No. _____

In The

Supreme Court of the United States

GLENN BLAIR, Pro Se,

Petitioner,

v.

ANGELA MCCLINTON, MARTIN GRIMM,
OFFICE OF ATTORNEY GENERAL,
THE STATE OF TEXAS,

Respondents.

On Petition For Writ Of Certiorari
To The Texas Court Of Appeals

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED FOR REVIEW

1) Whether Title IV-D Agency Court had jurisdiction, both personal, subject matter, and plenary powers over my daughter and I when they issued a child support order while I was still in the jurisdiction of the 387th Fort Bend County District Court and in violation of my Constitutional Rights in the Fifth and Fourteenth Amendment Rights of the Constitution.

2) Whether the order issued on 6/6/2011 is a void order due to lack of jurisdiction and in violation of my due process rights under the Fifth and Fourteenth Amendments under the U.S. Constitution.

LIST OF PARTIES

1) GLENN BLAIR, PRO SE, PETITIONER
2) ANGELA MCCLINTON, RESPONDENT
3) MARTIN GRIMM, RESPONDENT
4) OFFICE OF ATTORNEY GENERAL (TEXAS), RESPONDENT
5) STATE OF TEXAS, RESPONDENT

NAMES AND ADDRESSES

Appellant

Glenn Blair
14102 Parsons Glen Drive
Houston, TX 77044

Appellee

Angela McClinton
8319 S. Meadowbird Ln.
Missouri City, TX 77489

Judges

David Perwin
301 Jackson Street
Richmond, TX 77469

Hon. Olen Underwood
Second Administrative Judicial Region of Texas
301 N. Thompson, Ste. 102
Conroe, TX 77301

LIST OF PARTIES – Continued

Appellant Counsel

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Child Support Division

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LIST OF PARTIES – Continued

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TABLE OF CONTENTS

TABLE OF AUTHORITIES

Page

CASES

TABLE OF AUTHORITIES – Continued

TABLE OF AUTHORITIES – Continued

OPINIONS BELOW

The State of Texas Supreme Court denied the appeal and the Rehearing of the case No. 17-0975 Violating my due process and Constitutional rights. The First Court of Appeals memorandum of Opinion changed the judge's verdict in the initial trial which is a violation of the direction of the appeal.

JURISDICTION

The State of Texas and subsequent courts violated my Constitutional and Due Process Rights giving the U.S. Supreme Court jurisdiction.

This Court may exercise jurisdiction under 28 U.S.C. § 1257(a).

STATEMENT OF THE CASE

A. The causes of the case

Petitioner and Respondent were residing together since 2000 but ceased to live together as husband and wife as of January of 2011. During the time of living together as husband and wife a child was born into this relationship and was raised and supported jointly by petitioner and respondent. A suit for common-law divorce was filed in Fort Bend County, Texas and was styled *Glenn Blair v. Angela McClinton*, Case No. 11-DCV-187301. The court denied the common-law marriage.

Petitioner's claim arose out of a child support order in cause 10-dcv-186075, styled as *In the Interest of Aneja B. Blair.*

On or about December 1, 2010, the Office of Attorney General pursuant to Texas Family Code 231 and 233 moved to confirm a Non-agreed Child Support Order of November 18, 2010. However, the order was neither signed by the judge or Glenn Blair.

A petition for divorce in *Glenn Blair vs. Angela McClinton* was filed January 27, 2011 and, the proceeding in *In the Interest of Aneja Blair, a Minor Child* was stayed until the divorce case was over. After the judge ruled in the divorce, Petitioner had 30 days to file a Motion for new trial or appeal had not collapsed and the Court in *In the Interest of Aneja Briana Blair, a Minor Child* had not acquired jurisdiction over the petitioner.

On May 16, 2011, Petitioner, in *Glenn Blair vs. Angela McClinton* requested for the Finding of Facts and was finally signed and entered on June 13, 2011 by the judge, thereby, allowing the District Court to retain jurisdiction and plenary powers on Petitioner in the divorce and custody cases.

