19-7200

Number _____

ORIGINAL

IN THE SUPREME COURT OF THE
UNITED STATES OF AMERICA

Barry Wayne Adams, a Natural Person,

Petitioner,

vs.

Appeals Court 18-1867 (6th Cir.)
District Court 1:16-cv-0678 (W.D. Mich.)

COUNTY OF CALHOUN, a public body corporate; STATE OF MICHIGAN, a public body corporate; MICHIGAN DEPARTMENT OF CORRECTIONS, a public body corporate; as yet unnamed Jane and John Does, individuals and state actors operating under color of law;

Respondents

On Petition For Writ Of Certiorari To The Sixth Circuit Court Of Appeals

Verified Request For Petition For Writ Of Certiorari

Barry Wayne Adams, a Natural Person
Petitioner *In Propria Persona*
622 West Green Street
Marshall, Michigan

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STATE OF MICHIGAN
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MICHIGAN DEPARTMENT OF CORRECTIONS
Post Office Box 30003
Lansing, Michigan

ORAL ARGUMENT REQUESTED

Issues Raised For Review

1. Did either the District Court and the Court of Appeals directly address in good faith the common law claims that were presented by Petitioner in the manner as they were originally presented to the court by Petitioner?

2. In the issuances of the orders pertaining to the litigation of the original case, did either the district or appellate court jurists view Petitioner's claims in the light most favorable to him?

3. Did the decisions of either the district or appellate court reflect a full apprehension or appreciation of the nature of the malfeasant actions of Respondent's state actor employees and their targeted actions against the Constitutionally-protected rights of Petitioner?

4. Was Petitioner's original, standard "green card service" upon the Respondents, which was sent and delivered through the United States Postal Service, sufficient to procedurally initiate the case?

5. Was Petitioner prejudiced by the dilatory actions of the District Court when it ordered Petitioner to "re-start" the original action and "re-serve" the original complaint on Respondent "COUNTY OF CALHOUN" without the other originally named Respondents?

6. Was Petitioner prejudiced by the peremptory dismissal of Respondents "STATE OF MICHIGAN" and "MICHIGAN DEPARTMENT OF CORRECTIONS"?

7. Did the District Court procedurally deny Petitioner fundamental due process when it procedurally disposed of the instant action without providing the opportunity for Petitioner to go to trial?

8. Is the qualifying phrase "All Rights Reserved" a legal nullity, and without legal significance within a legal document?

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9. Does the "pattern and practice" of state incarceration for "failure to pay" actually constitute the establishment and maintenance of a system of peonage?

10. Does a court clerk have the power to decide the justiciable insufficiency of a *pro se* complaint and deny its filing based on strictly formalistic grounds?

11. Is the currently existing form of government of the United States actually an unconstitutional *de facto* corporate fascist police state administered by martial rule?

Table Of Contents

Notice – The orders and opinions issued by the lower courts are found in the "Appendices" in reverse chronological order, the documents presented in "Attachments" are set forth in the order as they are referenced in the brief, and textual amplifications of specific legal citations are found in the accompanying "Notice of Referenced Citations By Affidavit" as they are mentioned throughout the Petition and identified above as the specific paragraph number of the "Citation Affidavit" – "(CA)".

Index Of Authorities

Constitutional Citations

United States Constitution

Statutory Citations

Statutes-at-Large (Stat.)

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Additional Reference Items

Opinions Below

The 3-judge panel denial of rehearing from the Sixth Circuit is unpublished and found in Appendix A of the attached Appendices.

The order from the Sixth Circuit affirming the district court decision is unpublished and found in Appendix B of the attached Appendices.

The order denying the motion to amend judgment from the Western District of Michigan is unpublished and found in Appendix C of the attached Appendices.

The order and judgment adopting the magisterial "REPORT AND RECOMMENDATION" from the Western District of Michigan is unpublished and found in Appendix D of the attached Appendices.

The order dismissing Defendants "STATE OF MICHIGAN" and "MICHIGAN DEPARTMENT OF CORRECTIONS" from the Western District of Michigan is unpublished and found in Appendix E of the attached Appendices.

The order denying Plaintiff's objections from the Western District of Michigan is unpublished and found in Appendix F of the attached Appendices.

The first order adopting the magisterial "REPORT AND RECOMMENDATION" and granting motion to dismiss by Defendants "STATE OF MICHIGAN" and "MICHIGAN DEPARTMENT OF CORRECTIONS" issued from the Western District of Michigan is unpublished and found in Appendix G of the attached Appendices.

The magisterial "REPORT AND RECOMMENDATION" from the Western District of Michigan is unpublished and found in Appendix H of the attached Appendices.

The order denying Plaintiff's motion for summary disposition from the Western District of Michigan is unpublished and found in Appendix I of the attached Appendices.

Concise Jurisdictional Statement

The Supreme Court statutorily obtains subject-matter jurisdiction over this action from 28 USC 1254(1) (*i.e.*, June 25, 1948, c. 646, 62 Stat. 928; June 27, 1988, Pub.L. 100-352, Sec. 2(a), (b), 102 Stat. 662.), and Supreme Court Rules 12 and 13, from the June 24, 2019 order from the Sixth Circuit denying panel rehearing, and for appellate review of all opinions and orders from cases 1:16-cv-678 (W.D. Mich.) and 18-867 (6th Cir.).

Such statutory authority is derivative from, and operating under, the supremacy of the Constitution of the United States (Art. VI, Sec. 2 and 3, Const. U.S.A.; Art. III, Sec. 1 and 2, Const. U.S.A.), inclusive of the precedent Ordinance for the Government of the Territory of the United States, Northwest of the River Ohio, and the original Bill of Rights to the Constitution of the United States of America.

Petitioner invokes, and relies upon, the Constitutional authority and the *de jure* judicial powers of a common law federal court (Art. III, Sec. 2, Const. U.S.A.; Marbury vs. Madison, 5 U.S. 137 (1803); Cohens vs. Virginia, 19 US 264 (1821), *inter alia*), and, "of necessity", additionally provides notice of the *de facto* 14th, 13th, and 11th Articles of Amendment, and *de facto* "statutory" authority pursuant to 42 USC 1994 (i.e., 14 Stat. 546, Chap. 187 (1867)); 42 USC 1988; 42 USC 1987; 42 USC 1986; 42 USC 1985; 42 USC 1983; 42 USC 1982; 42 USC 1981; 28 USC 1651; 28 USC 1443; 28 USC 1367; 28 USC 1343; 28 USC 1333; 28 USC 1331; 18 USC 1581-1593A, 18 USC 1595; 18 USC 242; and 18 USC 241, *inter alia*.

Petitioner does not give consent to enter the jurisdiction of a *de facto* military court, and any reliance upon *de facto* authority is made under duress according to the "doctrine of necessity".

