

18-9296 No. ORIGINAL

FILED

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

In re: Allen J Dannewitz, Jr — PETITIONER

vs.

Allen J Dannewitz Sr, et al.
Madelaine Dannewitz, et al.
Kenneth Herzog, et al.
Irma Herzog, et al

— RESPONDENTS

ON PETITION FOR AN EXTRAORDINARY WRIT OF MANDAMUS AND PROHIBITION
TO

The New York State Unified Court System-Suffolk County Surrogates Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR AN EXTRAORDINARY WRIT

In re: ALLEN JOESPH DANNEWITZ JR.

PO Box 220
(Address)

Jackson, MS 39205
(City, State, Zip Code)

(323)961-0003
(Phone Number)

QUESTION(S) PRESENTED

The ward's rights will continue to be violated under the statutes listed below absent a termination of this guardianship and restoration of rights. 42 USC 1983 FOR VIOLATIONS OF 14 TH AMENDMENT§ 1983. Civil Action for Deprivation of Rights Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory of the District of Columbia, 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, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia. The Fourteenth Amendment guarantees the following:AMENDMENT XIV. CITIZENSHIP; PRIVILEGES AND IMMUNITIES; DUE PROCESS; EQUAL PROTECTION; APPOINTMENT OF REPRESENTATION; DISQUALIFICATION OF OFFICERS; PUBLIC DEBT; ENFORCEMENT§ 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.* * *The Fourteenth Amendment is a source of substantive and

procedural due process. Additionally, for purposes of the Fourteenth Amendment and 42 U.S.C. § 1983.

The questions presented are:

1. Whether ward was ever incapacitated.
2. Whether ward was served with paperwork when guardianship was ordered.
3. Whether ward was provided with opportunity to contest guardianship when filed.
4. Whether guardians/co-guardians/co-standby guardians violated their fiduciary duties.
5. Whether the ADA was violated.
6. Whether there was a lack of jurisdiction when guardianship was ordered.
7. Whether the continued silent witness of this court makes the attached opinions and orders of the lower courts precedential, *de jure*.
8. Whether the Petitioner's extraordinary defense of his rights, property, and innocent daughter by force of right and reason make makes any response of this Court precedential, *de facto*.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR AN EXTRAORDINARY WRIT

Having thus demonstrated that such would be in aid of this Court's appellate jurisdiction, that exceptional circumstances warrant the exercise of this Court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court, petitioner respectfully prays that this Court issue an extraordinary writ as follows. Petitioner believes the extraordinary writ is perfectly suited to the challenges of this case, where recently declassified materials show that the Court's decision-making was subverted by fraud, and that there is no reason why the Court cannot and should not employ the writ to accord petitioners relief. See also Stern & Gressman, *supra*, (noting that *Marbury v. Madison* preserves right to pursue relief by extraordinary writ in the Supreme Court so long as the Court is called upon to act in an appellate capacity). Moreover, petitioner has complied fully with the requirements of Rule 20 that Petitioner shows in their Petition jurisdiction, exceptional circumstances, and the unavailability of adequate relief in any other form from any other court. Petitioner respectfully prays that an extraordinary writ issue to review the judgment below.

OPINIONS BELOW

[] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to

the petition and is

[] reported at _____ ; or,

[] has been designated for publication but is not yet reported; or,

[] is unpublished.

The opinion of the United States district court appears at Appendix _____ to

the petition and is

[] reported at _____ ; or,

[] has been designated for publication but is not yet reported; or,

[] is unpublished.

[x] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at
Suffolk County Surrogates Court

Appendix E _____ to the petition and is

[] reported at _____ ; or,

[] has been designated for publication but is not yet reported; or,
[x is unpublished.

[]

The opinion of the

court

appears at Appendix _____ to the petition and is
[] reported at _____ ; or,

[] has been designated for publication but is not yet reported; or,
[] is unpublished.

1.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix ____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. __A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was 12/12/98 _____.

A copy of that decision appears at Appendix ____.