The Finding of Facts and Conclusion of Law thereby gave Petitioner and Respondent 90 days to file an appeal keeping jurisdiction, and plenary powers within the District Court. On August 11, 2011, Petitioner filed Notice of Appeal whereby, Judge Kerns held a motion on the contest of appeal on September 7. 2011, confirming that District court had jurisdiction

and controlled and maintained full jurisdiction and plenary powers over Petitioner, the custody case, and the divorce case during the entire appeals process until the final mandate, July 18, 2014.

B. District Court Proceedings

The Bill of Review was filed 12/29/2015 by Petitioner Glenn Blair against Angela McClinton, Martin Grimm, and The Office of Attorney General to declare the 11/18/10 petition and 6/6/11 orders null and void.

The petitioner requests the Court to set aside and cancel the Order rendered on June 6, 2011; and orders conservatorship, possession and access of Aneja B. Blair, child support and medical support, in a manner that the Court deems just and right and that would be in the best interest of Aneja B. Blair.

Wherefore, Petitioner requests that Respondents be cited to appear and answer: that after due consideration Petitioner's Petition for Bill of Review be granted; and, that on final trial hereof, the Court order that the Non-Agreed Child Support Order in Cause No 10-DCV-186075 be set-aside and vacated; and, that Petitioner have such other and further relief, at law or in equity, as to which he may be justly entitled.

C. Appellate Court Procedures

The judge did not uphold the trial court verdict. The judge made a different ruling violating my constitutional rights.

REASONS WHY CERTIORARI SHOULD BE GRANTED

I. Review Is Warranted Because The Title IV-D Court Brought Blair Into Court On Or Before 6/6/2011, Without First Establishing Jurisdiction Violating My Due Process Under The U.S. Constitution, Amendments Fifth And Fourteenth And The Bill Of Rights.

The Supreme Court should grant this writ of certiorari based on the documented evidence that I have challenges the legal jurisdiction of this case being in a court that had no personal or subject matter jurisdiction over my daughter and I. The Title IV-D Agency Court violated the laws of jurisdiction that were violated. Petitioner has challenged this legality of this court from the onset of procedures and not one court has ruled and cited law whether this court was within legal rights to begin a legal court proceeding. Only a signed order or a signed proposed order gives a court the authority to hear a case and establish jurisdiction prior to a hearing, trial, or proceeding and one was not presented on 6/6/11 signed order law. Texas Rules of Appellate Procedure 24. Therefore, any and all proceeding of 6/6/11 are void including any signatures.

Jurisdiction was established by the filing of my judge signed petition for divorce on 1/19/11 where it remained until the Final Mandate in that case in July of 2014 as a matter of record. "The acts and proceedings of a court which is without jurisdiction in the particular case, or is acting in excess of its jurisdiction, are void," 21 CJS Courts #104." Subject matter jurisdiction cannot be given or taken away by consent and cannot be waived. *Carroll v. Carroll*, 304 S.W.3d 366, 367 (Tex. 2010); *Parham F.L.P. v. Morgan*, 434 S.W.3d 774, 783 (Tex.-Houston) [14th District], no pet.) This violated my due process and right to a fair trial.

"The really big deal, the real issue is void judgment is SUBJECT MATTER JURISDICTION!!! Subject matter can never be presumed, never be waived, and cannot be construed even by mutual consent of the parties. Subject matter jurisdiction is two part: the statutory or common law authority for the court to hear the case and the appearance and testimony of a competent fact witness, in other words, sufficiency of pleadings, Subject matter jurisdictional failings: (1) Defective Petition filed, *Brown v. VanKeuren*, 340 Ill. 118, 122 (1930); (2) Fraud committed in the procurement of jurisdiction, *Freidman Brothers v. Dept. of Revenue*, 109 Ill.2d 202, 486 N.E.2d 893 (1985); (3) Fraud upon the court, *In re Village of Willowbrook*, 37 Ill.App.3d 393 (1962); (4) Violation of due Process, *Johnson v. Zerbst*, 304 U.S. 458, 58 S. Ct. 1019 (1938); *Pure Oil Co. v. City of Northlake*, 10 Ill.2d 241, 245, 140 N.E.2d 289 (1956); *Hallberg v. Goldblatt Bros.*, 363 Ill. 25 (1936).

