

No. _____

In the
Supreme Court of the United States

Jorel Shophar

Petitioner,

v.

State of Kansas
Kansas Department of Children and Families
City of Olathe
SafeHome Inc
KVC Health
Ashlyn Yarnell, Guardian ad Litem
Layne Project
Moms Club
Moms Club of Olathe
Teena Wilkie
Audra Weaver
Krissy Ann Gorski

Respondent(s)

**On Petition for Writ of Certiorari to the
United States Court of Appeals
for the Tenth Circuit**

PETITION FOR WRIT OF CERTIORARI

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Questions Presented for Review

1. The Mothers' parental rights are treated superior over the rights of the Fathers.
2. Fathers' parental rights are being violated by false allegations of domestic abuse and false accusers are not being penalized.
3. The Panel's Opinion is contrary to the interest of justice and contrary to the Constitutional parental rights guaranteed to Fathers.
4. There is a discriminatory precedent against parental rights of Fathers.
5. When justice is required, should the strategic legal defense federal rule be applied? Should the rule trump over justice?

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Biblical Law

Deuteronomy 1:17

¹⁷ You shall not show partiality in judgment; you shall hear the small as well as the great; you shall not be afraid in any man's presence, for the judgment is God's.

Case Laws

- 1.) Collins, 111 N.M. at 400, 806 P.2d at 49.
- 2.) Haines v. Kerner 404 U.S. 519, 520-21, S. Ct. 594, 596, 60 L.Ed. 2d 652 (1972)
- 3.) Cruz v. Beto, 405 U.S. 319, 322, 92 S. Ct. 1079, 1081, 31 L. Ed. 2d 263 (1972).
- 4.) Picking v. Pennsylvania Railway, 151 F.2d. 240, Third Circuit Court of Appeals
- 5.) Elmore v. McCammon (1986) 640 F. Supp. 905
- 6.) Stanley v. Illinois, 405 US 645 [1972]
- 7.) Quillon v. Walcott
- 8.) Morris v. Dearborn
- 9.) Quilloin v. Walcott (1978)
- 10.) Santosky v. Kramer
- 11.) Lassiter v. Department of Social Services
- 12.) Mabra v. Schmidt, 356 F Supp 620; DC, WI (1973).

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Kansas Appeal, Kansas Supreme Court including to all
Defendants.

Petition for a Writ of Certiorari

I, Jorel Shophar, a Father and a representative of United States Church, respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Tenth Circuit.

Opinions Below

The Order and Judgment of the United States of Appeals for the Tenth Circuit affirmed the orders dismissing Jorel Shophar's complaints based on the Defendants' strategic defense "**Failure to state a claim.**"

Statement of Jurisdiction

The judgment and order of the Court of Appeals was entered on January 22, 2018.

Constitutional and Statutory Provisions

First Amendment to The United States Constitution:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of people peaceably to assemble, and to petition the government for a

redress of grievances.

Fourteenth Amendment to The United States Constitution

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.

Statement of the Case

I. Brief Factual Background

Petitioner is a *victim of false domestic abuse allegations* and a *victim of fraud of the Court*. The false accuser is Krissy Gorski, natural mother of the Petitioner's two sons that are now 6 and 5 years old. The natural mother took Petitioner's children unlawfully out of his home on August 12, 2015. Natural mother maliciously committed perjury of the Court and fraudulently used the resources funded by the Federal Government for "*true victims of domestic violence*" and deceitfully used County

Courts, State Actors, State Agencies, non-profit organizations, Police Departments, to illegally deprive and violate the Petitioner's constitutional rights to his children with the ultimate malicious goal to terminate Petitioner's rights to his sons, to defraud the father for money for life.

Clear and convincing evidence proved that the natural mother fraudulently made false allegations against the Petitioner. **[View Appendix 2]** However, against the interest of justice the natural mother was not penalized for perjury of the court or for fraudulently using Federally funded resources to illegally gain custody of the Petitioner's children.

On the other hand, Petitioner was deprived the rights to his children without any findings or any conviction of any wrongdoing. The Petitioner was never declared unfit and always demonstrated commitment to his sons therefore, any deprivation violated his due process right.

Quillon v Walcott, the Supreme Court ruled: "If a state were to attempt to force the breakup of a natural family, over the objection of the parents and their children,

without some showing of unfitness and for the sole reason that to do so was thought to be in the children's best interest."

Therefore, Petitioner filed his grievances in the Federal Court of Kansas, for violation of his Constitutional rights to his children without proper due process or probable cause.

In retaliation of Petitioner's lawsuits in the Federal Court, the respondents immorally conspired a plan to protect the natural mother and joined with her malicious and fraudulent campaign of false allegations against the Petitioner, which ultimately resulted in obstruction of justice and fraud of the Court with participants such as State Actors, Court appointed GAL, State Attorney, State Officials, State Agency DCF, Court appointed Therapist, Court appointed County programs, non-profit organizations...etc

The respondents conspired a plan to falsely mischaracterize and condemn the Petitioner using the County Court system fraudulently in order to discredit the Petitioner's claims and to ultimately

strip the Petitioner's custody rights to his children in order to avoid liability for their misconduct and liability for failing to protect the Petitioner's children under the residential care of the natural mother.

Within the County, fraud of the Court was allowed which included unlawfully concealing and suppressing evidence, false documentation to mischaracterize the Petitioner, allowing perjury although evidence revealed the truth of false allegations, issuance of orders that violates Federal law to deprive Petitioner's rights to his children, conspiracy plan to incriminate Petitioner with submission of false reports, false documentation, false motions, false statements, false witnesses, ambushed proceedings devoid of a proper discovery process, tampered evidence allowed on record, devoid of impartial trials, motions deliberately not heard, denied motions for change of venue 4 times, Petitioner's motions were not docketed, appeal sabotage by strategic case being prematurely dismissed by the County Judge to cause the appeal to become moot.