A timely petition for rehearing was thereafter denied on the following date:

_____ February 26, 2019 and a copy of the order denying rehearing appears at Appendix ____ D.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. __A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

42 USC 1983 FOR VIOLATIONS OF 14 TH AMENDMENT§ 1983. Civil Action for Deprivation of Rights

28 U. S. C. § 1651. Writs

(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

AMENDMENT XIV. CITIZENSHIP; PRIVILEGES AND IMMUNITIES; DUE PROCESS; EQUAL PROTECTION; APPOINTMENT OF REPRESENTATION; DISQUALIFICATION OF OFFICERS; PUBLIC DEBT; ENFORCEMENT§

42 U.S.C. § 12101(b)(1). Four types of discrimination have been identified as actionable: disability discrimination, associational discrimination, unjustified segregation that fails to comport with the mandate of least restrictive alternative, and/or illegal retaliation against any person advocating for the rights of a person with a suspected disability.

Civil Rights Act of 1964

14th Amendment to the U.S. Constitution

Americans with Disabilities Act of 1990

Amendments of 2008 and 2016

New York Rules of Procedure and Evidence

STATEMENT OF THE CASE

Petitioner's parents Allen Dannewitz Sr & Madelaine Dannewitz and "godparents" Kenneth Herzog & Irma Herzog filed a fraudulent guardianship over Person Allen J. Dannewitz Jr. on or about December 11, 1998 with the Suffolk County Surrogates Court of the New York State Unified Court System out of ill will and malicious intent with sole purpose of depriving ward of all rights to pilfer all of ward's property. Guardians, et al., "co-guardians", et al. and "co-standby guardians", et al. intentionally and maliciously trafficked ward while directing numerous abuses through their hired help including, but not limited to, deprivation of rights under color of law, numerous false arrests and false imprisonments, espionage, breach of confidentiality, financial abuse/exploitation, stalking, targeted smear campaigns, defamation of character, trespassing, breaking and entering, theft, systematic degradations, illegal psych holds, non-consensual human experimentation, directed trauma, sabotage, and torture. Ward is by no means incapacitated. Guardians fail to provide ward with accounting statements, expenses, and care as required by law. Despite over 20 years of negotiation attempts, the guardians did not cease and desist of their abuse. See Medina v California (1972) No. 70-5009 Argued: November 18, 1971 Decided: June 7, 1972 p. 15; See Jackson v Indiana (1992) No. 90-8370 Argued: February 25, 1992 Decided: June 22, 1992 p. 25. It is not plausible that this Court or any of the served parties are unaware of the long and convoluted history of this case.

REASONS FOR GRANTING THE PETITION

The New York State Unified Court System has so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of this Court's supervisory power. The best solution now open to this U. S. Supreme Court is immediately to endorse all of the remedies previously recommended by the Petitioner, *nunc pro tunc*, as well as to issue orders *mandamus* and *prohibito* sufficient to ensure that such criminal abuse of the New York State Unified Court System is not repeated.

With all due respect, the Petitions submitted to the Clerk April 1, 2019, April 11, 2019, and April 24, 2019 comports with the Court's rules, and the Clerk's Office ought not to have declined to accept them. Petitioner has, moreover, advanced a substantial and good faith basis for invoking this Court's jurisdiction. Thus, even if it were the Clerk's province to make some sort of threshold assessment of jurisdiction (which Petitioner does not believe it is), this Petition passes muster. For the Clerk's Office, at the filing stage, to deny petitioners an opportunity to come before the Court on the serious issues their Petition presents would be the ultimate injustice.

CONCLUSION AND RELIEF REQUESTED The foregoing demonstrates the violations of Ward's rights that are ongoing and shock the conscience for which this guardianship must be terminated and his rights restored. Ward respectfully prays that this Honorable Judge take notice of his affidavit and the attached legal authorities and references and terminate the guardianship, restoring Ward's rights in full. The law recognizes temporary incapacity and equity precludes the county having its cake and eating it too by claiming in retrospect that someone deprived of rights in violation of federal law was not actually disabled to be covered by the ADA's protection.

CONCLUSION

This petition for an extraordinary writ should thus be granted.

Respectfully submitted,

By: Allen Dannemeyer
Living Man; Sui Juris; Jus Solis;
Power of Attorney-In-Fact;
Principal Secured Party;
Master Account Holder;
Holder-In-Due Course;
All Rights Reserved; Without Prejudice
UCC 1-308; UCC 1-207; UCC 1-104;
UCC 10-104; UCC 3-419

Date: May 13, 2019