No._____

_____

In The
Supreme Court of the United States

ANTONIO HUDSON, Pro Se PETITIONER

vs.

ARTHUR TARNOW, ET. AL.--RESPONDENT(S)

Application for an Extension of Time
within which to file a
On Writ of Certiorari Brief for the Petitioner

Honorable Justice Elena Kagan,

United States Court of Appeals for the Sixth Circuit

Pursuant to this Court's Jurisdiction
28 USC 1254 (1)

Antonio Marcus Hudson

Pro Per
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REQUEST FOR EXTENSION OF TIME
TO FILE ON A WRIT OF CERTIORARI

The Petitioner has reason to believe and can demonstrate through pleadings and Court Records that he did not receive a just or fair and/or was denied any or all Hearing of his Appeal to the Sixth Circuit Court of Appeals

due to deviations from Federal and Constitutional Law due to extreme acts of discrimination, callous indifference and violations of 42 USC 2000d-7 of the Civil Rights Act of 1964, 42 USC 1985 (2)(3), Griffen v. Breckenridge and violations of Constitutional protections by the Sixth Circuit Court of Appeals, the Petitioner offer these simple truths,

To the Honorable Elena Kagan, this is a Civil Rights matter on Appeal from the Sixth Circuit Court of Appeals in which the Petitioner was denied both Federal and Constitutional right to a Hearing on March 21, 2017, August 28, 2018 and En Banc Rehearing on December 7, 2018, (Case No. 17-10608), Case No. 17-1455, where his civil rights were violated pursuant to 42 USC 1983, 42 USC 1985 (2)(3), 18 USC 241 and 242, 42 USC 2000d-7, Injury-in-Fact of the Civil Rights Act of 1964, Griffen v. Breckenridge, Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics. The Petitioner was subjected to and suffered the exact violations of right to Hearing in Civil Rights Case No. 13-12604 and on Appeal in 14-2298 by the Sixth Circuit Court of Appeals. The Petitioner suffered an Unconstitutional dismissal of the Civil Right(s) Complaint(s) pursuant to Rule 12 (b)(1)(6), Rule 15 (a), Rule 24 (a)(4), Rule 8 (a)(2), 28 USC 1915 (a)(3), 28 USC Sec. 1915 (e)(2)(B), FRAP Rule 24 (a) (3)(A), and 42 USC 2000d-7 of the Civil Rights Act of 1964. The Clerk of the United States District Court and Sixth Circuit Court of Appeals have failed to honor requests to correct the "Caption" of the Case as filed June 3, 2013, HUDSON v. TANROW, Et. Al. Judge Hood was listed as Chief Judge of Court where Judge Tarnow is the Respondent. The Petitioner is a target due to deliberate racial discrimination and an invidiously discriminatory animus where he is a "class-of-one." Case 13-12604 was Unconstitutionally dismissed on September 22, 2014 without any Notice to the Petitioner, in violation stated in Earle v. McVeigh, 91 U.S. 503, 23 L.Ed. 398, "there is no preclusion or res judicata

on the matter," after being subjected to usurpation of power by the United States District Court Judge Peter Economus, where Petitioner was denied a Default Judgment as a matter of law pursuant to FRCP 55(a), where both State of Michigan Officials, United States District Court Judges and Judges in the Sixth Circuit Court of Appeals failed to reply to the allegations of the Civil Rights Complaint as required by law, within 21 days of Service. In further usurpation of power the United States District Court allowed the Respondents an Extension of Time to respond to the allegations of the Complaint up to January 20, 2014. **On January 21, 2014 the Petitioner filed a Second Motion for Default Judgment as a matter of law with Affidavit in support which were ignored by the Court**. The Plaintiff was denied a Judgment in his favor and the right to move forward with Discovery and a Public Trial in this matter. The Sixth Circuit continued in the usurpation of power, discrimination and callous indifference and failed to give Relief and Hearing on the violation of the Petitioner's rights to Substantial and Procedural Due process and equal protection under the law. The Fundamental requirement of due process if the opportunity to be heard "at a meaningful time and in a meaningful manner." Mathews v. Eldridge, 424 U.S. 319, 333 (1976).