Krissy Gorski has a criminal record of 12 court felony record in the State of Michigan and was found unfit in Court proceedings of Oakland County Court of Michigan, which ultimately lead to the State of Michigan placing the mother on the National Registry of Abuse and Neglect of a Child, and rights to one of her children were TERMINATED by the State of Michigan, however, the state actors in Kansas learned of Krissy Gorski's record and adjudications of Oakland County Court of Michigan and suppressed the findings with willfully and wanton conduct, placed children in her care to avoid liability of the Federal Lawsuit filed first on November 18, 2015. And now after all the events the children have been Sex Trafficked under mother's care, but state actors now even covered up the reckless and devouring conduct of Krissy Gorski and the children remain in danger while the father has been devoid of any knowledge of his children to this very day.

Statement of the Factual Background

Krissy Gorski is the natural mother of Petitioner's 2 sons: JS now 6 years old and BS now 5 years old.

Gorski is a Caucasian female with a criminal background, 12 count felon, had a 10-year history of heroin, crack,

cocaine, pain killers, prostitution, sex trafficked slave and on the **National Registry for Child Abuse** for child neglect for losing parental rights to a child in Michigan. Mother was previously declared an unfit mother in 2009.

Jorel Shophar, Petitioner, natural father to JS and BS.

Petitioner is a father to 5 children and has never been declared an unfit parent. Petitioner is African American male without a criminal history. He is a son of a preacher and was raised in Biblical principles from his youth; a Minister of the Gospel, professional artist and a business entrepreneur.

The collision pathway of Shophar and Gorski

Although from two extremely different backgrounds, Petitioner and Gorski's pathways collided for a cause that many question or prejudge. However, the collision extended the life of Gorski who was at risk of an overdose of heroin.

In the year of 2010, Petitioner met Krissy Gorski while conducting a private investigation of drug distribution in the City of Detroit, through

Petitioner's formal security company. Gorski was soliciting herself on Backpage.com. Petitioner's investigation concluded that Gorski was a sex slave, being trafficked by criminals and had a severe case of heroin addiction. Gorski had a dysfunctional family upbringing that contributed to her destructive lifestyle of drug abuse of crack, cocaine, heroin and prescription drugs that resulted becoming a captive to support her addiction through being a sex slave.

Petitioner through his investigation witnessed Gorski's captors, her addiction, and close to death appearance weighing 90 pounds. Gorski if not rescued, would have died as her body showed signs of heroin inundation.

Gorski was forsaken and rejected by her family, friends, rehabs centers, church and even her drug user friends. Gorski's chronic drug abuse and lifestyle was declared by many as a lost case with no redeeming hope.

Petitioner as a man understanding the mercy of Christ, had compassion on Gorski and could not find it in his heart to forsake her in a dying state. In addition, Gorski continually cried out to Petitioner to take her into his already formed family.

Gorski's prayer was to have a home and family, I the Petitioner made the determination to take her from the streets based on the Law of Grace wherewith I live by through interpretation of the Holy Bible (Luke 4:18 to set at liberty them that are bruised) and practice through the United States Church.

Gorski's rehabilitation

Petitioner in 2010 finally took Gorski from her captors of Detroit and created a rehabilitation environment to save her life.

During the course of Gorski's recovery, Petitioner and Gorski developed a relationship and had 2 boys.

Gorski, with the support and help of the Petitioner, developed and lived a productive life. Gorski learned

to become a mother, cared for a household and returned to school to attain a degree on Psychology. Gorski would be clean for 4 years and 7 months.

Under the care of the Petitioner, from January 1, 2011 to August 12, 2015 Gorski was free from drugs and they made plans to open a Rehabilitation Program in the State of Kansas in her 7th year of Gorski being drug free. The name of the center would be named "Sariah's Hope" meaning new beginning.

In the process of time, after Gorski was released from parole and probation, Petitioner and Gorski transitioned to the State of Missouri and finally to the State of Kansas, with the Petitioner's intend to open a church in Topeka, Kansas with many facets to help the community.

The Opioid Destruction another form of Heroin

In the month of April of 2015 and July of 2015 Gorski had outpatient operations in the Olathe Medical Center in Kansas. Gorski was not

transparent regarding her past heroin abuse. The doctors prescribed pain killer carelessly and with no supervision at the continual request of Gorski. The doctors even ignored the signs of pain killer abuse even after Gorski was admitted into the hospital on July 29, 2015 when Gorski experienced chest pains due to abusing her pain killer meds. Instead at the request of Gorski, at the hospital, Gorski was given more pain killer in another form, through oral oxygen, and later that day given more opioids.

The prescription was only supposed to be for 7 - 10 days. However, Gorski received refill after refill. On July 12, 2015 Gorski showed obvious conduct signs of being high on her pain killer medication. Within a process of time, her weight changed, behavior became erratic, and began abusing the children with kitchen utensils and stole household money.

Gorski even went to the extend and choked the Petitioner's son JS because he repeatedly requested for something to drink. Petitioner witnessed the

incident and immediately intervene and removed the children from the care of Gorski.

Petitioner told Gorski he would call the police for choking their son however, Gorski threatened Petitioner if he called the Police or tried to get her help for treatment, she would turn the claims against the Petitioner and make his life "a living hell." Inferior to her threat, due to the visible tension played out on the media regarding officers and African American males, the Petitioner did not seek that avenue to protect his children. In addition, Petitioner also wanted to protect Gorski because she was a convicted felon. Instead, the Petitioner found other means to protect his children and had a care giver continually watch his children and Gorski.

On August 8, 2015 Plaintiff informed Gorski that he was seeking to get full custody to protect his children from her.