II. Review Is Warranted Because The Appellate Courts Did Not Officially State For The Record Which Court Had Jurisdiction (Personal And Subject Matter) And Plenary Powers To Hear This Case. The Courts Have Erred By Not Ruling On Which Court Had Jurisdiction Of My Case. This Is The Simple Basis Of Court Rules. The Court That Hears The Case Must Have Jurisdiction. If The Court Has No Jurisdiction To Hear The Case, The Orders And Opinions Of That Case Is Void. This Is A Flagrant Violation Of My Constitutional Right To Due Process Under The Fifth And Fourteenth Amendment.

The Writ of Certiorari should be granted because it is illegal to be in two courts at the same time for subject matter jurisdiction and personal jurisdiction. The 387th District Family Court clearly established jurisdiction on 1/27/2011 and retained whereby the Title IV-D Court failed to establish jurisdiction as well as the referral and consent of a referring court on 6/6/11. The Appellate Courts in my case chose to ignore my challenge to jurisdiction and not establish through law and opinion which court had jurisdiction and plenary powers over my case. By not ruling officially, my legal challenge to jurisdiction is still a viable argument that has not been officially put to rest. This is a violation of my due process rights, but also a violation to all who seek justice in a court proceeding and can be harmed irreparably by courts being silent on the law. "A plea to the jurisdiction is proper to challenge a suit brought in one court when another court has continuing,

exclusive jurisdiction." *Jansen v. Fitzpatrick*, 14 S.W.3d 426, 430-431 (Tex.App.-Houston [14th Dist.] 2000, no pet.) see also *Speer v. Stover*, 685 S.W.2d 22, 23 (Tex. 1985) (district court did not have jurisdiction over case pending in probate court); *Howe State Bank v. Crookham*, 873 S.W.2d 745, 747-48 (Tex.App.-Dallas 1994, no writ); cf. *Geary v. Peavy*, 878 S.W.2d 602, 604-05 (Tex. 1994) (Minnesota court had exclusive jurisdiction over child-custody case).

"A void judgment or order is one that is entered by a court lacking jurisdiction over the parties or the subject matter, or lacking the inherent power to enter the particular order or judgment the order was procured by fraud," *In re Adoption of E.L.*, 733 N.E.2d 846 (Ill. App. 1 Dist. 2000).

III. Review Is Warranted Because The Original Order Dated November 18, 2010, Became Null And Void Because It Was Not Signed By The Judge And Officially Dated, Signed, And Filed With The Clerk As A Legal Document And Sent To All Parties. According To Texas Rules Of Civil Procedure, To Initiate A Proceeding The Judge Must Sign The Order. Being Brought Into A Proceeding Without Legal Charge And A Judge's Signature Is A Violation Of My Due Process Rights And My Civil Rights.

If a judge has no legal reason or authority to bring you before a court, your rights as a U.S. citizen has been violated under the U.S. Constitution and the Bill

of Rights. In order for your personal freedom to be taken from you, all courts must do their due diligence and make sure that they have the jurisdiction and right to take proceed in the court proceeding. In this case they did not, they continued to ignore my challenge to their jurisdiction, and this left my case not thoroughly adjudicated and any opinion or order void.