Petitioner, "of necessity", also articulates for the purposes of information that the potential range of criminal charges that describe the numerous issues of injuries and damages relative to this action are covered under the colorable *de facto* statutory provisions enumerated in 18 USC 1968; 18 USC 1967; 18 USC 1966; 18 USC 1965; 18 USC 1964; 18 USC 1963; 18 USC 1962; 18 USC 1961; 18 USC 1622; 18 USC 1621; 18 USC 1510; 18 USC 1505; 18 USC 1346; 18 USC 1341;

18 USC 1001; 18 USC 872; 18 USC 401; 18 USC 371; 18 USC 242; 18 USC 241; 18 USC 35; 18 USC 4; 18 USC 3; 18 USC 2; *inter alia*.

Petitioner specifically requests superior review by writ of certiorari of all decisions, orders and judgments issued in 1:16-cv-0678 (W.D. Mich.) and 18-1867 (6th Cir.) (Appendices A through I), which culminated in the denial of rehearing by three judge panel by the Sixth Circuit Court of Appeals on July 24, 2019 (docket #22)

Parties

Petitioner relies, "of necessity", on Federal Rules of Civil Procedure Rule 9(a), "Capacity", for the description of parties.

Proper Party Petitioner Barry Wayne Adams, *sui juris*, is and was at all times relevant to the issues of this action (and when not illegally incarcerated as explained below), an inhabitant of the dwelling on the property located at 622 West Green Street, Marshall, in Calhoun County, Michigan.

Respondent "COUNTY OF CALHOUN", is and was at all times relevant to the issues of this action an entity of legal fiction and public body corporate subsidiary to the *de facto* corporate "STATE OF MICHIGAN" doing commercial business within Calhoun County, Michigan and Operating Under Color Of Law And Authority; and is being sued, "of necessity", in its fictional "corporate" capacity.

Respondent "STATE OF MICHIGAN", is and was at all times relevant to the issues of this action an entity of legal fiction and public body corporate doing commercial business within the republic of Michigan and Operating Under Color Of Law And Authority; and is being sued, "of necessity", in its fictional "corporate" capacity.

Respondent "MICHIGAN DEPARTMENT OF CORRECTIONS", is and was at all times relevant to the issues of this action an entity of legal fiction and public body corporate subsidiary to the *de*

facto corporate "STATE OF MICHIGAN" doing commercial business within the republic of Michigan and Operating Under Color Of Law And Authority; and is being sued, of necessity, in its fictional "corporate" capacity.

Respondents, the as yet unnamed Jane and John Does, whose personal real world decisions and actions were the proximate causes of the injuries giving rise to the instant claims, were at all times relevant to the issues of this action colorable corporate agents employed by the various colorable public body corporate respondents "COUNTY OF CALHOUN", "STATE OF MICHIGAN", and "MICHIGAN DEPARTMENT OF CORRECTIONS" within the republic of Michigan and Calhoun County, Michigan, and are State Actors Operating Under Color Of Law And Authority; and are being sued in his or her individual capacity.

Statements of Fact

1. That Affiant/Petitioner and Natural Person Barry Wayne Adams is a native-born American, an inhabitant of the republic of Michigan, and the true and legitimate natural father of Gwinna Lynn Adams and Ariel Amada Adams (now Diem); and Petitioner herein continues to conspicuously declare, claim, and reserve without dispute all the natural, fundamental, and common law rights and entitlements possessed by an American inhabitant of the *de jure* republic of Michigan and the territory of the United States northwest of the river Ohio (hereafter, "Northwest Territory"), including, but not limited to, the right to redress and judicial proceedings according to the course of the common law; the right to always be entitled to the benefits of the writs of habeas corpus as declared by the "Northwest Ordinance (1 Stat. 50 (1789)); the right to not enter into contract; the right to not be made subject to the status of a peon and condition of peonage; the natural right of a natural father to the dominion, care, consortium, and association of his natural children (*i.e.*, the "*patria potestas*"), as were clearly recognized and understood by the Founding Fathers and are forever protected by the Constitution of the United States of America. Reference – Art. I, Sec. 9, Cl. 2, Const. U.S.A.; Art. VI, Sec. 2 and 3, Const. U.S.A.; Am. I, IV, V, VI, VII, VIII, IX, X, XIII, and XIV, Const. U.S.A.; Art. II, N.W. Ord., 1 Stat. 50 (1789); *inter alia*; Attachment A – copy of "Notice Of Personal Identification By Affidavit " of Natural Person Barry Wayne Adams of June 2, 2016;

2. That Petitioner herein specifically and expressly declares, claims, and reserves all the natural, fundamental, and common law rights capacities, and entitlements attendant to his status as indicated in paragraph 1, above (and further explained below), and which are purportedly protected by both the Constitutions of the United States of America and Michigan. Reference – Am. IX, X, Const. U.S.A.; Art. 1, Sec. 23, Mich. Const. (1963);

3. That all state actors agents (*i.e.*, "employees") of the *de facto* corporate respondents "STATE OF MICHIGAN", "MICHIGAN DEPARTMENT OF CORRECTIONS", "COUNTY OF CALHOUN", "37TH CIRCUIT COURT", "10TH DISTRICT COURT", "CALHOUN COUNTY FRIEND OF THE COURT", and other agents of *de facto* corporate entities subsidiary to those just named, are all presumed to have taken an oath of office to support, uphold, and protect the Constitutions of the United States of America and Michigan (in the manner of Michigan Compiled Laws (MCL) 15.151) and are liable for those injuries, without any immunity whatsoever, resulting from violating such oath; and Petitioner asserts that if he had failed to provide the information concerning his 8-year illegal imprisonment to the District Court he would be guilty of misprision of felony and misprision of treason, notwithstanding the Court's responsiveness (or lack thereof) to the flagrant abdication of administrative and ministerial duties by the state actor employees of the "37TH CIRCUIT COURT" and "CALHOUN COUNTY FRIEND OF THE COURT" which completely and substantially deprived and denied Petitioner of his Constitutional rights of access to the Courts and self-representation, among others. Reference – Am. I, V, VI, IX, XIV, Const. U.S.A.; 18 USC 4, 2382; Art. 11, Sec. 1, Mich. Const. (1963); MCL 15.151; *inter alia*

4. That, since 1996, certain agents and confederates of the *de facto* corporate "COUNTY OF CALHOUN", "37TH CIRCUIT COURT", "10TH DISTRICT COURT", "CALHOUN COUNTY FRIEND OF THE COURT" have continuingly conspired to deprive and deny Petitioner of his constitutionally-protected rights to the dominion, association, and consortium of his natural daughters Gwinna Lynn Adams and Ariel Amada Adams (now Diem), resulting in permanent ongoing irreparable injuries and damages to both Petitioner and his natural daughters;

5. That on October 31, 2006, Petitioner was, with malicious intent and under fraudulent pretenses, arrested by certain agents and confederates of the *de facto* corporate "COUNTY OF CALHOUN", "37TH CIRCUIT COURT", "10TH DISTRICT COURT", "CALHOUN COUNTY FRIEND OF THE COURT", and others yet unnamed, and, under color of state law and *de facto* (martial rule) authority, unconstitutionally returned Petitioner to a condition of peonage and involuntary servitude in violation of federal law. Reference – 18 USC 1581, 1584, 1589; 42 USC 1994; *inter alia*;