Due to racial discrimination by the United States District Court, the Petitioner who was recently paroled May 6, 2014, was denied injunctive relief in his Motion for protection from the adverse effects of the Michigan SORA Law forced upon him through an act of deliberate racism where Parole Board Member Jane Price placed an unheard of nonexistent charge of predatory child offender on his Parole Release Papers on April 28, 2014 a week before his scheduled release from 24 years of wrongful imprisonment, forcing him to sign up on the Lifetime Sexual Offender Roll on the First Day of his Release from imprisonment. **This was criminal conduct on the part of a State of Michigan Official.** There was no victim, no complaint, no prosecution, no trial, no conviction, no sentence made by any Judge, Jury or Complainant. The false criminal charge added to the Petitioner's Parole Papers allowed the Parole Department of Oakland County to arrest Petitioner on a false charge of Parole violation after just one week of release and again after two months of release. The United States District Court

failed to respond to the Petitioner's Emergency Motion that he was subject of "immediate" and "imminent harm" without the Court's intervention due to the false SORA charge which violated Michigan Compiled Law, Ex Post Facto Clause and Double Jeopardy Clause. Petitioner was returned to Prison for an additional two years which violated his civil rights and Federal rights under the Fifth, First, Eighth, Sixth, Fourth, Seventh, Thirteenth and Fourteenth Amendments of the United States Constitution, where he had not violated any State or Federal Laws. Further, the Petitioner was denied the right of Waiver of Fees on Appeal in Case 14-2298 where he was entitled by Federal Law as an indigent, incarcerated defendant-petitioner. Burns v. Walters

On May 18, 2018 the Petitioner filed his Motion for Rule 60 (b) Relief to Amend, Clarify and Supplement by consolidating Case No. 13-12604 and Case No. 17-10608 for Hearing by Remand in Appeal Case No. 17-1455. Petitioner stated he was entitled to Relief as Case 13-12604 is still pending in the United States District Court, due to the District Court to this very moment in time, has not addressed or Heard his Rule 52(b) Motion to Set Aside the Judgment of Judge Peter Economus. The Sixth Circuit did not have Jurisdiction to move the Appeal forward in violation of FRCP 4(a)(4), and its Dismissal of the Appeal No. 14-2298 is moot. Based upon the Law-of-the-Case-on Appeal the Petitioner should not have been required to relitigate this civil rights matter. His Federal Rights were violated when Dave Mazure, a United States District Court employee, signed for his 13-12604 Civil Rights Complaint, and it never reached the Clerk's Office missing for more than a week, it arrived in the Clerk's Office as a 51 page Complaint and was placed in the United States Mail Sealed as an 84-page Complaint and mailed Certified to the Court. The United States Attorney ignored the Petitioner's Complaint of Mail Theft and Mail Fraud. **The District Court then violated the Federal Rules of Civil Procedure after certifying the Amended Complaint and Ordering the State and Federal Defendants to respond to the Allegations of the Petitioner's Amended Complaint,** failed to give the Petitioner a Default Judgment, January 21,2014, as required by Federal Law when the Respondents failed to reply by November 21, 2013 and the extension to January 20, 2014.

On September 22, 2014 the District Court violated the Petitioner denying the right to Amend his Complaint pursuant to FRCP 15 (a); after Denying the Petitioner's right to a Default Judgment as a Matter of Law against the State and Federal Defendants January 21, 2014; after denying the Petitioner the right to Discovery and a public trial; after holding the matter in an illegal abeyance for eight months, the Civil Rights Case was Unconstitutionally Dismissed where Judge Peter Economus had practiced deliberate acts of racial discrimination, deliberate callousness, usurpation of power, violation of his Oath of Office and his Dismissal of the Civil Rights Complaint was without authority and moot.

The Two-Judge Panel Granted the Petitioner's Rule 60 (b) Motion to reinstate and consolidate Civil Rights Cases 13-12604 and 17-10608 where the claims-are-not-duplicative-but-unheard, as an Amendment on Appeal in Case 17-1455. Also adding Defendants Judges and Court Officials who joined in the invidiously discriminatory animus against the Petitioner denying his Civil Rights to Relief in Case 13-12604/14-2298 and 17-10608/17-1455. On request for Extension of Time and Certiorari to the United States Supreme Court 2010, Court Clerk and Case Manager failed to present the Petitioner's Emergency Motion to Take Judicial Notice filed in the United States Supreme Court.

