

No. _____

19-6507

IN THE
SUPREME COURT OF THE UNITED STATES

Kenneth Michael Smith

(Your Name)

— PETITIONER

vs.

Melissa Sue Graham

— RESPONDENT(S)

FILED

OCT 28 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

ON PETITION FOR A WRIT OF CERTIORARI TO

First District Court, Lewis & Clark County, Montana

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Kenneth Michael Smith

(Your Name)

6990 Applegate Dr. Lot S

(Address)

Helena, MT 59602

(City, State, Zip Code)

(406) 996-1137 / 949-0837 (c)

(Phone Number)

QUESTION(S) PRESENTED

Does an "overly intense and litigious nature" constitute probable cause to appoint a guardian ad litem to a Domestic relations case.

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:

*Guardian Ad Litem
see GAL Bill in appendix*

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari 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☐ is unpublished.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☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

- ☒ reported at see opinion worded; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.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☐ is unpublished.

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Appendix

| | |
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| FINAL RESPONSE AND MOTION REGARDING CAUSE # BDR -2016-389..... | (10 PGS) |
|--|----------|

DR-2016-389 Case register (6pgs)

PN-2017-5 available upon request, 80 documents

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 _____.
A copy of that decision appears at Appendix _____.

☒ A timely petition for rehearing was thereafter denied on the following date: 9-18-19, 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. § 1257(a).

8-13-19 opinion
9-18-19 order
↑

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

4th ammendment Rights.

34 months of Investigation...

Order to pay a guardian
ad litem.

" unlawful search (extended investigation)

" unlawful seizure (order to pay
Guardian)

* no regulation, limits or way
to satisfy the court!

when I asked the judge how
we get out of this investigation
etc., he expressed "when I say".

STATEMENT OF THE CASE

Initially, Family Services (EPS) was involved. A Dependant Neglect case DN-2017-05 was filed and dismissed. As there were no problems with the father (Me). The mother is disabled (learning impairment) and has demonstrated an unwillingness to parent - see final response Appendix.

No abuse or neglect has been substantiated. The mother's disability which she receives SSI for is noted by the court.

The intense & litigious nature is because her Aunt Emily & Power of Attorney keep filing vexatious motions against me. She's never happy and was asked NOT to contact me again during a restraining order hearing.

REASONS FOR GRANTING THE PETITION

We have gone from

Judge to Judge

Justice to Justice

Guardian to Guardian

and

Therapist to therapist

with no resolution. A simple visitation schedule for Mom is all we need. Not an endless investigation and excessive legal fees for a lawyer (Guardian) We didn't ask for.


It's an 8th ammendment violation, Excessive fines clothed a little differently.

Didn't see due process either 5th ammendment.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Kenneth Michael Smith / 

Date: October 28th 2019.