"It is well-settled that a written order must appear somewhere in the court's record in order to be effective, whether it be in the court's file record or in the minutes of the court. Since 1923, Texas courts have consistently enforced the following general rule: all orders must be entered of record to be effective." *State Farm Ins. Co. v. Pults*, 850 S.W.2d 691, 692-93 (Tex.App.-Corpus Christi 1933, no writ). "The order must be reduced to writing, signed by the trial court, and entered in the record." Id. at 692. *In re Sanchez*, 2000 Tex. App. LEXIS, 7 (Tex. App. Corpus Christi Aug. 31, 2000).

"A void judgment is one which has no legal force or effect, invalidity of which may be asserted by any person whose rights are affected at any time and at any place directly or collaterally." *Reynolds v. Volunteer State Life Ins. Co.*, 80 S.W.2d 1087, 1092, Tex.Civ.App.

"Judgment is a "void judgment" if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process." *Klugh v. U.S.*, 610 F. Supp. 892, 901, D.C.S.C.

"A void judgment is one which has a mere semblance, but is lacking in some of the essential elements

which would authorize the court to proceed to judgment." *Henderson v. Henderson*, 59 S.E.2d 227 (N.C. 1950).

"A void order does not have to be obeyed because, for example, in *Crane v. Director of Public Prosecutions*, (1921), it was stated that if an order is void ab initio (from the beginning) then there is no real order of the Court."

"A void judgment or order is one that is entered by a court lacking jurisdiction over the parties or the subject matter, or lacking the inherent power to enter the particular order or judgment the order was procured by fraud," *In re Adoption of E.L.*, 733 N.E.2d 846 (Ill. App. 1 Dist. 2000).

"Void judgments generally fall into two classifications, that is, judgments procured through fraud, and such judgments may be attacked directly and collaterally." *Irving v. Rodriguez*, 169 N.E.2d 145 (Ill. App. 2 Dist. 1960).

"When rule providing for relief from void judgments is applicable, relief is not discretionary matter, but is mandatory." *Orner v. Shalala*, 30 F.3d 1307 (Colo. 1994).

"A jurisdictional question may be broken down into three components: (1) whether there is jurisdiction over the person (in personam), (2) whether there is jurisdiction over the subject matter, or res (in rem), (3) whether there is jurisdiction to render the particular

judgment sought," U.S. Constitution Article III, Section 2, 28 U.S.C. Part IV, 28 U.S.C. Chapter 85.

"A void order results from a "fundamental defect" in proceedings: (1) a fundamental defect to proceedings will make the whole proceedings a nullity; (2)a nullity cannot be waived; (3) it is never too late to raise the issue of nullity; and (4) a person affected by a void order has the right – ex-debito justitae – to have it set aside. A 'fundamental defect' includes: (1) a failure to serve process; (2) failure to comply with a statutory requirement (*Smurthwaite v. Hannay* (1894); (3) a "without jurisdiction"/ultra vires act which is any act which a Court did not have power." The really big deal, the real issue is void judgment is SUBJECT MATTER JURISDICTION to do (*Lord Denning in Firman v. Ellis* [1978]). 'Without jurisdiction' obviously also applies when official court documents are faked." @MoJGovUK When Court Orders are Void

"Subject matter jurisdiction cannot be given or taken away by consent and cannot be waived." *Carroll v. Carroll*, 304 S.W.3d 366, 367 (Tex.2010); *Parham F.L.P. v. Morgan*, 434 S.W.3d 774, 783 (Tex.-Houston [14th Dist.] no pet.)

From Case #10-DCV-18-6075 hearing dated 10/27/2014, Associate Judge Charles T. Moreland and the judge confirming in open court that the 11/18/10 order had not been signed. In this hearing, I first raised the issue of the 11/18/10 order never being signed by me and the judge. Judge Moreland stated, "You're right. It wasn't signed." C.R. Page 84

The judge also noticed the Rule 11 was not signed or dated by the judge as a separate ruling on the 6/6/11 order and he stated, "I never heard of not dating a document. Let's see if the very first of the document is dated." C.R. Page 86 The judge states, "That's kinds strange." C.R. 86 Based upon my raising the issue of the 11/18/10 order not being signed and confirmed by Judge Mooreland, this case should have been thrown out and allowed to be refiled by Blair and McClinton. Because it was not, the State of Texas and the OAG has decided to pursue this void order for three years.