Also, The Certiorari went without an Official Number for at least two years, only receiving an Application Number for the Petition for Extension of Time to File a Certiorari. Also, Petitioner made several Complaints when his 2010, Case No. 10-1984 was denied right to file a Certiorari where **Sixth Circuit Judges sent a fraudulent order** to the United States Supreme Court stating he filed a 28 USCS 2244 Motion after the **Motion had been withdrawn and cancelled** and a correct Rule 60 (b) Motion had been timely filed for Review March 1, 2011. The Sixth Circuit violated the Petitioner by concealing the name of the Rule 60(b) Motion which may be appealed to the United States Supreme Court and claiming that the errant 28 USCS 2244 Motion was a "live" action before the Court on June 7, 2011. The Supreme Court Officials ignored the Petitioner's Affidavits of the fraud and proofs of filing of his Rule 60(b) Motion to assist the Sixth Circuit in denying rights to Review in this Court perpetrated by the Sixth Circuit Judges to deny him Relief. Therefore, Petitioner was forced to refile

his Civil Rights Complaint in the United States District Court as it has never been Heard and should rightfully be **consolidated as one action**. **After Granting the Amendment, August 28, 2018,** the Sixth Circuit failed to provide the **Remand** of the matter to the United States District Court for Discovery and Public Trial consistent with Federal Law. *For these reasons,* ***we GRANT*** *the motion to clarify, amend, or supplement and* ***AFFIRM*** *the distirct court's order. ENTERED BY ORDER OF THE COURT. Signed Deborah S. Hunt. Clerk.*

> Pursuant to Rule 12, Review on Certiorari: How Sought; Parties.
> (6) All parties to the proceeding in the court whose judgment is sought to be reviewed are deemed parties entitled to file documents in this Court, unless the Petitioner notifies the Clerk of this Court in writing of the Petitioner's belief that one or more of the parties below have no interest in the outcome of the petition. A copy of such notice shall be served as required by Rule 29 on all parties to the proceeding below.

In an illegal ploy to avoid liability for the 26 years of wrongful, arrest, conviction and wrongful imprisonment and 28 years of racial discrimination and conspiracy among State and Federal Defendants to prevent access to the Courts and Hearing on the violation of the Petitioner's Civil and Constitutional rights, no Respondent has made an appearance in this matter since October and November 2013 in Case 13-12604. The United States District Court **failed to serve the Summons and Complaint** to the Respondents as required by Federal Rules of Civil Procedure after **Granting the** Petitioner right to Proceed Informa Pauperis in Case 17-10608. In further usurpation of power and acts of racial discrimination the Civil Rights Complaint was dismissed as frivolous or malicious, 28 U.S.C. Sec. 1915(e). The original civil rights Complaint was dismissed pursuant to FRCP 12(b)(1)and (6).

The cover up of injustice and miscarriage of justice has been faithfully maintained by the Government Officials that are Respondents in this matter. The Sixth Circuit has unabashedly violated Federal Law and United States Supreme Court precedence to maintain Petitioner in an "unprecedented slave" status rather than an American Citizen entitled to due process, equal protection of the law, and/or just and fair Hearing in the Courts. Judge Arthur Tarnow with deliberate callous indifference and

extreme racial discrimination, willfully violated the Habeas Corpus Act and the Suspension Clause, Art I, Sec. 9, Cl. 2 of the United States Constitution. This violation of Federal Law was upheld by the Sixth Circuit Court of Appeals. Judge Tarnow violated a REMAND Order from the Sixth Circuit Court of Appeals on August 3, 2004 to proceed with the appropriate Constitutional Review of the underlying Merits of the Petitioner's Claims. Judge Tarnow disobeyed the Order, setting aside the Remand Order assisting the State of Michigan in continuing the wrongful imprisonment of the Petitioner, who has an indisputable actual, factual innocence claim to the false charges of Kidnapping, Assault and Criminal Sexual Conduct brought against the Petitioner without evidence by false arrest and subornation of perjury by State of Michigan Witnesses in a conspiracy to convict orchestrated by Police, Judges and Prosecutors in Genesee County. Petitioner had a stellar reputation in the community and no previous juvenile record when he was taken from home under false pretenses at age 19 by United States Marines in collusion with a racist Police Detective. Petitioner has presented evidence to the Courts from 1990 to the present time of his innocence and entitlement to have his name cleared and his criminal record expunged of all charges. Petitioner received several Certificates of Appealability in this matter in which he was able to demonstrate a violation of his Constitutional rights and meritorious claims for Relief. Judge Tarnow held the Habeas Petition from June 3, 1999 to its wrongful dismissal April 30, 2008. In analyzing a procedural due process claim,