Three days later on August 12, 2015 Gorski took Petitioner's children illegally, while he was at work

and conspired a malicious plan with her stay at home Olathe Moms group, to hide his children and strip away his parental rights with a contrive plan of false allegations.

Petitioner made the appropriate protocol steps to protect his children and called the Olathe Police Department, Kansas DCF and Michigan DCF. Petitioner informed them that Gorski was abusing opioids and abusing his children with kitchen utensils. Also Petitioner stated he had witnessed Gorski choke their son. In addition, informed them of Gorski chronic pass of heroin and crack cocaine, prostitution and that she loss a child in the state of Michigan. Petitioner clearly stated the children were at risk under her care.

False Allegations of Domestic Abuse targeted against Fathers to gain and violated their parental rights.

Krissy Gorski carried out a series of actions of false allegations, false accusations against the United States Church and the Petitioner. Gorski maliciously

made false reports against the Petitioner in Johnson County Court, false police reports, false DCF hotline calls, false reports to a Domestic violence shelter; Safehome, Inc, false reports to the Attorney General of Kansas to extort Crime Compensation Insurance money, reporting false claims and documents to Kansas unemployment system against the Petitioner's business, false reports to KVC, promoting a false campaign of domestic abuse on GOFUNDME.com extorting money from the public, to accomplish Gorski plan to terminate Petitioner's parental rights using the domestic violence resources fraudulently.

II. Relevant Proceedings Below

On August 12, 2015 Krissy Gorski filed a fraudulent Protection Order of abuse against the Petitioner. Gorski had no evidence, no police report or witnesses to her support her claims. In violation to Fourteenth amendment due process clause, Petitioner was deprived rights to his children.

Father enjoys the right to associate with his child which is guaranteed by the First amendment as

incorporated in Amendment 14, or which is embodied in the concept of "liberty" as that word is used in the Due Process Clause of the 14th Amendment and Equal Protection Clause of the 14th Amendment. See Mabra v. Schmidt, 356 F Supp 620; DC, WI (1973).

On August 17, 2015 Petitioner brought a cross petition PFA in Johnson County Kansas to protect his children from the mother and protect his name from false allegations. Although Paternity was already established through birth certificate documentation and confirmed by the natural mother, Petitioner was directed by Judge Gyllenborg to file a paternity case and his PFA petition was not heard or granted.

On September 2, 2015 Cross protection order petitions for Petitioner and Gorski were heard before Judge Thomas. No evidence or witnesses were allowed to be presented. UA tests were conducted on both parents. Gorski tested positive. Although Gorski was in a shelter, unemployed and tested positive, Gorski was given sole custody of the

children.

On the contrary Petitioner, had a home, employed, negative drug result, and there were no finding abuse or violence by DCF report as alleged by Gorski. Against the interest of justice and without proper due process, Petitioner was deprived rights to his children. Petitioner was placed on supervised visits without a legal basis. There was no findings of abuse or violence. Case was continued.

September 17, 2015 DCF Investigation determined: **Jorel Shophar was unsubstantiated as a perpetrator of physical abuse. [View appendix 3]** All of Gorski's false allegations of abuse against the Petitioner were unfounded. Petitioner was still deprived access to his children.

On September 28, 2015 Cross petition PFA and a paternity case were heard before Judge Gyllenborg. Petitioner's due process rights were violated again. Discovery process was not distributed according to procedure. Gorski's Safe Home Attorney ambushed

the court on the day of the hearing. Tampered evidence was *only* presented in the chamber of the Judge Gyllenborg and not in the court proceeding to be placed on record.

Petitioner was not given a fair and impartial proceeding. Due process was violated, Petitioner was not allowed to controvert the evidence or was not allowed to present his evidence, however, was mischaracterized as an abuser to a child and a woman. Both Petitioner and Gorski dismissed their PFA based on the instruction of counsel. Although both parties dismissed their PFA and there was no findings of abuse or neglect by DCF investigation, Judge Gyllenborg removed the children from the mother's care who was in a shelter.

The children were deprived from the Father and placed in Foster Care. Judge Gyllenborg's fact finding did not constitute a just decision, and was in contrary to the best interest of the children and the parent's interest.

*"Since the State has an urgent interest in the welfare of the child, it shares the parent's interest in an accurate and just decision" at the factfinding proceeding. **Lassiter v. Department of Social Services**, 452 U.S., at 27 . **Santosky v. Kramer**. 455 U.S. 745. ... reasoning that "the removal of a child from the parents is a penalty as great [as], if not greater, than a criminal penalty. . . ." the parents is a penalty as great [as], if not greater, than a criminal penalty. . . ."*

Gorski as the mother was given the right to make the placement decision with her friend Teena Wilkie.

On November 17, 2015 mother signed parental waiver form to DCF to keep the children in DCF custody. By the signature of the waiver, Gorski as the mother became a non consenting parent however, Petitioner was the consenting parent. Again, was deprived his children.

December 17, 2015 DCF, KVC, GAL, District Attorney received the comprehensive background report and Michigan DCF report for Krissy Gorski.

This evidence proved that the children were a risk if placed under her care.

Instead of protecting the children, the actors vigorously pursued to swiftly reunify the children with Gorski by approving unsupervised and then overnight visit in order to close the case out and avoid liability due to Petitioner's lawsuits. On the contrary the respondents conspired to mischaracterize the Petitioner. The Petitioner was deprived visits and forced to have no contact with his children until he conducted court order Psychological evaluation.

In January of 2016 the Petitioner's children were reintegrated with the mother before the trial date that was scheduled for February 2016 which violated the due process right of the Petitioner. The officers of the court and state officials committed fraud of the Court in order to cover up Gorski's risk factor pass. The Petitioner was not allowed a fair and impartial trial.

