

19-6744

No. _____

APR 20 1988
U.S. SUPREME COURT CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Kevin M. Merck — PETITIONER
(Your Name)

vs.

MN Supreme Court et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Eighth Circuit Court of Appeals

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

PETITION FOR WRIT OF CERTIORARI

Kevin M. Merck
(Your Name)

6388 Tahoe Rd.
(Address)

Woodbury, MN 55125 (Mailing Address Only)
(City, State, Zip Code)

612-710-2877 (Message Only)
(Phone Number)

QUESTION(S) PRESENTED

Jurisdictional questions
Color of law questions
Questions of fraud
Questions of racketeering

I had my bank account seized by Washington County MN in Oct, 2018 and they cited this case as their reason and justification:

Cathy S. Jones, Plaintiff
vs.
Kevin M. Merck, defendant

Court file number F5-00-60
Case number: 001224165101

When I filed a Motion to Dismiss for Lack of Subject Matter Jurisdiction, on the "deficiency notice" they sent me, the case was changed to:

Casey Theresa Jones, Plaintiff
vs.
Kevin M. Merck, Defendant

Court file number: 62-F5-00-000060

They repeatedly refused to give any explanation, all the way to the Supreme Court.

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:

Washington County MN
Ramsey County MN
MN 2nd District Court
MN Court of Appeals
MN Supreme Court

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INDEX TO APPENDICES

APPENDIX A Is Attached

APPENDIX B The State Courts refused to rule on my Motion to Dismiss for Lack of Subject Matter Jurisdiction. I was forced to file in Federal Court under section 1983.

APPENDIX C The MN Supreme Court refused to take the case.

APPENDIX D None

APPENDIX E None

APPENDIX F none

TABLE OF AUTHORITIES CITED

CASES

"Where rights concerned with the Constitution are involved, there can be no rule making or legislation that would abrogate them" *Miranda vs. Arizona*

PAGE NUMBER

384 US 436,491

(Page one of statement of case)

"It is elementary that the jurisdiction of the court over the subject matter of the action is the most critical aspect of the court's authority to act. Without it the court lacks any power to proceed; therefore, a defense based on this lack cannot be waived and can be asserted at any time." *Matter of Green*

313 S.E. 2nd 193
N.C. App. 1984

(Page one of statement of case)

"We judges have no more right to decline jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution."

Cohens v. Virginia. 6 Wheat (19US) 264, 404 (1821)

(Page one of statement of case)

STATUTES AND RULES

42 U.S.C. section 1983

(Page two of statement of case)

EVERY PERSON WHO, under color of statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress ...

OTHER

"Subject matter jurisdiction cannot be conferred by waiver or consent, and may be raised at any time" *Rodriguez vs. State*

441 So. 2nd 1129
(Fla. app. 1983)

(Page one of statement of case)

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 Website says no opinion found for 19-1574 ; 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 State courts refused to rule on my Motion to Dimiss for Lack of Subject Matter Jurisdiction.

The opinion of the highest state court to review the merits 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 _____ 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.

JURISDICTION

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

The date on which the United States Court of Appeals decided my case was July, 23 2019.

[] No petition for rehearing was timely filed in my case.

[x] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: August, 28 2019, and a copy of the order denying rehearing appears at Appendix A.

[] 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).

[x] For cases from **state courts**: The state courts refuse to rule on a Motion to Dismiss for lack of Subject Matter Jurisdiction. Forced to file under sec. 1983

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: _____, 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

13th Amendment section 1

Neither slavery nor involuntary servitude, except as a punishment for a crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

14th amendment sec. 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunitites of the 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.

5th Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or the militia, when in service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall he be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

8th Amendment

Excessive bail shall not be required, nor excessive fines imposed; nor cruel and unusual punishments inflicted.

9th Amendment

The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

42 U.S.C. section 1983

EVERY PERSON WHO, under color of statute, ordinance, regulation, custom, or usage, of any State or Territory, or the District of Columbia, subjects or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress ...

Statement of the case:

9/15/2019

On Oct 17, 2018 Washington County MN sent me a "Notice of Levy and Exemption notice" (8012086900306272) Court File No: F5-00-60 Case No:001224165101 They also sent the notice to US Bank, who were ordered by the court to illegally seize my bank account. This document named the following parties:

Cathy S. Jones, Plaintiff

vs.

Kevin M. Merck, Defendant

When I filed a Motion to Dismiss for Lack of Subject Matter Jurisdiction, I was told by the court that their rules dictate that I must serve the "other party" with the motion before it could be ruled on by the court; in direct violation of my rights under the law. However, when they sent me the "deficiency notice" the case was changed to:

Casey Theresa Jones, Plaintiff

vs.

Kevin M. Merck, Defendant.

I was never given an explanation as to why they illegally changed the Plaintiff's name and changed the case numbers. I raised this issue several times and was ignored every time. Who exactly was I supposed to serve? Cathy S. Jones or Casey Theresa Jones? AND, why was this being used to deny me due process, in direct violation of my rights?