6. That said arrest and return to peonage was a consequence of the prosecutorial vindictiveness of the state actor agents of the "CALHOUN COUNTY PROSECUTING ATTORNEY'S OFFICE" in a deliberate effort to neutralize and remove Petitioner from being able to complete the (then) pending litigation against certain "CITY OF MARSHALL" state actor agents; and that said conveniently-surreptitious arrest of Petitioner and return to peonage was calculated to obviate Petitioner from actually being able to personally litigate and go to trial in civil case 4:05-cv-0062 (W.D. Mich.). Reference - United States v. Bagley, 473 U.S. 667, 105 S. Ct. 3375, 87 L.Ed.2d 481 (1985); Riegel vs. Hygrade Seed Co., 47 F. Supp. 290, 293 (D.N.Y. 1942); People vs. Ryan, 451 Mich. 30, 545 N.W.2d 612 (1996); *inter alia*

7. That from March 5, 2007, to February 28, 2015, and with the further complicity of the *de facto* corporate "STATE OF MICHIGAN", "MICHIGAN DEPARTMENT OF CORRECTIONS" and their agents and confederates, Petitioner was fraudulently deprived of his liberty (for a purported "failure to pay" a fraudulently-assigned "debt") in furtherance of said return to that *de facto* system of peonage as has been established and maintained by those state actors mentioned in paragraph 4, above, resulting in further and additional irreparable injuries and damages;

8. That, pursuant to positively-promulgated federal statute, any and every state action that deprived Petitioner of his liberty and returned and held Petitioner to said system of peonage was, and is, null and void *ab initio.* Reference – 42 USC 1994 (Paragraph 1 of "Notice of Referenced Citations By Affidavit"); *inter alia*

9. That the instant damage claims, and the legal grounds that support such claims, have never been meaningfully disputed or contested in good faith by any state actor/corporate agent mentioned in paragraphs 3 and 4, above, nor by any court that was presented these issues during Petitioner's appellate/ habeas litigation; and during those 8 years of illegal incarceration, Petitioner's litigative efforts were met with continuing procedural obstruction created by either the deliberate actions of clerks to prevent filing or by the inherently labyrinthine procedural impediments to inmates' efforts to obtain habeas remedy (as is evidenced by the designed operations of the statutory "Antiterrorism And Effective Death Penalty Act" (AEDPA));

10. That, as an example of the authoritarian arrogance and deliberate indifference of the state actor agents (identified in paragraphs 3 and 4, above) that Petitioner has had to experience throughout his enslavement/false imprisonment, Petitioner provides copies of affidavits (incorporated herein by reference) which remain undisputed and have never been responded to in good faith (or any manner whatsoever) by the state actor agents of the "CALHOUN COUNTY FRIEND OF THE COURT", and to which said claims and facts therein now are established as uncontested and remain as stipulated facts. Reference – Attachment B – Notice of Refusal for Fraud with Dishonor and Return of Fraudulent Presentment by Affidavit" of October 1, 2014; "Notice of Default and Failure to Timely Respond to Affidavit of Refusal Thereby Resulting in Stipulation of Incontrovertible Admission(s) of Fact and Law by Affidavit" of October 26, 2014

11. That, as a consequence of the injuries described above, on December 29, 2015, Petitioner and Natural Person Barry Wayne Adams sent to the head offices of the *de facto* corporate "STATE OF MICHIGAN", "MICHIGAN DEPARTMENT OF CORRECTIONS", and "COUNTY OF CALHOUN", a signed copy (affirmed with the qualifying phrase "All Rights Reserved") of the "Notice of Bill for Damages by Affidavit" (incorporated herein by reference) by certified mail, return receipt requested. Reference – Attachment C -"Notice of Bill for Damages by Affidavit"

12. That said verified presentment detailed various claims concerning actual and legal injuries resulting from the violation of (therein-enumerated) natural and Constitutional rights and federal

criminal statutes inflicted by certain (as yet unnamed) state actor agents employed by the public bodies corporate mentioned in paragraph 3, above, and sustained by Petitioner;

13. That said presentments were received, and signed for, by: (1) "J. Goldsmith(?)" on December 30, 2015 ("COUNTY OF CALHOUN" – USPS #7015 1520 0000 3673 3252); (2) "CHRIS MURPHY" on (date uncertain due to illegibility) ("STATE OF MICHIGAN" – USPS #7015 1520 0000 3673 3269); and (3) "CHRIS MURPHY" on (date uncertain due to illegibility) ("MICHIGAN DEPARTMENT OF CORRECTIONS" – USPS #7015 1520 0000 3673 3276);

14. That said verified "Notice of Bill for Damages by Affidavit" clearly indicated to the receiving parties that "[t]his bill for damages must be positively responded to within 14 days of mailing date; failure to respond will be deemed as default and admission to all claims as set forth above and will necessitate federal litigation";

15. That Petitioner did not ever receive any form of denial, disputation, or disclaimer from the recipients to the commercial presentment referenced in paragraph 11, above, indicating either *prima facia* admission to said claims and/or further bad faith;

16. That, consequent to the failure to respond in any manner to Petitioner's conspicuously-presented claim for damages by the state actor agents employed by the parties named in paragraph 3, above, said parties having acknowledged commercially both their culpability and liability to such claims by default.

17. That, in addition to acknowledging and conceding liability by omission, said culpable parties have also stipulated to those facts and grounds enumerated within the "Notice of Bill for Damages by Affidavit" which are now indisputable, and have admitted to such facts and grounds without disputation or denial for the purposes of the instant, or any other future litigation.

18. That, on February 1, 2016, and after providing ample time for the respondent parties to answer the commercial presentment identified in paragraph 10, above, Petitioner sent to each Respondent a signed copy of the "Notice of Failure to Dispute the Previously-presented 'Notice of Bill

Conclusive Admissions of Fact and Law Consequent to Said Failure to Timely Respond by Affidavit"

20. That, in every instance in the initiation of case 1:16-cv-678, Petitioner personally mailed a copy of the original district court complaint and summons to each Respondent from an office of the UNITED STATES POSTAL SERVICE on June 3, 2016 by certified mail, return receipt requested (*i.e.*, "green card service"); that each envelope containing said documents was actually served in person by a disinterested employee of the UNITED STATES POSTAL SERVICE (name(s) unknown) at the head corporate offices of the chief corporate executive of each respective Respondent (or its authorized post office box), and signed for by a corporate agent authorized to receive service of legal/commercial presentments at the head office of the chief corporate executive of that public body corporate; and that inasmuch as Attorney HIMEBAUGH (P53-374) found no problem with the manner of service, and the objects of the procedural rule on service of process had been accomplished, and by virtue of the fact that each Respondent had traversed and provided a motion to dismiss and/or summary judgment in response to Petitioner's original complaint through their respective attorneys, any hyperformalistic procedural objection to the propriety of service at that time had necessarily become moot. Reference - "Notice of Perfection of Service by Affidavit", docket #7 1:16-cv-00678 (W.D. Mich.)