Court order Psychological Evaluation was not allowed on court record by the judge and grossly objected by officers of the court. The report was positive and proved the Petitioner was not a threat to his children or violent. **[View Appendix 4]** The children were allowed to be placed under the residential care of the mother and the Petitioner was deprived his children; placed on supervised visits with no legal right according to the law.

Petitioner filed for an appeal to challenge deprivation rights to his children. In June of 2016 after receiving notice by the appeals court, Judge Sloan closed the CINC prematurely against her own final order in order to avoid the appeal. Due to the closure of the case, the appeal became moot.

Petitioner filed for review to the Kansas Supreme Court. Denied as moot.

III. Additional Facts

Petitioner's attempts to find resolve for controversial issues:

1. Johnson County Court, Kansas
2. Douglas County Court, Kansas
3. Shawnee County Court, Kansas
4. Appeals Court of Kansas
5. Supreme Court of Kansas
6. Federal Court of Kansas
7. 10th Circuit United State Federal Court of Denver
8. Oakland County Court, Michigan
9. Wayne County Court, Michigan
10. **Michigan Federal Court, Detroit**

ARGUMENT

Since 2015 of August, Petitioner has sought through the Kansas legal system to protect his children from harm, to clear his name from false allegations and for true justice. Regardless of his quest, he has not been afforded any justice or review in any of the Courts. There are controversial issues that have not been resolved, his children have ultimately been sexually exploited under the residential care of their mother, his parental rights are still deprived without a legal basis.

Mr. Shophar is one out of many men, many fathers that are not given the opportunity to a fair and impartial trial, discriminated against, denied due process, denied equal protection of the law, not afforded an appeal, and deprived the right to be a father to his children without a legal basis.

This is a national dilemma across the United States that plagues the fathers of the United States. Fathers are not given the equal protection according to the law when it pertains to rights to their children. Throughout lower court proceedings

Fathers are treated and considered estranged and must fight hurdles and hoops to be acknowledged as the Father. Thereafter, they must fight within the legal process by being forced to complete court services mandatory that are contrary to the Constitution to even have visits with their children. Even at times, having minimal time or no time at all with their own children yet are required to pay large amount of child support to the mother. The scales are not balanced in the lower county courts and mothers weigh at the top of the scale as the father weighs at the bottom. This is against the Constitution at its core. A father is just as capable of raising children.

A child has an equal right to be raised by the Father, and must be awarded to the Father if he is the better parent, or Mother is not interested.
STANLEY V. ILLINOIS, 405 US 645 [1972]

By statistics alone proves that the presence of a Father is vital to a child's development, growth and success. The legal bias and prejudice against men and fathers has become a conspiracy to removing the fathers from their children's lives which is the

structure to a child's life. As the family unit deteriorates, the States profit as they receive Federal Funding but ultimately fail to help the family unit due to greed and corruption. Fathers are labeled as abusers, but studies show that 90% of the allegations are usually false against fathers.

Mothers on the other hand freely and immediately are granted custody and have no required process to gain access to their children.

I. The Panel's Opinion is contrary to the interest of justice and contrary to the Constitutional parental rights guaranteed to Fathers. The order and judgment sets a discriminatory precedent against parental rights of Fathers.

A. The Introduction

The order and judgment issued by the 10th Circuit Court clearly supports Petitioner's argument and his experience in the Courts; Fathers' rights are least esteemed and mothers' rights are treated as superior. The panel's interpretation clearly depicts the Petitioner's argument. The panel's intro statement begins with, "Krissy Gorski took the

children and made her exodus from the family home she shared with Jorel Shophar a child custody dispute ensued." Thereafter, the panel depicts Shophar as being unhappy with the outcome of how the custody was handled by various of actors and sought to bring cases of what he *perceived* wrong.

According to Constitutional law, both a mother and a father have equal rights to their children. The fundamental rights of natural parents whether it be a mother or father cannot be deprived without the proper protocol of the due process guaranteed by the Fourteenth Amendment. Of course we cannot dispute who is the mother but a father can have two opposing forces that can interfere with his parental rights; 1) the mother 2) Family Court that includes unconstitutional procedurals, policies, required court services...

According to Kansas Stat. §§ 23-2205; 23-2208: A man is presumed to be the father of a child if:

- The man has acknowledged paternity of the child in writing.

- With the man's consent, he is named as the child's father on the child's birth certificate.

The Petitioner met the requirements of the Kansas Statute before entering into the legal arena of the family court. Petitioner by law and by Kansas Statute was the legal father; Petitioner had rights to his children when Krissy Gorski unlawfully took his children out of his home on August 12, 2015. Therefore, any deprivation or denial of his children violated his parental rights.

According to the Constitution, any infringement of parental rights is a violation when due process has not been afforded. Petitioner's cases were not brought before his perception of wrongs but was brought forth for misconduct by the Defendants that violated his Constitutional right as a Father. The panel's opinion states that the District Judge appropriately dealt with the legal issues and affirms the dismissal of Shophar's complaint. The opinion disregards Constitution law but leans on the side of a rule that the Defendants presented for their

defense using the strategic legal defense "failure to state a claim."

These strategic defense afforded the Defendants to avoid answering the claims and eventually continued violating the Petitioner's parental rights and used their titles, position and power to silence the Petitioner's cry for his parental rights and justice for his children. The panel fails to mentioned that the District judge allowed submission of Petitioner's evidence that supported his factual allegations. Both the District Court Judge and the panel Judges had more than just the Petitioner's claims but had the actual audio recording evidence that Krissy Gorski indeed committed Fraud of the Court to violate the parental rights of the Petitioner. In addition, the Defendants also received the audio recording that proved Krissy Gorski falsely accused the Petitioner of domestic violence to violated and gain custody of the Petitioner's unlawfully and maliciously by Fraud of the Court. **[View Appendix 3]**

Against the interest of justice, the Defendants choose to assist and support a false accuser by suppressing evidence, lying on documentations, reports, court proceedings, and ultimately covered up Krissy's prostitution conduct and child exploitation of Petitioner's children. Defendants unlawfully deprived Petitioner rights to his children.