Refusing to rule on my motion is not acceptable under any circumstances and the law is very clear on this point. The courts cannot make up "rules" that deny me due process and equal protection under the law.

"Where rights concerned with the Constitution are involved, there can be no rule making or legislation that would abrogate them" *Miranda vs. Arizona* 384 US 436,491

"It is elementary that the jurisdiction of the court over the subject matter of the action is the most critical aspect of the court's authority to act. Without it the court lacks any power to proceed; therefore, a defense based on this lack cannot be waived and may be asserted at any time." *Matter of Green*, 313 S.E. 2nd 193 (N.C. App. 1984)

"Subject matter jurisdiction cannot be conferred by waiver or consent, and may be raised at any time" *Rodriguez v. State*, 441 So, 2nd 1129 (Fla.App. 1983)

To assume jurisdiction in a case would result in treason. Chief Justice John Marshall once stated:

"We judges have no more right to decline jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the constitution. *Cohens v. Virginia*, 6 Wheat. (19 US) 264, 404 (1821)

The court in question has no jurisdiction in this case, so they cannot force me to abide by their unconstitutional “rules”. They have no jurisdiction, so they have no case, and there is no “other party” to be served.

When I realized, (after going to the MN Court of Appeals and the MN Supreme Court) that they were not going to give me any justice, I then decided that taking this to federal court was the only way forward, and that's exactly why 42 USC section 1983 exists in the first place. America has a long history of state actors trampling the constitutional rights of American citizens, whenever it profits them to do so, and section 1983 is there for that reason.

The federal judge who wrote the ‘Report and Recommendation’ in the section 1983 case had the audacity to put this in her report as if the constitution did not exist:

“It appears that Merck was the respondent in an action seeking child support filed in 2000, Jones vs. Merck, **[Cathy S. Jones vs. Kevin M. Merck ... changed to ... Casey Theresa Jones vs. Kevin M. Merck, after I filed a motion to dismiss]** register of actions, case number F5-00-0060 (Minn district court) that action's docket does not reveal the case's outcome, But it apparently left Merck with a child support obligation.”

What's wrong with that picture?

I filed a complaint against her, but it fell on deaf ears. It seems her words are above reproach, by virtue of ‘federal court rules’. The simple truth of the matter is that there's no record of any outcome, because they never had jurisdiction and just decided to illegally impose “child support” against me. The judge didn't seem to have a problem with that, which puts her in breach of her oath of office. In fact, it makes her a party to this corruption as spelled out in section 1983 ...

EVERY PERSON WHO, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress ...

That applies to this judge as well, no matter what any ‘federal court rules’ may or may not say about the way she handled the case. She is enabling the lower courts to trample my rights, that's not acceptable, and she needs to be held accountable. Her entire report was a mockery of justice. It reads like an argument from a lawyer hired by the defendants. She ignores hundreds of years of legal precedent; she completely ignored my response letter and made the conscious decision to further trample my rights. The Eighth Circuit Court of Appeals followed suit, defending their cohort in further violation of my rights, which also puts them in violation of their sworn oaths. I asked for a review of their decision, which was denied, and no reason for that denial was given. It's all part of the record, should you feel compelled to take this case.

Please do the right thing and at least order an investigation into the obvious fraud and treason against the constitution that are taking place in this case, and similar cases all across the country. Something like 15,000 men commit suicide every year in America who were being persecuted for illegally imposed child support, under color of law. That can very easily be proven, one way or the other, by the facts. The only problem is that no one in this corrupt system cares about how many men they persecute to the point of suicide, and nothing is being done about it. You know as well as I do that an oath taker who causes a 'wrongful death' while purporting to be acting in an official capacity, under color of law, is subject to the death penalty under federal law. But then again, maybe 15,000 is way off, maybe the real number is only 5000 or even a 1000. The question then becomes: What in your minds is an acceptable number of men persecuted to the point of suicide by the Family Courts in America annually?

In closing, it's not rocket science what the law requires when it comes to parenting issues and child support. If a mother chooses to keep a child, then the father has all the rights a mother does. Like it or not, that's exactly what the law requires. It means that the father has a choice to be a father, if he so chooses, and not be one, if he chooses. It's not legal or constitutional to force parenting and/or "child support" on **ANYONE** regardless of paternity. Parenting time needs to be shared equally, without "child support" changing hands, unless there's an alternate, legally binding contract, agreed to by both parties. That's the real law, it's fair and it makes perfect sense, which is exactly how everyone needs to be treated under the law.

What's happening to men and fathers in America is gendercide; it's a threat to our national security, and it needs to be treated as such. Those are the facts, and it's unfathomable to me how anyone could ever see the wisdom in destroying America over the short-term self-interests of criminal racketeers.

I respectfully ask you to take this case and order an honest investigation into the widespread corruption in the "Family Courts". Good people care about the "best interests of children" but only the lowest of the low use that premise to justify an extortion racket for personal gain, to facilitate social engineering goals, or for the furtherance of political agendas.

Thank you for your time.

Sincerely and with all due respect,

Kevin Merck

A handwritten signature in black ink, appearing to read "Kevin Merck".