21. That, in order to create a facially plausible argument for his initial attempt to delay and/or neutralize the instant action, Attorney JAMES L. DYER (P32544)'s duplicitous suggestion (*suggestio falsi*) to the District Court that Petitioner had "personally served" the original complaints upon Respondents when Petitioner had only personally mailed such documents, and personal service was actually effected by an USPS deliveryperson, is reflective of the cultic pattern and practice of fraud and deceit that permeates the corporate COUNTY OF CALHOUN; and that such efforts to "trick the *pro se*" are reflective of the culture of fraud and deceit that permeates the operations of that *de facto* corporate entity; and Petitioner asserts that the District Court's acceptance of attorney DYER's fallacious suggestion of defective service as having validity was indicative of the sys-

temic bad faith treatment of Petitioner's meritorious claims throughout the then-prospective litigation.

22. That the very participation of Attorney DYER as a legal representative for Respondent COUNTY OF CALHOUN was suspect as: 1) he has had significant personal conflicts of interest by virtue of his current and/or previous associations with the COUNTY OF CALHOUN, CALHOUN COUNTY PROSECUTING ATTORNEY'S OFFICE, CALHOUN COUNTY FRIEND OF THE COURT, 10TH DISTRICT COURT, 37TH CIRCUIT COURT, and the CITY OF MARSHALL in previous litigation(s) involving Petitioner; 2) he is a member of the COUNTY OF CALHOUN "inner cabal" who is typically assigned in "problematic" cases against that *de facto* corporate entity, and his involvement suggests continuing *sub rosa* machination against Petitioner's litigative efforts; and 3) he is potentially one of the "as yet unnamed Jane and John Does" Respondents that have been referred to in the instant caption; and that Attorney DYER's very presence as a legal representative in the instant action implicated the appearance of ongoing bad faith.

23. That Petitioner and Natural Person Barry Wayne Adams then provided to the District Court notice of his specific objections to the magisterial "ORDER" of March 3, 2017 (docket #26, purportedly issued by Magistrate Ray Kent, notwithstanding a lack of handwritten signature thereon), and thus enumerated:

24. That Petitioner again objected to the misrepresentation of himself as "BARRY WAYNE ADAMS", a supposed "vessel" (*i.e.*, a piece of "property"/"*res*") per 18 USC 9. Reference – 18 USC 9

25. That whoever wrote said "ORDER" that contains the typewritten facsimile of Magistrate Kent's signature, reciting the positions of Respondents in the light most favorable to them, again reductively deconstructed and misconstrued Petitioner's complaint as merely "...a *pro se* civil rights action brought pursuant to 42 USC 1983..." while failing to also recognize the inclusion of claims that arose from violations of 18 USC 1581-1593A which are being addressed through 18 USC 1595 that seeks a common law remedy (from the "saving to suitors" clause 28 USC 1333(1)) and

relying on 28 USC 1651 (All Writs Act) for effectuation of the civil prosecution of the "peonage" claims as a "*Qui Tam*" action.

26. That, by its issuance, whoever wrote said "ORDER" was overtly attempting to prevent judicial scrutiny of Petitioner's dispositive claims by using specious and contrived rationales to procedurally remove Petitioner's dispositive petitions from the record, specifically:

a. That Petitioner used the words "Notice of Request" in his *pro se* pleading instead of the word "Motion";
b. That Petitioner failed to comply with federal civil procedural rules that require that a "Brief in Support" must "accompany" a motion;
c. That, although, Petitioner is a is a self-representing litigant, he must adhere to the same formalistic standards imposed on professional legal representatives; and
d. That Petitioner's pleadings are composed of "...rambling recitations of legalese seasoned with a liberal dose of tax protestor-style jargon and seek relief unrelated to the allegations in this lawsuit, such as writing letters of apology and prohibiting the enforcement of municipal ordinances against plaintiff's (sic) property...";

And Petitioner responded to those "criticisms" as follows:

27. That, on its face, the issuance of said "ORDER" of March 3, 2017 (docket #26) appeared to be an attempt to defy, by procedural circumvention, Judge Bell's order of June 6, 2016 which explicitly proscribed magisterial adjudication of dispositive motions (docket #4), notwithstanding the admission in said "ORDER" that Petitioner's purportedly-defective dispositive petitions "...incorporate aspects of a motion, brief and declaration under penalty of perjury". Reference – Order Referring Case to Magistrate Judge (docket #4)

28. That Petitioner also asserted that the format of pleading in federal civil lawsuits is based on "notice pleading", and every document submitted as a pleading by a litigating party in a federal civil case is a form of "notice". Reference - Lomas Mortg. U.S.A., Inc. vs. W.E. O'Neil Const. Co, 812 F.Supp. 841 (N.D.Ill.1993) (Paragraph 2 of "Notice of Referenced Citations By Affidavit"); Usery vs. Chef Italia, 540 F.Supp. 587 (D.C.Pa.1982); *inter alia*

29. That Petitioner asserts that his use of the words "notice of request" instead of the word "motion" has been routinely understood by every Judge in every other previous federal litigation in which Petitioner has participated, and every Judge that considered those "notices of request" appeared to have no difficulty discerning the procedurally-operative nature of those pleadings.

30. That Petitioner asserts that his use of the terminology "Notice of Request" instead of using the word "Motion" is actually more technically precise and descriptively accurate inasmuch as: 1) Petitioner cannot physically or geographically displace the "Court" to another location; and 2) Petitioner is unable to emotionally influence the Court; therefore, Petitioner understands that it is impossible for him to "move" the Court; and Petitioner also asserts that such orthodox legalistic terminology (*i.e.*, "motion" instead of the equivalent "notice of request") is merely one esoteric component of the extensive insular "legalese" argot of professional attorneys, and the required use of such nomenclature does not, in itself, insure that "justice" is being effectuated.

31. That both of the purportedly-defective dispositive petitions filed by Petitioner (dockets #15 and #43) did contain a "Brief in Support" that was incorporated into each pleading, and it appears that whoever wrote said "ORDER" that contains the typewritten facsimile of Magistrate Kent's signature failed to thoroughly scrutinize Petitioner's dispositive petitions and was attempting to impose an arbitrary hyperformalistic standard on Petitioner's submissions in order to procedurally prevent judicial consideration of those dispositive claims; and Petitioner, supposedly "unlearned" in the law, nevertheless understands that, according to the construction of the federal civil rules, there will always be conflicting demands between the formalistic pleading requirements of "sufficiency" and "concision", and that such conflict will, therefore, always provide an opportunistic excuse for the invention of an arbitrary formalistic rationale for procedural restriction of a litigant's pleadings.

