case. See Code §§17.1-405 and 17.1-406. However, as the notice was not timely filed in the trial court, the case cannot be transferred to the Supreme Court of Virginia pursuant to Code §8.01-677.1. Accordingly, the case hereby is dismissed. This order shall be certified to the trial Court” signed by Cynthia L. MaCoy, Clerk” Although this order cited the reason of denial from the outdated documents which Chien submitted, but it violated both Amend VI and XIV. The appeal is for Chien’s liberty. After lost liberty, he lost the ability to get the enforced documents due to fraud by the Clark, and Grogan who did not make order of CAPIAS timely, and kept the incarceration order 5/10/2013 secret. Hon. Huff, neither assigned Chien an attorney, nor asked Chesterfield Court to submit the full documents for enforcement, which omitted Chien’s civil right.

Second appeal was under Recording No. 1177-14-2,

for appealing Grogan's order dated 5/7/2014, which has clear language to release Chien with conditions that Chien must ship the assets of third parties and Chien's professional belongings from CT to Grogan's office of VA, with obvious subject error and civil right violation. Huff with other two judges held hearing in June of 2015, and they denied Clark's claim of no jurisdiction, and knew that Grogan never made report to the Chesterfield Court, but still denied Chien's claim of illegal incarceration, under excuse that Chien's appeal documents especially Appendix, not matching the format requirement, which was excuse to omit Chien's civil right because he knew that Chien at hand-writing, suffered extrinsic physically restrain to do documents.

H. Justice Lemons Omitted Chien's Civil Right

After Chien was incarcerated on 5/8/2013, Chien made six appeals to VA Supreme Court, presided by Justice Lemons with several times asked en banc hearing. They are:

Recording No. 131044 including Chien asked release under personal bankruptcy in CT. But VA Supreme Court rejected it.

Recording No. 151104.

Recording No. 151219 & 152307

Record No. 151316.

Record No. 151455.

There is no need to address every case. Although some failure was due to Chien physically not capable to submit appeal timely, but most cases were showing that the common errors of Justice Lemons were to consider that the civil-contempt incarceration in debt collection is legal. He rejected to assign Chien an attorney because this case is civil (Recording

No.151316). He rejected to release Chien under Mandamus (Recording No. 152307) because the incarceration is private, not the government act.

I. Judgment Errors of the District Court for EDVA and 4th Circuit.

Judge O'Grady of the District Court for EDVA made several orders in three cases: 1:13CV993, 1:17CV385 and 1:17CV677.

The caption of Case 1:13CV993 should be modified as *In Re: Chien* to replace old caption Chien v. LeClairRyan et. al, because there was no Court's summons ever issued to defendants as shown in the Docket, Appendix M. 56a-63a. Between 07/19/2013 and 12/12/2013, Chien filed personal bankruptcy and adversary against Freer's claim, under both cases 13-31389 and 13-03037, in US Bankruptcy Court of CT. But LeClairRyan at Grogan still detained Chien in VA, which is to object justice by offenses of Amend IV and extortion under "18USC §1951". Therefore, Chien filed both Writ of Habeas Corpus and Complaint of Case 1:13cv993 to sue the Debt Collectors with fully paid \$400 application fee, Appendix 57a, with a copy of Grogan's order dated 6/19/2013, in which Grogan didn't accuse Chien having "Court contempt", instead Grogan under "Order Concerning Conditions of Release Defendant/ Judgment Debtor Andrew Chien", wanted the bank statements and Chien's stock certificates with the ability to transfer under several corporations, such as CHBM, USChina Venture I, USChina Venture II & USChina Venture III, being submitted as condition to release. The order without the approval of any judge, was private action. These demands should be resolved at the Bankruptcy Court of CT, not in VA. VA debt collection interrupted the

job of US Court of CT by violating “11USC §362 Automatic stay”. Further, there is no such law existing, without conviction and sentence, to use jail facility by private party to resolve civil case, which offended “42USC §1983” at Amend IV. Since Chien wasn’t a prison of VA State, Chien should be released with \$5 application fee under “28USC §2254(b)(1)(B)(i) or (ii)”.