Reasons for granting the petition:

I've been making a good-faith effort to deal with this situation since the start. I'm nearly 61 years old, homeless and living below the poverty level. It has been a monumental task for me to even attempt to obtain justice. Men in my situation have been viciously and relentlessly demonized for decades on end by the media and government, and it's no wonder that tens, if not hundreds of thousands of us have committed suicide over the last 30 years. What has become unspeakable for the courts to perpetrate against women, is now just routine practice when it comes to how men and fathers are treated. No one knows how many men have been persecuted to the point of suicide by the Family Courts, because the system doesn't make that information available to the public. It would be very easy to find out exactly how many men we are talking about, (If we wanted to do that) but it appears to be a "privacy" concern. After all, who doesn't want to protect the privacy rights of "deadbeat dads" who were persecuted to the point of suicide, under color of law? I think reasonable and responsible people know who these "privacy laws" are designed to protect, and it's not "deadbeat dads".

Thomas Paine wrote: "He that would make his own liberty secure, must guard even his enemy from oppression; for if he violates this duty, he establishes a precedent that will reach to himself."

~ Thomas Paine

A well known civil rights leader wrote this: "If a woman makes a unilateral decision to bring pregnancy to term, and the biological father does not, and cannot, share in this decision, he should not be liable for 21 years of support. Or, put another way, autonomous women making independent decisions about their lives should not expect men to finance their choice.

~ Karen DeCrow

I've read about how the Supreme Court allows students fresh out of law school to pick the cases. My only hope is that you do the right thing for America, men, fathers and the lives of the children caught in the middle. It's too late for me, but you can help millions of others, who'll be the next victims of a Family Court System, which is persecuting untold numbers of men to the point of suicide, (over 'matching federal dollars') and destroying the lives of countless children, (in their purported best interests) under color of law, ONLY TO FEATHER THEIR OWN NESTS.

A whistle-blower from the State of Michigan, (with 20 years experience as child support collection agent) had this to say about the widespread corruption in a book entitled: "Friend of the Court, Enemy of the Family: Surviving the Child Support System and Divorce Racket" by Carol Rhodes ... and I quote ...

"It's all about the money.

It's not about the kids, or the family, the constitution or even about law and order. The primary function of the Circuit Court's Family Court System, is getting more kids on the roles so more money can be claimed from the Federal Tax prize.

Every dollar that we Enforcement Officers collected was matched by **\$50+ dollars** of tax benefits for our county Court System. Custody and parenting time issues don't bring in Federal dollars. My director told us that pursuing these complaints were a "waste of our time." I was ordered-under penalty of punishment "to stop getting involved" in what I thought was best for the children or their parents.

We were brainwashed to avoid having personal knowledge or concern about the parties of cases. We were told to call and leave response messages when we thought it least likely that the inquiring party would be home [and then, of course, we couldn't leave any substantive information]. The system smiled on us when we sent people to jail by issuing bench warrants for failure to appear in hearings we scheduled. Everything about office policy and procedure was designed to keep the parties to cases in the dark as to what they should or could do to protect themselves financially.

It's a power game.

The Court can change the rules at any time. There is no one who will ever question when the constitution or the laws are violated or misapplied by the Court. The only question asked in the FOC is whether all the options have been tried for increased child-support collections.

People can be sentenced to jail illegally by the Court officers, and the Court will find a way to justify or spread the blame so thinly that no one is accountable. But if an officer of the Court is caught HELPING a party to a case understand his or her rights to petition the Court for a REDUCTION of support, that sin is punishable by firing and cover-up legal maneuvering. [I was written up for merely giving both parties a list of office policy rules for what is or is not acceptable reasons to deny parenting time.] **I was chastised on record that office policy was NEVER to be given out to parties of cases, or to any individuals outside the FOC office personnel.**

Our 37th Circuit Court FOC was a model to other counties all across Michigan. We trained other officers from other states and counties. We weren't the exception, we were the ideal of efficient FOC operation."

~ Carol Rhodes

This woman has been viciously attacked for blowing the whistle on what amounts to '**Criminal Racketeering Under Color of Law**' in the Family Court System. Is this the country you want to raise your children in? Let your conscience be your guide. Do a little research into how these children end up. You'll find that most of them end up dead, in prison, or on drugs. The Family Courts don't seem to care about that, all they seem to care about is the money, just as Carol Rhodes stated in her book. In my case, the child in question, ended up in a foster home and is now dead for all I know. She should have been given up for adoption in her best interests, but then the courts can't make a fortune in "Matching Federal Dollars", which really aren't matching at all. According to Carol Rhodes, (with 20 years experience in the field) it's over \$50 for every dollar they collect. In my case, the mother in question had three children, from three separate fathers, all of whom are/were being persecuted for child support. Having children for the purpose of extortion is/was the mother's career choice, and she had the full cooperation and assistance of every Family Court System in America, to help her achieve her criminal goals.

Thank you for your time. The 'Statement of the case' will give you a brief history of how this case has been handled from the start.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin Mewhort". The signature is written in a cursive style with a horizontal line underneath it.

Date: September, 15 2019