32. That Petitioner's asserts that the application of linguistic expression in his pleadings is reliant upon the entire gamut of the English language, and is descriptively precise, concise, and comports with the "single set of circumstances" standard articulated in FCRP Rule 10(b), notwithstanding the biased characterization by whoever wrote said "ORDER" that contains the typewritten facsimile of Magistrate Kent's signature of Petitioner's filings as being "...rambling recitations of

legalese seasoned with a liberal dose of tax protester-style jargon..."; and that such characterization is deliberately intended to prejudice any potentially-reviewing jurist who would then give only cursory assessment of Petitioner's claims. Reference – FRCP Rule 10(b), *inter alia*

33. That the import of said "ORDER", and the contrived rationales behind its issuance as described above, are in direct violation of FRCP Rules 8(d)(1) and 8(e). Reference - FRCP Rules 8(d)(1) and 8(e)

34. That Petitioner's *pro se* pleadings must be provided liberal scrutiny by every federal jurist, as required by the standard explicitly stated in Haines vs. Kerner, 404 US 519 (1972) (Paragraph 3 of "Notice of Referenced Citations By Affidavit")

35. That whoever wrote said "ORDER" (docket #26) that contains the typewritten facsimile of Magistrate Kent's signature is again relying on that same technique of psycho-affective rhetorical sophistry that, in its purported "analysis" of the reasons for ordering the striking Petitioner's dispositive petitions, uses various duplicitous rhetorical devices that attempt to overwhelm the capacities of critical lay cognition without actually substantively disputing the facts or law as were presented by Petitioner, including, but not limited to: 1) use of an argot of professional condescension and re-labeling in an attempt, through reductive simplification, to ignore the nature and character of Petitioner's claims; 2) discounting (through the use of well-placed "quotation marks") and use of alternative justificatory terminology to suggest or insinuate that Petitioner's grasp of legal concepts is deficient and posit a facially self-justifying legalistic perspective that is oblivious to the violations of clearly-described natural and common law rights identified in the original complaint without actually denying Petitioner's original claims; and 3) deliberate efforts to distort and mislead concerning the explication of legal concepts in order to provide a "shifting zero point" as to Constitutional standards and limitations, among others; and that said "ORDER" analysis exhibits an inability to recognize, or admit to, the various statutory/procedural/ contractual methods of fraud and deceit that have been devised to usurp those enumerated natural and common law rights and entitlements and should suggest either an insufficient capability to understand or perform those tasks that are necessary to comply with the mandate to support and uphold the

Constitution, or a deliberate effort to usurp or encroach upon those Constitutionally-protected entitlements.

36. That Petitioner asserts that the issuance of said "ORDER" by Magistrate Kent is plainly an *ultra veris* procedural maneuver meant to deny meaningful due process and obviate judicial consideration of Petitioner's already-filed dispositive petitions by striking those properly-composed pleadings (dockets #14 & #17) using contrived and duplicitous procedural rationales, and such transparent effort to procedurally obviate the judicial consideration of Petitioner's meritorious dispositive petitions is in contravention of 28 USC 2072(b); and Petitioner incorporates those pleadings by reference herein. Reference – 28 USC 2072(b); "Notice of Request for Summary Disposition by Affidavit" (docket #14); "Notice of Request for Injunctive and Other Relief by Affidavit" (docket #17)

37. That, for the above-stated reasons, Petitioner asserts that the issuance of the "ORDER" of March 3, 2017 is a clear abuse of discretion and exhibits, and is evidence of, the lack of the necessary judicial temperament that is required to adjudicate a *pro se* litigant's pleadings in the light of Haines vs. Kerner, 404 US 519 (1972), *supra* (Paragraph 3 of "Notice of Referenced Citations By Affidavit"), the Federal Rules of Civil Procedure, and others.

38. That Petitioner and Natural Person Barry Wayne Adams conspicuously provided notice of his specific objections to the "ORDER ADOPTING R&R" and "JUDGMENT" of March 15, 2018 (dockets #52 and #53, 1:16-cv-0678 (W.D. Mich.), purportedly issued by Judge Maloney, notwithstanding a lack of handwritten signature thereon), and thus enumerated:

39. That Barry Wayne Adams, a Natural Person, then again objected to, and still objects to, the fictional representation of himself as "BARRY WAYNE ADAMS", a supposed "vessel" (*i.e.*, a piece of "property") per 18 USC 9, notwithstanding the conspicuous and ubiquitous use of the explicit descriptor "Natural Person" throughout Petitioner's pleadings. Reference – 18 USC 9

40. That whoever wrote said "ORDER ADOPTING R&R" and "JUDGMENT" of March 15, 2018 (dockets #52 and #53, 1:16-cv-0678 (W.D. Mich.)) that contains the typewritten facsimile of Judge

Maloney's signature failed to apprehend, recognize or acknowledge the previous conspicuous presentments of commercial bills for damages and/or affidavits to which Respondents failed to previously dispute or deny thereby creating an already-established set of stipulations to which Respondents have provided irrefutable concurrence as a consequence of their lack of denial. Reference – Attachments C, D, Corrected Original Complaint, 1:16-cv-0678 (W.D. Mich.)

41. That the "ORDER ADOPTING R&R" and "JUDGMENT" of March 15, 2018 (dockets #52 and #53) that contains the typewritten facsimile of Judge Maloney's signature also failed to apprehend, recognize, or acknowledge that, by the filing of the instant "civil" petition, Petitioner and Natural Person Barry Wayne Adams had brought to the attention of this Court non-frivolous claims that specifically identified the cause for the imprisonment of Petitioner in a condition of peonage and debt obligation slavery which was a result of the deliberate usurpational machinations of certain state actors within the "37TH CIRCUIT COURT" and "CALHOUN COUNTY FRIEND OF THE COURT", under the fraudulent pretexts of "child support enforcement" of colorable case 1994-0000001207 DM (37TH Cir. Mich.); and that, notwithstanding its colorable appearance of legalistic validity, said attempt to re-criminalize Petitioner by coercing the liquidation of a (fraudulently-obtained) "debt", would still constitute the impermissible establishment and maintenance of an system of peonage under legalistic pretexts, and is a legal nullity per 42 USC 1994; and, in order to show the continuing agenda by Respondents of harassment and retaliation, Petitioner hereby incorporates by reference in their entirety federal habeas actions 1:17-cv-858 (W.D. Mich.), which was appealed as 18-1030 (6th Cir.); and 1:18-cv-595 (W.D. Mich.), which was appealed as 18-1930 (6th Cir.). Reference – Am. XIII, Const. U.S.A.; 42 USC 1994; 1:17-cv-858 (W.D. Mich.); 18-1030 (6th Cir.); 1:18-cv-595 (W.D. Mich.); 18-1930 (6th Cir.)

42. That whoever wrote said "ORDER ADOPTING R&R" and "JUDGMENT" of March 15, 2018 (dockets #52 and #53) that contains the typewritten facsimile of Judge Maloney's signature also failed to apprehend, recognize or acknowledge that Congress, by the explicit use of the word "all" in the statutory language of 42 USC 1994 (actually, 14 Stat. 546, Chap. 187 (1867)), disallowed any form of exception under color of law (*i.e.*, "...all acts, laws, resolutions, orders, regulations, or

usages of any Territory or State...") for the establishment and maintenance of a system of peonage. Reference – 14 Stat. 546, Chap. 187 (1867); 42 USC 1994; People vs. Monaco, 474 Mich. 48, 710 NW2d 46 (2006); Williams vs. Taylor, 529 US 420 (2000); Pierce vs. United States, 146 F2d 84 (1944) (Paragraph 4 of "Notice of Referenced Citations By Affidavit"); *inter alia*