But Judge O’Grady omitted Chien’s civil right by not only ignored Chien’s Habeas Corpus, but also denied Chien complaint under “28USC §1951A(b)(1)”, Appendix L. 54a, despite that Chien fully paid costs and didn’t have relation with “28USC §1951” due to no conviction. This is administrative error. Further, his order of no personal jurisdiction under “42USC §1983” for three Debt Collectors, was also wrong:

“Defendant William K. Grogan is not a state actor and thus not amenable to suit under § 1983. As such, defendant William K. Grogan will be dismissed. As defendants LeClair Ryan and William K. Grogan & Associates are firms and not “persons” for purposes of § 1983 liability, the firms cannot be sued pursuant to 1983 and must be dismissed.” Appendix L. 54a.

Grogan acting under Chesterfield Court, should be sued under §1983. The two private corporations can be sued under §1983. As mentioned in another petition No.18-598, Chien v Clark, Chien filed counter suit in US District Court of CT in 2015 with claim of “42USC§1983”, which didn’t treat Chien under “28USC§1951”, and issued summons to all defendants including firm of LeClairRyan to give Chien an access to the court for making a civil right complaint, which is different with what Judge O’Grady did. Any inmate

without conviction should be treated as a free man to access the court.

Without issuance of Summons, Judge O'Grady on behalf three defendants, denied Chien's Amend IV claim on 11/6/2013, Appendix L,51a-55a, which is the non-judicial act, but an administrative error because District Courts under Government administration have limited territory jurisdiction, and VA Court can't interrupt the job of CT's under operation. As a result of Judge O'Grady omitted Chien's liberty, Chien illegally stayed two and a half years more in jail.

Chien appealed this case under No. 13-8017, the 4th Circuit issued order on 4/21/2014, Appendix K, 49a-50a, didn't correct mistakes of Judge O'Grady.

Because the orders were cited twice by District Court of CT under Case "3:15CV01620" to deny Chien's civil right claim, (see App. 22a, 31a, No.18-598), Chien in February of 2018, filed Motion, due to Rule 60(b)(4), to request to recognize the void of the order dated 11/6/2013, because it omitted the jurisdiction over Debt Collectors, who offended subject error, territorial error, and violated "11USC §362 Automatic stay" and offense of "42USC §1983". But that Motion was rejected, Appendix J. 48a, Chien appealed with Case 18-6346, but the 4th Circuit denied the appeal, Appendix 5a, 6a-7a, without listing any facts and causes why VA Debt Collection didn't commit subject error and civil right violation.

After Chien released on 6/26/2016, Chien visited Richmond Division of FBI next day, and learned that Chien was a secret inmate, and FBI can't, from any data, find Chien ever arrested and imprisoned in VA. Further, in any civil right claim, it will first see what cause to the recovery of liberty. In Chien's case, Judge Rockwell issued order on 5/24/2016 to challenge the

legality of incarceration under “civil contempt” (not “court contempt” because no Judge involving), which should be a big evidence to support Chien’s civil right claim. Further, Chien corrected Freer’s false officer lists of CHBM in Nevada, and filed misses CHBM 10-K form for year 2014 and other to affirm the cash stolen, and called shareholder meeting to reject Freer becoming the control shareholder of CHBM, and Chien claimed his missed professional belongings and other properties of third parties under his custodian, based on “42USC §1982”. These new developments (Rule 60(b)(1)&(2)), created Chien’s new claim to sue Grogan and his no-registration firm William K Grogan & Associates under case 1:17cv385, which should be a fundamental different case with 1:13cv993. However, Judge O’Grady abused the Doctrine of Res Judicata and collateral estoppel, and he made order on 8/3/2017, Appendix I. 32a-47a, by wrongly applied collateral estoppel from his old order: “Plaintiff [Chien] filed a separate complaint in this court alleging violations of 42 U.S.C. § 1983 and seeking a writ of habeas corpus against Chesterfield County, Grogan, and Defendant Grogan, among others. Chien v. Chesterfield County, 1:13-cv-00993 (Judge O’Grady), flic Court dismissed the § 1983 action and petition for writ of habeas corpus on November 6, 2013. Id. Dkt. No. 7. That dismissal was affirmed by the Fourth Circuit”, Appendix 34a. “On appeal in Chien v. Chesterfield County, the Court of Appeals held that Defendant Grogan was protected by judicial immunity for his actions as Commissioner of the Chancery Court notwithstanding Plaintiffs allegations that Defendant Grogan committed fraud and violated

Plaintiffs due process. 1:13-cv-993. Dkt. No. 22.

The finding of the Court of Appeals applies with equal force to the present action.”