B. BACKGROUND

The interpretation of the background presented by the panel portrays the mother as a victim but fails to mentioned the evidence that the Petitioner included that support his allegations. In the Petitioner's pleadings in County Court, Federal, State Supreme Court, and State Appeal Court provided many factual claims and was supported by evidence. Every defendant named in his pleadings received evidence that clearly proved the mother had maliciously made false allegations and fraudulently used County Court's platform to committed Fraud of the Court and against the interest of justice, State Agencies, State Actors, State Officials, Court

Services, supported, protected and assisted Krissy Gorski fraudulently used Federally funding domestic violence resources and failed to protect the Petitioner's children.

As we read further into the order, the panel makes a depiction of the Petitioner as an abuser inserting a one side view point. Stating Krissy Gorski left to a domestic shelter. Thereafter, stating DCF began investigating Shophar. The interpretation attempts to make the Petitioner seem as if he has unclean hands. When in contrary, the Petitioner is an innocent victim to a false accuser. His name, character and reputation has been tarnished without a fair and impartial trial. However, the greatest damaged has occurred to the children's lives. Under the residential care of the mother, the children were exposed to criminal activities which includes prostitution, drugs, exposure to advance sexuality and ultimately have been exploited.

In August 8, 2015, Petitioner had a meeting with Gorski along with family witnesses and also recorded the conversation. Petitioner informed

Gorski he was looking to get full custody of his children due to her continual threats to take them away from Petitioner. Gorski had begun abusing opioids and the children. Three days later on August 12, 2015 Gorski took the Petitioner's children from his home with malicious intention to gain full custody through a fraudulent plan. Petitioner immediately called the police and made a report with DCF that the children were at risk under the care of Krissy Gorski due to her opioids abuse, prostitution history, history of heroin abuse and previously lost a child in the State of Michigan. Petitioner's report initiated the investigation on Krissy Gorski. **In the absence of a court order**, probable cause or a legal right, Moms club, the Olathe Police Department, and DCF deprived the parental right to the Petitioner by not disclosing the whereabouts of his children.

Thereafter in retaliation, Gorski filed a fraudulent protection order for domestic violence without evidence, made a false police report for child abuse, made false report to DCF (8 times). Gorski did not

go immediately into the domestic violence shelter but stayed with Olathe Moms group members' homes. Upon the malicious false claims of Gorski, DCF *then* began to investigate the Petitioner.

Petitioner provided substantial evidence that proved Gorski falsely accused him. As a result, *all* Gorski's false allegations of domestic and child abuse was unsubstantiated by DCF. There were no findings determined by the Police, DCF or Sunflower. In the beginning of September of 2015, Petitioner brought forth claims that Gorski returned to the life of prostitution and drugs while resided in the Safe home domestic violence shelter while the children were under her care. Petitioner had evidence to support his claims. In addition, Petitioner had clear and convincing evidence by admission by Krissy Gorski that she falsely accused the Petitioner in order to gain custody unlawfully, support and financial means.

On September 28, 2015, to protect the interest of the shelter, the Safehome attorney against the interest

of justice brought forth faulty tampered evidence that Gorski provided to incriminate the Petitioner again of child abuse. The attorney violated the discovery process by ambushing the Petitioner on the day of the hearing. The evidence was never presented but was presented to Judge Gyllenborg behind closed doors in her chambers off court record. The Judge did not require proper protocol procedure but viewed the evidence willingly in her chamber off court record.

As a result, the judge made an injustice decision and placed the children into state custody. There was no probable cause, no findings of abuse or neglect or declaration of parental unfitness that supported the decision. The cross petition protection orders were dismissed by both parents. There were no findings by DCF of any abuse. Gorski was definitely not in the position to care for the children being unemployed and in a shelter.

On the contrary, the Petitioner was the parent fit to care for the children having employment,

transportation and a stable home with other siblings. Petitioner's due process rights was violated. DCF placed the children with a friend of Gorski Teena Wilkie who was not a license Foster parent. DCF only inquired the placement request of Gorski and excluded Petitioner's right as the father for placement decision.

September 29, 2015 Judge Sloan placed the children in foster care with Teena Wilkie who was an unlicensed foster parent and was the friend of Gorski who removed the Petitioner's children from his home unlawful making a conflict of interest placement. Judge Sloan instructed an investigation on only concerns which DCF unsubstantiated through report findings. It was claimed on DCF records that the Court removed the children from parents due to protection orders. However, the protection orders were dismissed mutually by both parents. Therefore, the Court did have the legal right to remove the children from parental care. Especially, from the Petitioner as the Father who

Required by Kansas Rule 110A to conduct an independent investigation, Yarnell failed to do so. Yarnell made communication and contacts with Gorski by person, email and phone calls obtaining her allegations and account. On the contrary, Mrs. Yarnell never once contacted or communicated with the Petitioner as the father or his witnesses to

111 N.M. at 400, 806 P.2d at 49.
 As a safeguard, therefore, GALs are mandated by statute to investigate as a part of their duties and to provide oversight of all the forces affecting the child's best interests. The GAL's role is not adversarial, but independent, and is designed to assist the court in carrying out its duty of protecting the interests of the child. Collins, "assists the court in carrying out its duty of adversarial, but independent, and is designed to protect the interests of the child." Collin,

Ashlyn Yarnell was appointed the children's GAL to become an advocate for Gorski and her malicious protect the best interest of the children however, to provide oversight of all the forces affecting the child's best interests. The GAL's role is not adversarial, but independent, and is designed to assist the court in carrying out its duty of protecting the interests of the child. Collin,

means to care for his children. was the parent capable and had the necessary

obtain his side of events and accounts. Yarnell failed to protect the children by refusing evidence and suppressing evidence that proved the children were at risk under the care of Krissy Gorski.