43. That, in order to diminish the significance of Petitioner's Constitutional claims, whoever wrote said "ORDER ADOPTING R&R" and "JUDGMENT" of March 15, 2018 (dockets #52 and #53) that contains the typewritten facsimile of Judge Maloney's signature again tried to rely on the tactic often-used against *pro se* litigants that attempts to suggest or insinuate that somehow Petitioner's complaint is so fundamentally deficient, or lacking in basic legalistic coherence (such as dismissively characterizing Petitioner's accurately-descriptive denotative language as merely being "colorful"), that it fails to state a claim upon which relief can be granted; however, Petitioner had successfully stated a viable federal claim in the instant action, and has requested relief that the court is capable of granting. Reference – FRCP Rule 12; 18 USC 1595; 28 USC 1333, 1651; 42 USC 1994; *inter alia*

44. That whoever wrote said "ORDER ADOPTING R&R" and "JUDGMENT" of March 15, 2018 (dockets #52 and #53) that contains the typewritten facsimile of Judge Maloney's signature also failed to apprehend, recognize or acknowledge that Petitioner never brought the instant action against any *de jure* sovereign entity (*i.e.*, "Michigan", the constitutional republic), but instead was brought against subsidiary *de facto* corporate forms (*i.e.*, COUNTY OF CALHOUN; STATE OF MICHIGAN; MICHIGAN DEPARTMENT OF CORRECTIONS) who are not entitled to "sovereign immunity", and which were conspicuously and repeatedly identified as such in the instant original caption and all subsequent pleadings; and that such deliberate mischaracterization of Petitioner's pleading is fraud upon the court. Reference - FRCP Rule 9(b); Hopkins vs. Clemson Agricultural College, 221 US 636 (1911); Scheuer vs. Rhodes, 416 US 232 (1974); Larson vs. Domestic & Foreign Commerce Corporation, 337 US 682 (1949); Fitzpatrick vs. Bitzer, 427 US 445 (1976); "Brief in Support, *infra*; *inter alia*

45. That whoever wrote said "ORDER ADOPTING R&R" and "JUDGMENT" of March 15, 2018 (dockets #52 and #53) that contains the typewritten facsimile of Judge Maloney's signature also failed to apprehend, recognize or acknowledge that there is no immunity available to state actors, or government *corpora ficta*, when they violate the law, notwithstanding the inapplicable pretexts of "sovereignty" as were insinuated within said "ORDER ADOPTING R&R" and "JUDGMENT" of March 15, 2018. Reference – Art. VI, Sec. 2 and 3, Const. U.S.A.; *inter alia*

46. That whoever wrote said "ORDER ADOPTING R&R" and "JUDGMENT" of March 15, 2018 (dockets #52 and #53) that contains the typewritten facsimile of Judge Maloney's signature also failed to apprehend, recognize or acknowledge that Petitioner never brought the instant action against any "officials acting in their official capacities", but was instead brought against "state actors operating under color of law in their individual capacities", nor is such language ever found in Petitioner's original complaint; and that such mischaracterization (*suggestio falsi*) of Petitioner's pleading is fraud upon the court. Reference - FRCP Rule 9(b)

47. That whoever wrote said "ORDER ADOPTING R&R" and "JUDGMENT" of March 15, 2018 (dockets #52 and #53) that contains the typewritten facsimile of Judge Maloney's signature also failed to apprehend, recognize or acknowledge that Petitioner is not using some impermissible "collateral" strategy against his "peonage" claims, and never brought the 1983 claim against his illegal incarceration; and that Petitioner properly invoked the permissible separate civil remedy explicitly provided by Congress found at 18 USC 1595 (in conjunction with 28 USC 1651) to obtain relief against his "return to peonage" claim. Reference – 42 USC 1994 (Paragraph 1 of "Notice of Referenced Citations By Affidavit"); 18 USC 1581-1595 (Paragraph 5 of "Notice of Referenced Citations By Affidavit"); *inter alia*

48. That whoever wrote said "ORDER ADOPTING R&R" and "JUDGMENT" of March 15, 2018 (dockets #52 and #53) that contains the typewritten facsimile of Judge Maloney's signature also failed to apprehend, recognize or acknowledge that Petitioner invoked the statutory remedy found at 42 USC 1983; *et alia*, only against the claims brought for deprivation and denial of Petitioner's natural/common law right, clearly-established as being protected by the Constitution, to the dom-

inion, association, and consortium of his natural daughters Gwinna Lynn Adams and Ariel Amada Adams (now Diem); and that such 1983 claims have no bearing on Petitioner's 18 USC 1595 (*qui tam*) claims against his (fraudulently-contrived) debt slavery imprisonment. Reference – 42 USC 1983, 1985, 1986; The *Etna*, 8 F. Cas. 803 (1838); *inter alia*

49. That, for the above-stated reasons, Petitioner asserts that the issuance of said "ORDER ADOPTING R&R" and "JUDGMENT" of March 15, 2018 (dockets #52 and #53) that contains the typewritten facsimile of Judge Maloney's signature exhibited partiality against, and deliberate indifference towards, Petitioner's original meritorious claims, and is evidence of, the lack of the necessary judicial temperament that is required to adjudicate a *pro se* litigant's pleadings in the light of Haines vs. Kerner, 404 US 519 (1972) and 28 USC 2072(b). Reference - Haines vs. Kerner, 404 US 519 (1972) (Paragraph 3 of "Notice of Referenced Citations By Affidavit"); 28 USC 2072(b) (Paragraph 6 of "Notice of Referenced Citations By Affidavit"); Deeg vs. City of Detroit, 345 Mich. 371 76 NW2d 16 (1956) (Paragraph 7 of "Notice of Referenced Citations By Affidavit"); *inter alia*

50. That whoever wrote said "ORDER ADOPTING R&R" and "JUDGMENT" of March 15, 2018 (dockets #52 and #53) that contains the typewritten facsimile of Judge Maloney's signature also failed to apprehend, recognize or acknowledge that Judge Maloney's tendentious legalistic opinion still did not directly address in good faith Petitioner's meritorious and non-frivolous claims in the context of the recognition of the superiority of Constitutional rights over governmental powers; but instead contain the rhetoric of encroachment and usurpation that attempts to justify, in contravention of both Congress' mandate and those natural rights protected by the Constitution, the establishment and maintenance of a *de facto* system of peonage and debt obligation slavery, as well as the denial and deprivation of a natural father from his plenary natural right to the association, consortium, and upbringing of his natural children, as was set forth in the corrected original District Court complaint. Reference – Docket #5, 1:16-cv-678 (W.D. Mich.)