Appendix 43a, (emphases added)

Judge O’Grady mis-understood VA Commission in Chancery were the same of Chancery Court which some States have. Detail of the error will be later. In addition to abuse Doctrine of Res Judicata, Judge O’Grady also abused Doctrine of Rooker-Feldman for ten times, *id* 40a,41a, 42a,43a, to cite Chien’s failure under incarceration in various VA Courts to support his order, without any analysis of the merit. He ignored that some failure was document format reason, some failure was judgment errors, qualified to be corrected in the US Court under “42USC §1983”. Chien appealed with Recording No.17-1944, Appendix 28a-31a, and failed. That order of No.17-1944 can be found on 2018 WL 746523 (4th Circuit. Feb. 7, 2018). Chien didn’t appeal No.17-1944, but cited it here for the reason that Judge O’Grady used that as collateral estoppel in his later order for Case 1:17CV677, Chien v. Commonwealth of VA et. al, Appendix F. 11a-27a, which caused his later order invalid.

The fundamental difference of 1:17CV677 with previous two cases 1:13cv993 and 1:17cv385, is that all defendants are employees of the VA Judicial System, and none of them was a party previously.

However, on 3/5/2018, Appendix F, 11a-27a, Judge O’Grady, based on his presumption that the events in case 1:17Cv0677 were materially identical with previous two cases, then he made labels and conclusive sentences to deny Chien’s complaint.

“Plaintiff, pro se, filed the initial complaint in this matter on June 12,2017. Dkt. No. 1. The background facts of this case as set forth in

Plaintiffs 125-page complaint are materially indistinguishable from those alleged in a related case Chien v. Grogan, 2017 WL 3381978 (E.D. Va. Aug. 3, 2017), aff'd, 2018 WL 746523 (4th Cir. Feb. 7, 2018) (unpublished per curiam opinion). The Court's Memorandum Opinion dismissing that case provides a recitation of the underlying facts of this matter". Appendix F, 11a.

However, there was precedent in Alfaro-Garcia v Henrico County, Sheriff Wade, Case 3:15CV349, of the District Court of EDVA, Richmond Division, in which Sheriff Wade was judged to commit intentional tort for illegally incarceration of Alfaro-Garcia for extra half a day. Chien cited this case on filing dated Nov. 10, 2017, which made Judge O'Grady hardly using method of collateral estoppel to cover all allegations especially for Sheriffs Proffitt and Leonard. Further, when Judge O'Grady abused Doctrine of Rooker-Feldman, Appendix F. 19a,20a, he caused conflict with Chien's allegations of omitting civil rights against Judges Huff, and Lemons etc. For the purpose to escape addressing facts of omitting the civil right in Chien's countersuit or appeals in various levels of VA Courts, Judge O'Grady abused VA two-years' time bar *id.* 15a,18a,20a, 21a, and judicial immunity, *id.* 16a,18a,20a,21a,22a, 23a,24a,26a for many-times. Also Judge O'Grady ordered on a wrong version of complaint. All errors weren't corrected by 4th Circuit in the appeal. Details later.

REASONS TO GRANT THE PETITION

A. VA's Commissioner in Chancery is not Chancery Court

The fundamental difference between employees of

Chancery Court such as Delaware has, and Commissioner in Chancery of VA, is that the former is salary employees of the government, and the later has personal financial interests with his job. VA Code “§19.2-129” didn’t allow Grogan to issue any contempt order, because to “punish for contempt” is sentence. Both VA Code “§16.1-69.24. Contempt of court”, and “§18.2-458. Power of judge of district court to punish for contempt”, state clearly it is judge, no anyone else, to issue order of “Court Contempt”.

VA has several criminal codes, “§ 18.2-213.2” & “§ 18.2-137.B.(ii)” to identify guilty in garnishment.

“§ 18.2-213.2. ---Any person who maliciously files a lien or encumbrance in a public record against the real or personal property of another knowing that such lien or encumbrance is false is guilty of a Class 5 felony”, and

“§ 18.2-137. B. If any person intentionally causes such injury, he shall be guilty of... (ii) a Class 6 felony if the value of or damage to the property, memorial or monument is \$1,000 or more”.