IV. Review Is Warranted Because The State Of Texas Violated The Texas Family Code Rules 233 In Processing My Case Which Cause My Constitutional Rights For Appeal And Due Process To Never Be Given To Me.

If you would review the clerk's record, pages 15 and 16 of 115 and 94 and 95 of 115 both titled and both exactly the same, WAIVER OF SERVICE, HEARING, AND OTHER RIGHTS AND APPROVAL OF CHILD SUPPORT REVIEW ORDER, there is no waiver of service for both McClinton and Blair required by law Texas Family Code 233.015(a), 233.018(a)(1)(2)(3), 233.020(1)(2)(b), 233.021(a)(b)(c)(d), 233.024(a)(b), 233.027(1)(2)(3)(b)(c), 233.0271(a)(b) for confirmation of order to be confirmed. You can't confirm a hybrid order, and only McClinton has a forged form from November 18, 2010 stamped on June 6, 2011 which is a forged document and is a felony for inputting a false document into the record. There is no record of Angela

McClinton signing on 6/6/2011 only a xerox copy of her signature from the 11/18/10 void order without a judge's signature as required by contract law. There are no forms or acknowledgments for Blair at all waiving his rights for 11/18/2010 and 6/6/2011. Pages 94 and 95 of 115 of the clerk's records are knowingly fraudulent documents put into the records that is a felony. These documents had no new signatures from Angela McClinton and Glenn Blair never received his rights which were a violation of the 5th, 6th, and 14th Constitutional Amendments for due process.

Bell v. City of Milwaukee, 746 F.2d 1205 (7th Cir. 1984).

The Due Process Clause of the Fourteenth Amendment requires that severance in the parent child relationship caused by the state occur only with rigorous protections for individual liberty interests at stake. The parent-child relationship is a liberty interest protected by the Due Process Clause of the 14th Amendment. 746 F.2d 1205, 1242-45; U.S. Ct. App. 7th Cir. WI (1985)

Doe v. Irwin (U.S. D.C. of Michigan 1985).

The rights of parents to the care, custody, and nurture of their children is of such character that it cannot be denied without violating those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions and such right is a fundamental right protected by this amendment (First) and Amendments 5, 9, and 14.

Griswold v. Connecticut, 381 U.S. 479 (1965).

Matter of Gentry, 369 N.W.2d 889, MI App. Div. (1983).

May v. Anderson, 73 S. Ct. 840, 853, 345 U.S. 528, 533, 73 S. Ct. 840 (1952).

Santosky v. Kramer, 455 U.S. 745 (1982).

Yick Wo v. Hopkins, 118 U.S. 356 (1986).

Palmore v. Sidoti, 104 S. Ct. 1879, 466 U.S. 429 (1984).

Stanley v. Illinois, 92 S. Ct. 1208, 405 U.S. 645, 651 (1972).

V. Review Is Warranted Because Of False Contradictions In The Record Of Statement Made By The Justices In Their Decision In The Standard Of Review In The Memorandum Opinion

The justices claimed that I didn't prove a meritorious defense in their Memorandum Order, but the State of Texas gave a general denial without arguing that I didn't have a meritorious defense so the justices are ruling against me on issues not ruled on by the Respondents and the judge.

Petition for Confirmation of the Non-Agreed Child Support Review Order in November of 2011 when it was really initiated on November of 2011.

In June 2011, the trial court convened a conference in the court. This was not a hearing. They are

trying to make a conference a hearing to get out of constitutionally following the hearing rules. No hearing was ever held in my case after I requested one. The judge was not present on 6/6/11 and Angela or I were never in front of the judge or talked to the judge.