51. That whoever wrote said "ORDER ADOPTING R&R" and "JUDGMENT" of March 15, 2018 (dockets #52 and #53) that contains the typewritten facsimile of Judge Maloney's signature also

failed to apprehend, recognize or acknowledge that the referred-to "court order" (*i.e.*, the supposed "Judgment of Divorce") that supposedly created and attached liability of said debt obligation upon Petitioner was nothing more than a purported "consent judgment", which is a species of "contract" that requires the positive agreement of contractual terms between the litigating parties; and that Petitioner never signed, agreed to, or consented to such contract, and the imposition of liability upon Petitioner to a contract that he never signed or agreed to is a flagrant violation of Petitioner's right to not enter into contract, and is another salient indicator of the methods of fraud and usurpation used to enslave Petitioner through the modality of debt obligation slavery. Reference – Am. IX, Const. U.S.A.; In re Meredith's Estate, 275 Mich. 278, 266 NW 351 (1936); National Lumber Company vs. Goodman, 371 Mich. 54, 123 NW2d 147 (1963); Kloian vs. Domino's Pizza L.L.C., 273 Mich.App. 449, 733 NW2d 766 (2006); Howard vs. Howard, 134 Mich.App. 391, 352 N.W.2d 280 (1984) (All found in paragraph 8 of "Notice of Referenced Citations By Affidavit"); *inter alia*

52. That, in the formulation of his judicial decisions concerning the dispositive motions made in the District Court, Judge Maloney uncritically adopted the mercenary opinions of Respondent COUNTY OF CALHOUN's attorneys who again tried to rely on inapposite "immunity" or "Rule 12-(b)(6)" claims by attempting to reductively "re-describe" Petitioner's legal positions and restructuring of his case in a light most favorable to Respondents (as particularly disputed below) rather than directly dispute or admit to the properly-presented federal civil claims as they were proffered to this Court; and that such efforts at avoidance are indicative of the continuing authoritariopathic (see below) responses of bad faith and fraud that Petitioner has routinely encountered throughout his protracted efforts to litigate the instant issues. Reference - FRCP Rule 9(b)

53. That, specifically, Petitioner addressed the elements of disputation elicited therein said dispositive motions:

a. Petitioner had consistently maintained the same legal positions from the inception of this action;

b. Petitioner had amply demonstrated to this Court the multiplicity of verified presentments to various agencies which straightforwardly and explicitly raised the very issues of this case which demanded positive disputative response, and to which no response was ever received by Petitioner;

c. The attorneys for Respondent COUNTY OF CALHOUN had never provided any meaningful (*i.e.,* substantive) defense against Petitioner's claims inasmuch as there has been no recognition by any instant Respondent that Congress has definitively declared any form of peonage is forever abolished and any legalistic mechanism that attempts to coerce the liquidation of a "...debt, obligation, or otherwise..." is null and void, or that the enforcement of a "statute" can functionally usurp the natural plenary rights of a natural father (Reference – 42 USC 1994; Briggs vs. Campbell, Wyant and Cannon Foundry Company, 379 Mich. 160, 150 NW2d 752 (1967); Brief in Support, *infra*;

d. Petitioner had amply demonstrated to this Court the inapplicability and insufficiency of Respondent COUNTY OF CALHOUN's assertion of its colorable "affirmative defenses" position, notwithstanding said Respondent's deliberate ignoring of the nullity of unconstitutional state action under color of law;

e. Petitioner had abundantly provided to this Court why his legal position(s) and arguments are substantively rooted in law and are not just "colorful language", or "disjointed", or "mere belief", as is falsely suggested in said colorable pleading; and

f. Petitioner asserted that the instant action cannot be characterized as "frivolous", inasmuch as he has sufficiently provided to this Court an actual and non-fanciful set of facts, together with voluminous supportive legal citation, to back his claims.

54. That said "ORDER ADOPTING R&R" and "JUDGMENT" of March 15, 2018 (dockets #52 and #53) wrongly attempted to rely on an inapposite legal position that Petitioner's *patria potestas* issue as one challenging his "1997 conviction for kidnapping and custodial interference", whereas Petitioner's claim was in vindication of those continuing plenary natural rights of a Natural Father as was clearly established and exposited in The *Etna*, 8 F. Cas. 803 (1838) from which Petitioner was, and continues to be, irreparably-deprived, and to which Respondents' attorneys are appar-

ently oblivious (possibly a result of their compartmentalized legal education that has institutionally "forgotten" those natural rights of a Natural Father inasmuch as they would conflict with the agenda of coercive familial micromanagement "enforced" by the *de facto* corporate Respondents through their subsidiary agencies (*e.g.*, CALHOUN COUNTY FRIEND OF THE COURT)); and such representation by Respondents' attorneys exemplify the language of encroachment and usurpation against said explicitly-articulated natural rights. Reference - The *Etna*, 8 F. Cas. 803 (1838)

55. That Petitioner straightforwardly and candidly asserts that both Respondent COUNTY OF CALHOUN's attorneys and Judge Maloney's disturbing inabilities to accurately discern, or merely pretend to not discern, the nature of Petitioner's clearly-presented claims is reflective of an underlying authoritariopathy (a shortening of "authoritarian sociopathy"), or "corporate psychopathy", that provides malversant state actors an ability to "explain away" the encroachment, and eventual complete usurpation, of those cherished natural rights that, without which, life would be that of a mindless "creature of the state"; and that said personality dysfunction, which instills a presumption of entitlement by an "authority" to be able to violate, injure, abuse, exploit, or enslave someone who is subject to that person's "authority" without being subject to accountability has been identified and variously addressed in, *inter alia*, "Nature, Man and Woman" by Alan W. Watts (1991) Vintage Publishers ISBN 9780679732334, and "The Anatomy of Human Destructiveness" by Erich Fromm (1992) Holt Paperbacks ISBN 9780805016048 (where such personality dysfunction is labeled by the author as the "Necrophilic Personality"). Reference - "Nature, Man and Woman" by Alan W. Watts (1991) Vintage Publishers ISBN 9780679732334; "The Anatomy of Human Destructiveness" by Erich Fromm (1992) Holt Paperbacks ISBN 9780805016048

56. That said "ORDER ADOPTING R&R" and "JUDGMENT" of March 15, 2018 (dockets #52 and #53) additionally failed to apprehend, recognize or acknowledge that Petitioner's colorable arrest and return to peonage was a consequence of the prosecutorial vindictiveness of the state actor agents of the "CALHOUN COUNTY PROSECUTING ATTORNEY'S OFFICE" in a deliberate effort to neutralize and remove Petitioner from being able to complete the (then) pending litigation

against certain "CITY OF MARSHALL" state actor agents; and that said conveniently surreptitious arrest of Petitioner and return to peonage was calculated to obviate Petitioner from actually being able to personally litigate and go to trial in civil case 4:05-cv-0062 (W.D. Mich.). Reference – United States v. Bagley, 473 U.S. 667, 105 S. Ct. 3375, 87 L.Ed.2d 481 (1985); Riegel vs. Hygrade Seed Co., 47 F. Supp. 290, 293 (D.N.Y. 1942); People vs. Ryan, 451 Mich. 30, 545 N.W.2d 612 (1996); *inter alia*

57. That Petitioner asserts that the content of said "ORDER ADOPTING R&R" and "JUDGMENT" of March 15, 2018 (dockets #52 and #53) appears to demonstrate a fundamental inability to comprehend how the complete severance of father-child relations by the machinations of Respondents' through their state actor agents creates a permanent irreparable injury to both Petitioner and his natural children, and instead rely on the authoritariopathic "explaining away" of the loss of familial coherency as if there is no need for the operatives of the "STATE OF MICHIGAN", *et alia*, to be concerned about the permanent traumatic impact their actions have been upon Petitioner and his daughters.