To forge stock certificate then steal cash of CHBM, offended “§ 18.2-213.2”. The offenses of “§ 18.2-137. B(ii)” were that there are several items destroyed or missed with value more than \$1000, such as the loss of intellectual property of both USChina Venture I and USChina Venture II (whose SEC registration invoked due to Chien not making timely filing and renew Nevada registration), the missed computers contained value of software, and much confidential customer information etc. Even for the over 1 million shares of CHBM, there is no a penny payment to Chien for reducing debt.

B. Violation of “42USC §1983” at Amend IV

There is no argument that Clark at Grogan to arrest and incarcerate Chien, and ship eight bankers of boxes and three computers from CT to VA without the approval of any judge. The action is private. In Case Burns v. Reed, 500 US 478, 504 (1991), US Supreme Court:

"It is clear that a private party's action in seeking a search warrant did not enjoy "judicial" immunity, see, e. g., Miller v. Brown, 3 Mo. 94, 96 (1832); Carey v. Sheets, *supra*, at 378-379"

The private parties, Clark, Freer and Grogan offended Amend IV. However, Grogan is agency of Chesterfield Court, and the imprisonment was executed by Sheriffs, and managed by Clerks, and paid by Chesterfield County in 38 times of audited procedure, therefore they offended "42USC §1983" by violating Amend IV in misusing their power, under color of VA.

C. "RICO" Claim

CHBM and Chien's professional belongings are interstate commerce. In general, VA Debt Collection offended "18USC §1951-Interference with commerce by threats or violence". But the extortion violence was executed by Sheriffs, and Clerks. In VA Code "§18.2-46.1" definition of Racketeering, it defined "§18.2-59 extortion" as one of the predicate criminals.

To claim RICO, it has to claim predicate acts, pattern, and enterprises. There are three predicate acts: Predicate Act 1: Aided to retaliate Chien, and 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. Predicate Act 3. Keep Chien's inmate records secret from public disclosure in 38 months

with many paper or internet works.

Pattern requirement is within ten years there were two predicate acts. Since each of Clerks and Sheriffs was alleged in many Counts in the Amendments of Complaint, the pattern can be found there.

Regarding allegation of RICO under enterprise, “18USC §1961(4)” has lenient and wide definition as:

“(4)’enterprise’ includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity;”

The definition is clear that although the individual employee can be RICO enterprise, the legal entity may be a RICO enterprise also, just tainted by the fraud of the individual employee’s action under color of the official capacity. In case US vs. Grzywacz, 603 F.2d 682(1979), the US Court of Appeals, 7th Circuit affirmed that Illinois Madison County Sheriffs’ office is RICO organization because a couple of polices to solicit and accept bribes, despite of the facts that majority of polices acted legal. In case United States v. Murphy, 768 F. 2d 1518, 7th Circuit (1985), the order states “the [RICO] ‘enterprise’ here was the Cook County Circuit Court” of Illinois, because of an associate judge John M Murphy “with accepting bribes to fix the outcome of hundreds of cases, from drunk driving to battery to felony theft,” despite of the fact that dozens of employees of the Cook County Circuit Court of Illinois including Judges and Clerks acted legal. Here, both Clerk and Sheriff offices of Chesterfield Court are enterprises under RICO.

D. Abused Two Years -Time Bar

Chien was released from the jail on 6/27/2016, and filed the Case 1:17CV0677 on 6/12/2017 within 12

months, VA Code “§ 8.01-229” gave time toll of victim for the period of incarceration:

“§ 8.01-229.A.3.... the time during which he is incarcerated shall not be counted as any part of the period within which the action must be brought.”

After including the time-toll for 1148 days, there is no time bar for Chien’s allegations for intentional tort of false imprisonment to any defendants based on personal injury within two years, VA Code “§ 8.01-243.A”. As for Federal RICO claim, it has “the 4-year statute of limitation” (Agency v Malley, 483 US 143, 152 - Supreme Court (1987). The allegation against Worthington for her false certificate dated 2/18/2014 is within the 4-Year limitation. There is no time limitation to make the declaration or injunction relief against orders of CL 12-485 of Chesterfield Court from Respondent Judge Rockwell, and CL 14.-491 of Prince George Court under Respondent Hon. Sharrett, due to FRCP Rule 60(b)(4) (VA State remedy already exhausted) as well as VA code “§8.01-428.D”. Both should be attacked under “42USC§1983” at Amend V & XIV, because the first violated due process and the second violated equal protection.