> the first step it to determine whether the interest is one within the contemplation of the liberty or property language of the Fourteenth Amendment. Newman v. Beard, 617 F.3d. 775, 782-83 (3rd Cir. 2010). If the Court determines "that the interest asserted is protected bu the Due Process Clause, the question then becomes what process is due to protect it, and whether the procedures provided to the Petitioner afforded that individual due process of law." Morrissey v. Brewer, 408 U.S. 471, 481 (1972). The Due Process Clause contains a substantive component that bars certain arbitrary, wrongful government actions, "regardless of the fairness of the procedures used to implement them." Newman v. Beard, 617 F. 3d. 775, 782 (3rd. Cir. 2010). Accordingly, upon Remand of the case for further proceedings after a decision by the appellate court, the trial court must proceed in accordance with the mandate and the law. 38 F. 3d. 1419, 1421 (6th Cir. 1994), quoting United States v. Kikumura, 947 F. 2d. 72, 76 (3rd. Cir) a case as established on Appeal, Allard, 249 F. 3d. At 5170 (quoting United States v. Moored, 1991).

REASONS FOR GRANTING THE EXTENSION OF TIME FOR FILING A WRIT OF CERTIORARI

United States Supreme Court Rule 10(a): Provides the Court will consider whether the Courts below have so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of the Court's supervisory power. The Court's interest in ensuring compliance with proper rules of judicial administration is particularly acute when those rules relate to the integrity of judicial processes. (per curiam opinion Roberts, Ch. J. and Scalia, Kennedy, Thomas and Alito JJ.)

The Petitioner has suffered from a manifest injustice and prejudice in this matter from 1990 to 2016. The Petitioner has suffered unprecedented racial discrimination from 1990 through 2018. The Petitioner was Denied the entitled Default Judgment in the Habeas matter from August 1999 through April 2008. The State of Michigan failed to respond to the allegations of the Petition paragraph by paragraph and responded to the Court's Order with a Motion to Dismiss the Habeas Petition. The District Court dismissed the Petition on April 30, 2008 in violation of the Habeas Corpus Rule and a timely filing determination pursuant to Abela v. Martin by the Sixth Circuit Court of Appeals. On June 11, 2009 the Sixth Circuit failed to enforce the Uniform Federal Law of 28 USCS 2254 (b) or apply it to the Petitioner's habeas Petition. The Petitioner was entitled to protection pursuant to the Law-of-the-Case-on-Appeal, findings at one point in the litigation become law of the case of subsequent stages of that same litigation. United States v. Moored, 38 F. 3d. 1419 (6th Cir. 1994). The Petitioner has demonstrated rights to relief in this matter again and again, but the conspiracy of the Government to violate his Civil and Constitutional rights make this an exercise in futility. The Petitioner is not a lettered person nor an expert in Civil Rights Law or Constitutional Law. The State and Federal Respondents have "blackballed" the Petitioner and he has been denied legal representation that is Constitutionally appropriate during the entire period of his arrest, trial, incarceration, and release from imprisonment. A biased Court Appointed Attorney was forced upon him at his Circuit Court Trial who told the Petitioner, I'm not risking my career on you, I'm taking my Orders from the Judge and Prosecutor." The Attorney told the Petitioner and his Mother, "You're

nothing, you're nothing to me." The Trial Court prevented every Attorney the Petitioner's Mother attempted to hire for his Defense from signing on the Case as "Attorney of Record." The Petitioner has been a victim of an invidiously discriminatory animus as a class-of-one- for 28 years. Since Parole on April 17, 2016, the Petitioner has been continuously harassed by the Government. He is unable to maintain employment due to Government interference. His telephone and his Mother's telephones are bugged. His Mother has been harassed for 28 years for attempting to assist the Petitioner with his efforts to have his Complaint Heard in the Courts. Both Petitioner and his Mother's vehicles are continuously damaged by Operatives of the Government. There has been continuous ongoing illegal entry and theft of property, damage of property and theft of Records regarding this matter at Petitioner's and his Mother's home. Complaints to any Government Authorities have gone univestigated. It takes much time and effort to request and compile records from the United States District Court and the Sixth Circuit Court of Appeals. Petitioner has limited funds and resources and has been prejudiced by the ongoing errors in the Federal Court Records and wishes to compile and present the most complete and accurate Records for Review by this Court. The Petitioner has been a victim of ongoing malfeasance in the administration of Court business where Clerks of the Court failed to properly file documents for Review or Serve Parties in this matter as required by Law. The Petitioner therefore, humbly request a sixty-day extension of time to May 7, 2019.