According to Bonds, 64, N.M. at 345,328 P. 2nd at 599 *the appointment as guardian ad litem of a minor child is in the position for the highest trust and no attorney should ever blindly enter in an appearance as guardian ad litem and allow a matter to proceed without a full and complete investigation into the facts and law so that his clients will be fairly and competently represented and their rights fully and adequately protected and preserved....*

On the other hand, Mrs. Yarnell would not allow for the children to be placed or visit at the Petitioner's home based on his belief in the Bible violating his first amendment right and his parental rights.

Shophar was able to visit his children through Layne Project for about 1 month until the children were placed in state custody. This agency is appointed by

the county court and payment is required in order for supervised visits to be allowed. This permissible visitation does not comply with parental rights of the Petitioner protected by the Constitution.

In order for Petitioner to visit his children, there was mandatory payments for the Petitioner and only one visit a week for a couple of hours. On the contrary, the mother was not required to pay for visits and her request and rights were only regarded by Layne Project not the Petitioner. Thereafter Layne Project, Petitioner was limited and deprived visitations by DCF, KVC, GAL and the county court without legal basis. There was restriction for the Petitioner as the Father with continual requirements however, the mother had continual steady visits with the children.

I. Appeal No. 17-3143

Shophar filed his federal lawsuit against City of Olathe, Safe Home, Layne Project, KVC Kansas and Yarnell due to the violations to his Constitutional rights as a Father to his children. All of the Defendants by evidence were aware that Krissy

Gorski falsely accused Petitioner and there was no legal basis to deprive his children from him. Petitioner's Biblical views along with his gender caused the Defendants to discriminate and violated his rights to his children. Therefore, the Petitioner brought his case to the Federal level for the continual constitutional parental right violations conducted in the lower court. The Defendants refused to admit or deny the Petitioner's allegations but moved the Court with strategic defenses.

The Petitioner was permitted to amend his complaint and the District Court, stated, "*The Court does not wish to deny Plaintiff his day in Court.*" This statement only could imply that there was some sort of injustice that took place and that the Petitioner's factual allegations asserted in his complaint did have some merit deserving of a trial. In addition, the evidence that was submitted by the Petitioner clearly demonstrated Fraud of the Court by Krissy Gorski and Defendants; it also demonstrated clearly that the Defendants knew Gorski's falsehood but refused to regard justice by

depriving Petitioner his children unlawfully and endangering his children.

The Petitioner as pro se amended his complaint provided sets of facts that depicted the conduct of the Defendants in depth details such as dates and specifics accounts of the matter. Petitioner also structured the complaint with heading and titles that included claims and violations of the law and the result due to the violations. Once again the Defendants refused to answer or deny the allegations asserted by the Petitioner but moved the court for the strategic motion to dismiss defenses and hid behind the immunity defense.

II. Appeal No. 17-3144

In April of 2016, Shophar filed another pro se federal suit due to the Defendants; State of Kansas Assistant District Erica Miller, DCF, KVC, and County Court officials for their judicial misconduct to violated the parental rights of the Petitioner and for failure to protect his children from the risk being under their mother's care. Petitioner added

additional history to provide the Court with a well rounded scope of the case. The history of the Church that played a role in assisting Krissy Gorski regardless of her pass. The history of the investigation that Petitioner conducted in Michigan which gave the Court a scope of how Petitioner cross path with Krissy Gorski and the reason he chooses to help her. The history of the plan to open a rehabilitation goal in Kansas and how the actions of Krissy Gorski returning to her dark passed and taking the Petitioner's children which ruin the goal. The Defendants even as their constituents, refused to deny or admit the allegations but moved the Court with strategic legal defenses "failure to state a claim and hid behind the immunity."

Parental rights violations included not allowing the Petitioner to visit his children, withholding medical or school records of the children, depriving any information about the children's welfare and depriving parental consent for decisions for his children.

In retaliation to the Petitioner's first federal lawsuit filed in November of 2015 that included their constituents, State of Kansas and DCF conspired with their constituents to place the children back with the mother before a trial was conducted and to mischaracterize the Plaintiff as an unfit mental unstable father in order to discredit his federal lawsuits and to deprive him rights to his children all together. Petitioner included evidence to support his allegations.

The Petitioner was not afforded the opportunity to a fair and impartial trial and the children were placed into the home of the mother after the Defendants received Krissy Gorski's comprehensive report from the state of Michigan and before the February of 2016 trial was conducted. Although Defendants knew the children were at risk under the residential care of the mother, the children were placed unlawfully without the proper protocol of due process.

On May 22, 2016 Petitioner motioned the District Court to submitted conventional evidence that support the factual allegation that Krissy Gorski committed fraud of the court. Evidence clearly proved that Krissy Gorski lied about false domestic abuse and all of the Defendants against the interest of justice helped her commit the fraud willfully and wonton and deprive the Petitioner's children unlawfully.

In June of 2016, the District Court granted the evidence that supported Petitioner's factual allegations. Thereafter, the Petitioner requested to amend the complaint in order to add joinders that were responsible for the beginning point of the deprivation. Joinders included were Krissy Gorski, Moms Club Olathe, Teene Wilkie and Audra Weaver who initially removed the children out of the Petitioner's home illegally. On July of 2016 the Court granted the amendment and allowed for the joinders to be added.

Krissy Gorski did not answer the lawsuit but continued to make false allegations in the County Court platform. On August 12, 2016 Petitioner motioned for a Clerk's entry of Default. On August 16, 2016, Clerk set aside claiming improper service but the summon was submitted to Kansas Legal Service attorney for Krissy Gorski assigned by the County.