E. Limited Qualified Jurisdictional Immunity for Respondent AG Herring

“42USC§1983” allows victim to sue “[e]very person who, under color of any statute, ordinance, regulation, custom, or usage, of any State... “. There is no qualified Judicial immunity for both Clerks and Sheriffs from the intentional tort claims. Any officers’ immunity is limited because “it [is] the nature of the function performed, not the identity of the actor who perform[s] it, that inform[s] our immunity analysis.” Forrester v. White, 484 U. S. 219, 229 (1988).

AG Herring was sued on “42USC §1983” based on his misconducts on two cases: one is CL14- 549, Chien v. Commonwealth et al, Prince George Court; another is CL 15-1569, Chien v. Grogan et al. of Chesterfield Court. In both cases, AG Herring with his employees Machesney and others, acted as attorney to represent Grogan and Commonwealth, to deny Chien’s claim of false imprisonment. Therefore, despite of his position as Attorney General of VA, whether he deserved Chien’s allegations depends on whether he had misconduct, which is beyond the immunity of general attorney-client relation. Here, it has several:

(1) In case CL-549, Prince George Court originally arranged a hearing dated 9/8/2014, for Chien’s pleadings. However, AG Hearing at AAG Machesney etc. conspired with Clark for cancellation. On the letter dated 08/15/2014, to the Court, Machesney wrote: “I have discussed this issue with Andrew Clark, the defense attorney in the companion case. Neither one of us believes that our clients should have to bear the cost of the plaintiff’s attendance at court in this civil action.” Then Prince George Court cancelled the hearing, which violated Amend XIV. In case Hamdi v. Rumsfeld, 542 US 507, 533 - Supreme Court 2004

“See Cleveland Bd. of Ed. v. Loudermill, 470 U. S. 532, 542 (1985) (“An essential principle of due process is that a deprivation of life, liberty, or property ‘be preceded by notice and opportunity for hearing appropriate to the nature of the case’ (quoting *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 313 (1950)) These essential constitutional promises may not be eroded.”

Chien’s case was sued for liberty which deserved a hearing. To cancel the hearing is to violate Due

Process of Amend XIV. Although there is judicial immunity for AG hearing at Machesney made court filing, however, there is no judicial immunity for making ally with Clark before filing, because the contact is not necessary of the judicial process, for which is the precedent, Case Burns v. Reed, 500 US 478,498 Supreme Court 1991

“Although we agree, we note that one of the most important checks, the judicial process, will not necessarily restrain out-of-court activities by a prosecutor that occur prior to the initiation of a prosecution, such as providing legal advice to the police. This is particularly true if a suspect is not eventually prosecuted. In those circumstances, the prosecutor's action is not subjected to the "crucible of the judicial process." Imbler, 424 U. S., at 440 (WHITE, J., concurring in judgment)”.

(2) To accept misrepresentation of Clark for his clients taking pre-filing sanction against Chien, is misconduct. There is a letter to two AAGs Machesney and McNeill, dated August 29, 2014 of Clark with attachment of Clark's Motion for sanction which contained 393 misrepresentation and 94248 jurisdictional error. The sanction order on Case CL14-491 was signed on 9/8/2014. There was plenty of time for AG Hearing on behalf of his clients to reject the misrepresentation. On the contrary, he was consent with Clark's misrepresentation for his clients, which violated Rule 8.4 Misconduct (a)-(c) of America Bar Association. This sanction order created legal discrimination at Chien by his clients Commonwealth and Goran etc., and violated Chien's equal legal rights under Amen V and XIV, and offended Amend IV

(3) Additional misconduct is AG Hearing cheated his client Commonwealth of VA, plus to mislead Price

George Court by violating Rule 3.3(a) of professional Conduct of America Bar Association.

In Chien pleadings, Chien clearly cited VA Code “§8.01-612” and “§18.2-457” to allege the illegal incarceration, AG Hearing should follow VA Code to represent Commonwealth to answer the pleadings, but he didn’t, and he claimed to incarcerate Chien legal, which betrayed his client-Commonwealth’s intention, policy and misled Prince George Court.

(4) AG Hearing at Machesney in Case CL15-1569, Chesterfield Court, abused process for Grogan to deny the complaint, because he cited the illegal sanction order obtained in CL 14-491 of Prince George Court, of the requirement of pre-filing injunction to avoid to file Motion to Dismiss to answer allegations including illegally incarceration and to steal the cash of CHBM. Although, such filing was requested by his client Grogan, but the nature of this case is a counter suit of Chien’s incarceration, in which Grogan’s character of action was the same of a prosecutor, and Chien was accused. Therefore, it should give Chien a hearing for the liberty. But, AG Hearing intentionally aided Grogan to cancel the hearing which violated 42USC§1983 at Amend XIV. (Note: there was hearing in Case CL.15-1569, only Hughes’ attorney attended, Grogan absent because he already won).