THE SIXTH CIRCUIT'S DECISION IS IN DIRECT CONFLICT WITH THE SUPREME COURT DECISIONS FOR FAIR AND JUST REVIEWS ON APPEAL

Plaintiff-Appellant recognizes the Judges' single-mindedness skillfully penning a wrong belief does not qualify as a matter of exceptional importance for En Banc Review. Bell v. Bell, 512 F. 3d. 223, 250 (6th Cir. 2008)..the Panel's "getting it wrong." George v. Hargett, No. 16-5563. The Panel ignored 200 years of legislation against the violation of civil rights. Specifically, Plaintiff-Appellant has 'standing' to bring his claim for **intentional race discrimination** pursuant to Title VI, Sec. **2000d-7** of the Civil Rights Act of 1964. Plaintiff has been subjected to "reckless and callous disregard for his civil and

human rights" and intentional violations of Federal Law. Smith v. Wade, (1983). Case 13-12604 filed June 3, 2013 was "ripe" and ready for trial when it was dismissed in an act of intentional racism by Judge Peter Economus. The Sixth Circuit Granted Plaintiff-Appellant's Motion to Clarify, Amend or Supplement Pursuant to Rule(s)....60(b) and avoided awarding the Relief requested by Denying Right to Appeal. Plaintiff is entitled to have Case 13-12604 and 17-10608 consolidated and reinstated as he was entitled to Default Judgment in this Civil Rights matter on January 21, 2014 as a matter of law.

Moreover, Case No. 17-10608 (and 13-12604) presents an indisputable issue of exceptional importance and therefore merits this Court's Review because the Two-Person-Panel decision clearly demonstrates the selected procedure of pronouncing 'statutory segregation' towards the Plaintiff-Appellant. This has been the custom and practice of the United States District Court and the Sixth Circuit that threatens the very basis for the existence and establishment of the Federal Court--Jurisdiction. In every instance during the Civil Suits the Plaintiff-Appellant has been adversely affected due to the litigation is prejudiced. As a prisoner he had a Constitutional right to file a Habeas Corpus Petition, Direct Appeals and Civil Rights Claims. Thaddeus-X v. Blatter, 175 F. 3d. 378, 391 (6th Cir. 1999) (en banc). **A Declaratory Decree was violated August 3, 2004 and ongoing.** Plaintiff-Appellant has presented "Constitutional violations based upon active Unconstitutional behavior" by State of Michigan Officials, and Federal Court Judges on an ongoing basis from 1990 through 2018. "A Plaintiff must plead that each government official defendant, through the Official's own individual actions, has violated the Constitution." Iqbal, 556 U.S. at 676. The Plaintiff-Appellant has indisputable Claims under Sec. 1983 and Sec. 1985 (2)(3) for "deprivation of rights" secured by the Constitution and the Laws of the United States. Lugar v. Edmondson Oil Co, 457 U.S. 922, 924 (1982);and Torres v. Michigan Department of Correction, et. al. 2-16-cv-43 (2016). In Bounds v. Smith, 430 U.S. 817 (1977), t**he United States Supreme Court recognized a prisoner's fundamental right to access** to the Courts which was totally usurped when Plaintiff-Appellant became a target in the invidiously discriminatory animus (as a class-of-one) by State of Michigan Officials, Judges in the United States

District Court Eastern District, the Sixth Circuit Court of Appeals and by Officials in the United States Supreme Court. The United States Supreme Court concluded, "that judicial immunity is not a bar to relief against a judicial officer acting in her/his judicial capacity. This is defined by law as the Stripping Doctrine. In Ex Parte Young, 209 U.S. 123 (1908), the Supreme Court provided an important exception to the Eleventh Amendment Sovereign Immunity States enjoy. The Stripping Doctrine allows injunctive relief against what are essentially State actions....when a State Officer take an unconstitutional action, he acts beyond the scope of his authority as no State could have authorized him to act unconstitutionally...the Officer was stripped of his official power and cannot invoke the State's immunity....he remains subject to the consequences of his official conduct...a citizen can now sue him for injunctive relief.