The record reflects that Kenneth Bryant was Glenn Blair's attorney and he was not pro se during the Bill of Review as stated by Page 3 of the Memorandum Opinion and Glenn Blair did not call himself to the stand. The Justices are stating untrue facts about this.

Blair testified that the Attorney General's office "would have had to wait until at least 30 days after the Judge signed the actual order 05/11/11 in connection with the parties" attempt to secure a common-law divorce before it instituted a child support proceeding. This is untrue, the record shows that the Judge had signed the order on May 11, 2011, but the FOF/COL extended the jurisdiction and plenary powers by 90 days extending the jurisdiction of the District Court for subject matter and of Glenn Blair and Aneja B. Blair.

Glenn Blair during the Bill of Review hearing pled to a meritorious defense per TRCP 245 as stated by the statute and Judge Perwin of the 505th in Fort Bend County and the Respondents denied that he had a meritorious defense which disproves the Justice point.

Void order clear and concise (Agreed and Non-Agreed Confusion) on Page 5 of the Memorandum Order, the first sentence says, "Blair contends that his attorney engaged in fraud by not advising Blair that the trial court

had jurisdiction over the case, and further, that she placed Blair under duress pressuring him to sign the order. This is incorrect. Blair's attorney and the court officials and the Respondent as officers of the court was responsible to check whether they had jurisdiction before they called Blair to court and no one did. The judge stated in the record Blair was under duress.

It was rejected on clerical and agreed order and the order was not perfect and Judge Perwin did not enter his ruling into the record officially as an agreed order. On page 5 of the Memorandum, the justices cannot change the trial court ruling and rule on something not officially stated. Extrinsic fraud was not ruled as a reason to reject the BILL of Review by the lower court. The lower court committed reversible error by not ruling on a legal basis. It was not clerical and was signed by 3 attorneys and a judge.

On page 5 of Memorandum, the justices state that Angela McClinton is the Respondent and Grimm and Perwin states on the record For the Bill of Review Hearing on Page 6, Lines 29-34 that State of Texas, Fort Bend County, and Martin Grimm was the Respondents and Movants of this case in the motion for enforcement.

On page 5 Memo Opinion, "Blair had that opportunity to raise any challenge to the proposed order at that time and did not" The argument is to void order, and void order has no time limit. The order is void even today. I can point out a void order any time, even after the order was sign. Signing a void order does not make it legal.

Void order clear and concise (Agreed and Non-Agreed Confusion) on page 5 of the Memorandum Order, the first sentence says, "Blair contends that his attorney engaged in fraud by advising Blair that the trial court had jurisdiction over the case, and further, that he placed Blair under duress pressuring him to sign the order. This is incorrect. Blair's attorney and the court officials and the Respondent as officers of the court was responsible to check whether they had jurisdiction before they called Blair to court and no one did. Blair's attorney did place him under duress. The judge stated in the record stated Blair was in duress even though Grim objected.

On page 5 of the Memorandum Order, it states, "He contends the proposed order falsely represents that Blair had waived his right to have an original child-support order on file and demonstrates extrinsic fraud. That is not true on page 6 of the Bill of Review Record, Lines 28 and 29 shows Blair never received any type of rights to waive. He was never given his rights which are a constitutional violation.

On page 5 of the Memorandum Order, "the record does not support Blair's contention. Both Blair and his counsel were present at the trial court's hearing to determine Blair's child-support obligations: both Blair and his counsel signed the order and the exhibit that it incorporated. Blair had the opportunity to raise and challenge to the proposed order at that time and did not." The 11/18/10 document is a fake order without a judge's signature and never introduced as a legal order of the court. It was claimed to be a petition, a proposed

order, an attachment, or proceeding by Assistant Attorney General Martin Grimm on the record. It was not signed by the judge. It has no legal standing.

CONCLUSION

Based on the submitted Writ of Certiorari, petitioner respectfully prays that the petition be granted. Petitioner would be grateful for the opportunity to appear before the court.

Thank you,

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Dated: December 3, 2018