F. Judgment on a Wrong Version of Complaint

Judge O’Grady denied all Counts in Cas 1:17CV677 on original Complaint which was wrong version, because it was revised due to FRCP Rule 15(a)(2). Here take Counts of Respondent Hughes as an example. In the order, *id* 13a-14a, it denied as follows:

“During the relevant time period, Ms. Hughes was the Clerk of Court for Chesterfield County Circuit

Court. Plaintiff alleges five claims against her: 1) violating Va. Code § 18.2-472; 2) perjury; 3) aiding false imprisonment; 4) violation of the Due Process clause, and 5) violation of 18 U.S.C. § 1959(a)(4).

Plaintiff has failed to state a claim against Ms. Hughes on these counts.”

This order violated due process. Why? Since this order is to grant Motion to Dismiss which is against Chien 2nd Amendment, in which Chien made following counts against Ms. Hughes:

“Part D. Counts Against Defendant Wendy S Hughes

154. Allegation against Defendant Hughes.

(a) 1 Count of intended tort to aid false imprisonment of violating “§18.2-472” to tamper Chien’s inmate records in “Offender Management System” during December of 2014 to June of 2016, which was without approval of any judge, unauthorized, and conspired with Mr. Clark or Grogan.

(b) 19 counts of intended tort of aiding false imprisonment, by deceiving both Commonwealth and Chesterfield, to pay the costs include officers, transportation, programs, and inmate per diem etc., for incarcerating Chien under criminal procedure, disguised by civil. The 19 counts were based on the assumption that every month the clerk needs to fill a form.

In Chien’s 3rd Amendment, Chien added one more count against Ms. Hughes:

“(f)1 Counts of offense of “18USC §1962(d)” of conspiracy”.

This order cited Counts of against Ms. Hughes were listed in the original Complaint, which is invalid due to Rule 60(b)(1), because Counts had been materially

changed in 2nd or 3rd Amendment, which submitted under permission.

G. Commonwealth & Chesterfield County

Due to Amend XI, there is no money damage against Commonwealth, but Chien required to investigate Chien's case. In 3rd Amend, Chien request such relief:

"After discovery or jury-trial to verify these allegations for Commonwealth Defendants, Chien requests the court to order AG Herring, Justice Lemons, and Hon. Huff to be responsible to invite outside independent Commissioner to invest the corruption of state-wide court system in violation of "42USC §1983", and aid Racketeering in Chien's cases."

It is time for Commonwealth to consider that why it can't follow FDCPA to make money penalty against the fraud Debt Collectors for \$18,368,000.

Respondent Chesterfield County wrongly appropriated Criminal System Fund for 38 times to aid false imprisonment which created custom, and usage of violating 42USC§1983.

CONCLUSION

The order dated 11/6/2013 at Case 1:13CV 993, Appendix M. 51a-55a, is void because it denied Writ of Habeas Corpus, missed jurisdiction of "42USC §1983" Claims over three Debt Collectors, and committed administrative error: on behalf of Grogan et al., to interrupt the jurisdiction of US Bankruptcy Court of CT. The void order can't be used as Collateral Estoppel everywhere. But, the Order for Case 1:17CV677, Appendix F, 11a-27a, had been under the wrong Collateral Estoppel, and should be denied.

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Chien's claim under "42USC §1983", should be affirmed.

For Cases 1:13CV993, it should reopen for allowing Chien to submit Amended Complaint, then issue Summons for defendants. For Case 1:17CV677, it should enter the discovery period for trial.

Based on "Sec. 309(b) of Federal Courts Improvement Act of 1996, Pub. L. 104-317, Oct. 19, 1996, 110 Stat. 3847", Chien filed complaint for declaration relief against Judge O'Grady in the same District Court where Judge O'Grady works. Currently, that Case is pending in 4th Circuit with Recording No. 18-2154. From "28USC§144" & "28USC§455", Judge O'Grady will not be qualified to preside Chien's cases.

4th Circuit didn't correct these errors.

Respectfully-submitted

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