The Two-Judge-Panel operated, August 28, 2018, through usurpation of power. The Plaintiff's Civil Rights Suit was dismissed illegally based upon the discriminatory Motions to Dismiss offered by the State and Federal Defendants which could not be justified pursuant to Federal Rule of Civil Procedure 12 (b) (1) and (6) for lack of subject matter jurisdiction and failure to state a claim upon which relief can be given. The Defendants failed to Respond to the allegations of Plaintiff-Appellant's Complaint. Judge Economus failed to follow the Federal Rules of Civil Procedure. After a major portion of the Plaintiff-Appellant's **Civil Rights Complaint was stolen by Federal Employee** Dave Mazure upon arrival by Certified United States Mail, Plaintiff-Appellant was forced to Amend the Complaint. The State Defendants filed a Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) on October 24, 2013 and Plaintiff-Appellant filed his Amended Complaint on November 1, 2013. Pursuant to FRCP 15(a)(3), "Any required response to an Amended Pleading must be made within the time remaining to respond to the original pleading or within 14 days after service of the Amended pleading whichever is later. Failure to answer a Complaint—original or amended will result in a default." FRCP 12(b) "Requires that every defense to a claim for relief in any pleading...be asserted in the responsive pleading if one is required." On January 16, 2014 the Plaintiff-Appellant filed Request and Affidavit for Default Judgment against the State and Federal Defendants for failure to Respond to the November 1, 2013 Amended Complaint within 14 days. Judge Economus usurped the Court Rules on

December 3, 2013 when he issued an Order Dismissing Without Prejudice State Defendant's 12 (b)(6) Motion to Dismiss, Granting Motion to Extend Time to Answer Amended Complaint filed by Federal Defendants on December 2, 2013 and extended time to respond to January 20, 2014 for all Defendants.

On January 21, 2014 Plaintiff-Appellant filed Affidavit in support of Motion for Entry of Default Judgment Against the State and Federal Defendants. Upon a Request for Default by the Plaintiff when Defendants do not respond 30 days after being served, Plaintiff-Appellant can ask for Request for Default and the Court should enter the Judgment against the Defendant. Plaintiff-Appellant was denied the entitled Default Judgment as a matter of law. On February 19, 2014 the Federal and State Defendants Responded with a Second Motion to Dismiss Pursuant to Rule 12 (b)(6) and 12 (b)(1). Pre-answer Motion Rule 12 (b)(1) and 12 (b)(6) in response to an Amended Complaint does not toll the time to answer until the Court disposes of the Motion Filing of a Motion to Dismiss does not extend the time for filing answer to an Amended Complaint. Thus, all **defenses** on the part **of the** State and Federal **Defendants are waived**. Defendants failed to respond to a Federal requirement are formal **concessions** in the pleadings or stipulations by a party or its counsel that are binding upon the party and they **may not be controverted** at Trial or on Appeal. Plaintiff's Amended Complaint is protected by Federal Rule of Civil Procedure 15(a)(3). Defendants cannot avoid liability in whole or in part by new allegations of excuses, justification or other negating matter. Riemer v. Chase Bank USA, 274 F.R.D. 637 (N.D. Ill 2011). A general denial is insufficient to preserve an specific affirmative defense. February 19, 2014 the Plaintiff-Appellant filed Motions to Dismiss to Deny Federal and State Defendants Rule 12(b)(6) and (1) Motions to Dismiss; and filed Motion to Enjoin with Motion for Default Judgment Pursuant to Rule 12 (G)(January 13, 2014). Plaintiff-Appellant was denied the entitled Default Judgment Against the State and Federal Defendants; Plaintiff-Appellant was denied a right to discovery and a public trial. **Plaintiff's Complaint "fails to state a claim"will not, by itself, excuse a defendant"s failure to timely present and argue available defenses to the district court.** Satchell v. Dilworth, 745 F. 2d. 781, 784 (2nd Cir. 1984). Holding that a general denial of

allegations is insufficient to plead an affirmative defense. An affirmative defense is subject to the same pleading requirements as the Complaint." Woodhill v. Bowman, 193 F. 3d. 354, 362 (5th Cir. 1999). Rule 8(c) requires that affirmative defenses be pleaded...unlike negative defenses—are subject to the pleading requirements of Rules 8(b)(1)(A)(9)