On August 17, 2016 Petitioner attempted to service Krissy Gorski at the County Court house however, Judge Gyllenborg did not allow Petitioner and Krissy Gorski and Kansas Legal Attorney refused the complaint alright. Finally, in December of 2016, Petitioner during a motion hearing with the Chief Judge of Johnson County was obligated by the Petitioner's challenge of his constitutional right to serve Krissy Gorski, the chief judge directed Kansas Legal Attorney for Krissy Gorski to submit the Federal Lawsuit to her.

On December 28 2016, Krissy Gorski answered the complaint full of false allegations with no supporting evidence and malicious statements to

mischaracterize the Petitioner before the Federal Court. Krissy Gorski did not controvert the audio evidence proving that she maliciously falsely accused the Petitioner. The response was prepared by a legal ghost writer but Krissy Gorski's lawsuit did not disclose the lawyer who assisted. Instead Gorski signed off as a pro se litigant misleading the Court. The defendants again moved to dismiss claiming failure to state a claim or immunity. This time, the district court granted the motions and entered judgment against Shophar.

DISCUSSION

When justice is required, should the strategic legal defense federal rule be applied? Should the rule trump over justice?

The panel's decision to affirm the District Court's decision is against justice. There are different pleading standards that were able to be applied. Such as *Conley v. Gibson* that, "a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no

set of facts in support of his claim which would entitle him to relief". We understand that this standard is old but if it allows for justice than it is better than the new standard that was applied in this case. If this standard would have been considered, the Plaintiff's case would have survived the motion to dismiss. Petitioner had plenty of factual facts along with evidence to support his claims. Petitioner proved his case beyond a doubt and was entitled to relief. The panel and the District Court choose to agree with the legal analysis of the Defendants, agreeing with their pleading standard.

The Court failed to make mentioned that all of the evidence the Petitioner submitted in the Federal pleadings that support his factual allegation.

Shophar's pleading should not be interpreted as conclusory nature because the docket clearly demonstrates all of evidence supplied to the Court by the Petitioner that offered a realistic and factual assertion coupled with substantial evidence. The evidence was so effective that the Kansas District

Court allowed the case to sustain for almost 2 years and the Federal Court made mentioned that he wanted to give the Petitioner his day in court. In addition, the District Court allowed Petitioner to add joinders which included Krissy Gorski the nucleus that brought all of the Defendants into this matter.

The timing of the dismissal is questionable. In May of 2017, Petitioner filed affidavits on his Federal Cases that provided sexual explicit statements made by the Petitioner's children (4 and 5 at the time) which demonstrated possible child exploitation under the care of Krissy Gorski. In addition, it also demonstrated the unclean hands of the Defendants' who failed to protect the Petitioner's children by placing the children with the mother although risk factors were present. In the beginning of June of 2017, the District Court dismissed both cases completely granting the strategic defense "failure to state a claims and immunity."

The District Judge was faced with set of facts along with evidence that were beyond the legal deficiency,

content writing or devoid of citation. A judicial discretion of justice should have reigned before a legal strategic defense by the Defendants. Justice is greater than a legal defense that is based on a procedure.

“A court faced with a motion to dismiss a pro se complaint must read the complaint’s allegations expansively, Haines v. Kerner 404 U.S.519, 520-21, S. Ct. 594, 596, 60 L.Ed. 2d 652 (1972), and take them as true for purposes of deciding whether they state a claim. Cruz v.Beto, 405 U.S. 319, 322, 92 S. Ct. 1079, 1081, 31 L. Ed. 2d 263(1972).

Jenkins v. McKeithen, 395 U.S. 411, 421 (1959); Picking v. Pennsylvania R. Co., 151 Fed 2nd 240; Pucket v. Cox, 456 2nd 233. Pro Se pleadings are to be considered without regard to technicality; pro se litigants pleading are not to be held to the same high standards of perfection as lawyer.

Picking v. Pennsylvania Railway, 151 F.2d. 240, Third Circuit Court of Appeals

The plaintiff's civil rights pleading was 150 pages and described by a federal judge as "inept". Nevertheless, it was held "Where a plaintiff pleads pro se in a suit for protection of civil rights, the Court should endeavor to construe Plaintiff's Pleadings without regard to technicalities."

Elmore v McCammon (1986) 640 F. Supp. 905

'the right to file a lawsuit pro se is one of the most important rights under the constitution and laws.

The Petitioner submitted over dozens of exhibits that contained sufficient factual matter that coincided with the factual statements asserted by the Petitioner, including audio recordings, and video recordings. The Petitioner clearly demonstrated that the Defendants committed fraud of the county court and partnered with Krissy Gorski to violated his parental rights with his children.

The Defendants did not have legal grounds to deprive Petitioner rights to his children, deprive right to visitation, deprived parental custody right,

deprived medical and education knowledge and finally conspired a plan to separate the Petitioner from his children all together. Evidence can state a claim far more than just making factual statements. The Petitioner's evidence proved the case that Krissy Gorski committed fraud of the court and the Defendants had no legal right to deprive the Petitioner his children in any type of aspect. This assertion preserves issues for review because justice was never afforded to the Petitioner. The standard of review used was *de novo* which the Courts could have used another standard review for the sake of justice. There was plenty of substantial evidence that proved Plaintiff was falsely accused and the outcome of all the judicial proceedings and conduct of the Defendants' were unjust. The errors and judicial corruption made in the Court of law in Kansas resulted in the Petitioner being punished by being deprived his children, a tarnished reputation, and many losses in his life.

Petitioner was provided by the Tenth Circuit an outline in the form a questionnaire to the Petitioner

in order to complete his brief. The Petitioner answered the questions accordingly as a Pro Se. The appeal panel emphasizing on Petitioner's pro se status, makes mentioned, "that they could not serve as the Petitioner's advocate." This statement can make some implication of a disregard of his status. A pro se status is just as important and has value in comparison to an attorney.

A pro se does not litigate for retainers but litigates in most cases for *justice*. Justice is the driving force that compels the pro se to dive into a realm of the unknown in order to find justice at all cost. The Constitution and its law gives value to all. As a pro se status, regardless of the form of legal writing, has the right to an appeal and a review under the Constitution and its law. The Constitution protects citizens from injustice and violations of constitutional rights in court proceedings.

Jenkins v. McKeithen, 395 U.S. 411, 421 (1959);
Picking v. Pennsylvania R. Co., 151 Fed 2nd 240;
Pucket v. Cox, 456 2nd 233. Pro Se pleadings are

to be considered without regard to technicality; pro se litigants pleading are not to be held to the same high standards of perfection as lawyer.

The Kansas District Court and the Tenth Court abuse their discretion and error in dismissing the Petitioner's complaint which had substantial evidence that could have served as stating a claim. Justice was not afforded to the Father and his children. The parental rights of the Father are still being violated, his children have and are being sexual exploited by the mother Krissy Gorski and the Petitioner's name is wrongfully tarnished by false allegations. Controversial issues are ever so present unresolved in any Court of law in the United States of America.

Federal laws have a vital impact how States are funded and required to deliver protection to families and children of the United States. The Federal laws protect the liberty and freedom of the families in the United States. However, families have become victims to the States through continual violations to

rights guaranteed by Federal law and the Constitution of the United States. Families and children in America have become a target by the States and their State Actors, State Agencies, State partners to interfere with the family unit; not to protect them but to destroy them in order to gain Federal Funding that is given for the purpose.

Constitution law should be the legal binding to determine an appeal. Doctrines of law, standards of review should not take precedent when Constitutional parental rights have been violated.

II. Reasons for Granting the Petition

The future generation of America is at risk and it is in the best interest of this Court to address this national crisis that is plaguing Fathers and their children. If not addressed, America as a Nation will ultimately lose its sovereignty. America's strength depends on healthy families that raise children that can continue the legacy of America.

Research is clearly proclaiming that the absence of a Father in a child's life causes long lasting negative impacts that effects society, communities, cities, states and the core of a nation.

A Father is the anchor to his children and when his presence is absent children suffer and so does a Nation. Research results about "fatherless children": lower educational attainment or success, incarceration, drug use, suicidal, poverty, drug trafficking, behavior issues, teenage pregnancy, violence, murders, the list continues...

If the focus to keep Fathers in their children lives is not a priority or protected, the Nation is left to father dysfunctional grown adults and the Nation's economy, stability and sovereignty is threatened.

There is a false narrative that many Fathers are by choice absent in their children lives. There are many Fathers that desire to raise and be a part of their children's lives. However, mothers, family law court, state statutes, court services, policies, state

actors, state agencies, officers of the court, unconstitutional orders, also bear the burden for “Fatherless children epidemic.”

The majority of Fathers are not afforded due process, equal protection of the law and are discriminating based on their gender and even their race especially if they are “African American”. The parental right of a mother is regarded as superior over the Father.

Many Fathers are victims of fraud of the Courts, as in this case. Many mothers have used the family court platform as a weapon against the fathers. Mothers involve the court to maliciously obtain court orders to alienate fathers from their children. As in this case, the mother violated the parental rights of the Petitioner by falsely accusing him of abuse in order to gain sole custody immediately.

Without due process or substantial evidence, the Petitioner was deprived rights to his children. Many Fathers have experienced this injustice and have been deprived custody, visits, or rights to their children

for weeks, months, years even until the child is eighteen years old. Fathers are obligated and have many hurdles to jump in order to regain access to their children and custody rights. Father instead are being enslaved by high child support obligations yet are still denied visitation, rights or even custody.

Mothers are given many federally funded resources and have the advantage over the father. Many mothers are not penalized for using the court fraudulently to gain custody. Those that are given the authority over families in the lower courts should not be allowed to commit wrongful acts to violate a Father's right to his children. Policies and statutes are not to be enforced if they violated the Constitution of the United States of America that protects and guarantees parental rights to Fathers. Fathers are treated as second class and their rights are not treated as equal to a mother.

This case serves as a national interest for many fathers' that are victims to deprivation of their

children. There is an epidemic that plagues this nation of “fatherless children”. This case sheds light on a national dilemma that is causing fatherless children.

Conclusion

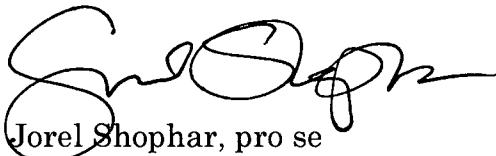
The Petitioner prays that this Court grant the Writ of Cert in order to bring balance and equality for Fathers in the United States of America. The right of mother should not be treated as superior over a Father. It is also in the interest of justice and the best interest of the safety of the children, that this Court should grant the Writ of Cert. There should be laws for assurance that false allegations brought forth by mother in the Court of law should not be ignored but penalized. Fathers should be given fair and impartial court proceedings and be given the opportunity to fight for their children with all fairness and equal protection of the law along with the most high due process right.

It would be a disgrace if the Petitioner was not given the opportunity to obtain any legal platform in the

United States of America to find justice in protecting his children from a false accusing mother who eventually trafficked her own children and those that had the authority to protect them willing placed them in danger by committing obstruction of justice to protect their positions, constituents, titles and the State of Kansas' reputation.

The State of Kansas should be reviewed due to their continual oppression of families with obstruction of justice in order to continually receive Federal Funding. There should be oversight of the conduct by state agencies, state actors, and many more who are obligated to protect and serve families with integrity and justice.

Respectfully submitted,



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