The Panel operated, August 28, 2018, without jurisdiction. The United States Supreme Court stated, "if a court is without authority, **its judgment and orders are regarded as nullities.** They are not voidable, but simply void, and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification and all persons concerned in executing such judgments or sentences are considered,in law, trespassers." Elliot v. Piersol, 1 Pet, 328, 340 (1828). Judges cannot invoke judicial immunity for acts that violate litigant's civil rights. **The innocent individual who is harmed by an abuse of governmental authority** is assured that he will be compensated for his injury. Before sending a person to jail for contempt or imposing a fine, judges are required to prove due process of law, including strict adherence to the procedural requirements contained in the Code of Civil Procedure. Ignorance to these procedures is not a mitigating but an aggravating factor. Ryan v. Commission on Judicial Performance, 45 Cal. 3d. 518, 533 (1988). The Two-Judge Panel has entered into the case as a **Defendant** in this 42 USC Sec. 1983, Sec. 42 U.S.C. 1985 (2)(3), 18 U.S.C. 241, 242 action who have acted willfully, knowingly and deliberately in filing a retaliatory opinion that prevents the Plaintiff-Appellant from enjoying or exercising any individual civil or human rights and joining with the named Federal and State Defendants in this action who operate in their Official and Individual capacities under 'color of law' to **circumvent laws** passed by the United States Congress, the United States Supreme Court, the United States Constitution and its Laws and Treaties, as well as the Constitution of the State of Michigan, by ruling against the Plaintiff-Appellant short-circuiting this Court's own Appellate Review and continuing the label of 'slavery' placed upon the Plaintiff-Appellant by the State and Federal Defendants on April 14, 1990 the date of his unlawful arrest.

Plaintiff contends with substantial case law and Constitutional fact, that a focused

campaign to deny a person of their rights under Statutory and Constitutional Law is not a judicial function, and is beyond judicial capacity. Absolute immunity without reasonable limits allows the judges and their decisions to be elevated above the Constitution. This would void Constitutional government, (government without the people's consent).

Judges have given themselves judicial immunity for their judicial functions. Judges have no judicial immunity for **criminal acts, aiding, assisting, or conniving with others who perform a criminal act for their administrative/ministerial duties, or for violating a citizen's Constitutional rights. When a judge has a duty to act, he does not have discretion**—he is then not performing a judicial act; he is performing a ministerial act. No where was the judiciary given immunity, particularly no where in Article III. If judges were to have immunity, it could only possibly be granted by Amendment and less possibly by legislative act,as Art. 1, Sec. 9 & 10 expressly prohibits such stating:

"No Title of Nobility shall be granted by the United States and no State shall...Grant any Title of Nobility...Article III, Sec. I, The Judicial Power of the United States shall be vested in one Supreme Court, and in such inferior courts shall hold their offices during **good behavior**...This Constitution and the laws of the United States...and all Treaties made or which shall be made under the authority of the United States, shall be the Supreme Law of the Land **and the judges in every State shall be bound thereby... Article 17.** The Plaintiff-Appellant, Case 13-12604 was denied an Entry of Default Judgment against the State and Federal Defendants pursuant or FRCP 55 (a). Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401 (1958).

There were no arguable questions of law resolved against the Plaintiff-Appellant as the Judge through an act of intentional racism and discrimination failed to sanction the Government Officials for failure to follow the Order of the Court to respond to the allegations of the Plaintiff's Complaint paragraph by paragraph. Therefore, Dismissal of the Complaint pursuant to Rule 12 (b)(6) and (1) would be inappropriate and fails as a matter of law. All Judgments in this matter issued are Constitutionally infirm and criminally unjust. Therefore without the oversight and Review of this matter by the United States Supreme Court the Petitioner's civil rights will go unprotected and without equality, equity, privileges, rights, opportunities and immunities of a Citizen of the United States.

Notary Public:

Date: 2/22/2019

DEBORAH PERRY
Notary Public, Oakland County, Michigan
Acting in Oakland County
My Commission Expires October 5, 2023

Respectfully Submitted,

Antonio Marcus Hudson, Pro Se without prejudice UCC1-308
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