58. That, notwithstanding the tendentious and reductive arguments set forth within said "ORDER ADOPTING R&R" and "JUDGMENT" of March 15, 2018 (dockets #52 and #53), Petitioner nevertheless spent 8 years of his life incarcerated in the "MICHIGAN DEPARTMENT OF CORRECTIONS" in a clear effort to forcibly coerce the liquidation of a (fraudulently-assigned) debt, and then was further punished when he did not comply with "orders" for him to provide his labor and services; and the actions of Respondents, through their state actor agents, completely deprived Petitioner of his ability, and his natural right, to be a father to his children. Reference – Am. XIII, Const. U.S.A.; 42 USC 1994; Locwood vs. Nims, 357 Mich. 517, 98 N.W.2d 753 (1959), *et alia*

59. That Petitioner asserts that the continuation of the above-described mechanisms of encroachment and usurpation by the state actor agents of Respondents does major damage to clear and substantial federal interests by effectuating the ongoing operation of the establishment and maintenance of a *de facto* system of peonage and destruction of a father's natural right of *patria pot-*

estas. Reference – Rose vs. Rose, 481 US 619 (1987); Hizquierdo vs. Hizquierdo, 439 US 572 (1979); *inter alia*

60. That, since the filing of the instant action, Respondent COUNTY OF CALHOUN, through its state actor agents employed in the CALHOUN COUNTY FRIEND OF THE COURT and 37TH CIRCUIT COURT, had recommenced its antagonistic agenda of harassment and retaliation to which Petitioner had initiated two habeas actions in the Western District (1:17-cv-858 (W.D. Mich.) and 1:18-cv-595 (W.D. Mich.)), which were then appealed to the Sixth Circuit (18-1030 (6th Cir.) and 18-1930 (6th Cir.)), and are hereby incorporated by reference herein. Reference – 1:17-cv-858 (W.D. Mich.); 1:18-cv-595 (W.D. Mich.); 18-1030 (6th Cir.); 18-1930 (6th Cir.)

61. That Petitioner asserts that the rationales used within the "ORDER ADOPTING R&R" and "JUDGMENT" issued March 15, 2018 (dockets #52 and #53), in light of the facts and law provided to the District Court in the original complaint as were originally presented by Petitioner, would not only be debatable by reasoned jurists, but would shock the conscience of any reasoned jurist professing fealty to the Constitution who has a solid understanding of the fundamental underlying principles of Americanism and authentic liberty. Reference – Art. VI, Sec. 2 and 3, Const. U.S.A.; *inter alia*

62. That Petitioner asserts that the above-described encroachmental contorting of legalistic principles in favor of explaining away a state-administered system of peonage is consistent with the operations of tribunals of lawlessness attendant to a *de facto* system of corporate fascism administered by martial rule rather than the Constitutionally-guaranteed constitutional republican form of *de jure* government that upholds the natural rights of the individual in good faith. Reference – *Ex Parte* Milligan, 71 U.S. 2, at 297 (1866) (Paragraph 9 of "Notice of Referenced Citations By Affidavit"); *inter alia*

63. That, on August 1, 2018, Petitioner and Natural Person Barry Wayne Adams then brought to the attention of the Sixth Circuit appellate court for review (18-1867 (6th Cir.)) the dispositive orders and other actions of the federal District Court for abuses of discretion that appeared to supp-

ort and cover-up the various miscarriages of justice which resulted in the previous Illegal 8-year incarceration of Petitioner by Respondents-Appellees, and the subsequent and ongoing antagonistically-contrived retaliatory harassment from Appellee "COUNTY OF CALHOUN" (which arose as a direct result of Petitioner's filing of the District Court action) for the purpose of attempting to re-incarcerate Petitioner by the machinations of certain state actors within the *de facto* corporate "37TH CIRCUIT COURT", "37TH CIRCUIT COURT JUDICIAL ENFORCEMENT DIVISION", and "CALHOUN COUNTY FRIEND OF THE COURT" under the fraudulent pretexts of "enforcement" of colorable cases 1994-000000-1207 DM (37TH Cir. Mich.), 2004-0000001706 FH (37TH Cir. Mich.), 2006-0000004001 FH (37TH Cir. Mich.), and 2007-0000002803 FH (37TH Cir. Mich.), which are cases that the STATE OF MICHIGAN, through its own website information at https://mcap.courts.michigan.gov/Case Search/Courts/C37/Search) (which solely relies on information provided to the state by the county), had declared as being "closed", and each case was at least over 10 years old from the time of each respective colorable "judgment". Reference – https://mcap.courts.michigan.gov/Case Search/Courts/C37/ Search (Search Term "barry wayne adams"); MCL 600.5809, *infra*

64. That, for example, the District Court's (mis)representation that Petitioner failed to respond to Respondent COUNTY OF CALHOUN's second motion to dismiss is belied by paragraph 1 of Petitioner's "Notice of Request for Summary Disposition by Affidavit; or, in the Equivalent, Verified Motion for Summary Judgment" (docket entry #43 - filed May 15, 2017), which clearly, but succinctly, stated responsively:

"That Petitioner denies and disputes the contextualization of facts, and all assertions and arguments of law, as have been presented by Appellee's attorneys, including, but not limited to, Attorney Dyer's "DEFENDANT CALHOUN COUNTY'S RENEWED MOTION TO DISMISS" and "BRIEF IN SUPPORT OF DEFENDANT CALHOUN COUNTY'S RENEWED MOTION TO DISMISS". Reference – FRCP Rule 8(b), *et seq.*"

65. That Petitioner also objects to the patently nonsensical representation by Magistrate Kent that the qualifying phrase "All Rights Reserved" within a legal document is a "legal nullity", notwithstanding its legalistic codification at UCC 1-308, or MCL 440.1308, and its ubiquitous placement in copyrighted materials. Reference - UCC 1-308; MCL 440.1308; *inter alia*

66. That, notwithstanding the inability to file electronic media with this court, but in order to demonstrate positive corroboration as to the pattern and practice of bad faith and fraud that culturally (or cultically?) permeates the CALHOUN COUNTY FRIEND OF THE COURT, Petitioner also provides the website addresses of YouTube videos of various public speeches made by former CALHOUN COUNTY FRIEND OF THE COURT caseworker Carol Rhodes in which she describes the saturated environment of malversation within that *de facto* corporate agency. Reference – Paragraph 10 of "Notice of Referenced Citations By Affidavit"; DVD recording of speeches by Carol (docket #24, 18-1867 (6th Cir.))

67. That, in the manner of FRAP Rule 40, Petitioner requested oral argument of the above issues before the appellate court, which was procedurally denied. Reference – FRAP Rule 40

68. That Petitioner objected to the "O R D E R" of April 24, 2019 (docket #19, 18-1867 (6th Cir.)) as follows:

69. That Barry Wayne Adams, who is a Natural Person, objected to the insinuation that such self-identification of himself is improper, and additionally objected to the fictionalized representation of himself by the court as "BARRY WAYNE ADAMS", a supposed "vessel" (*i.e.*, a piece of "property" or "slave")) per 18 USC 9. Reference – 18 USC 9

70. That Petitioner asserts that it appeared that the 3 Circuit Court judges who issued the "O R D E R" of April 24, 2019 (docket #19) had misapprehended, or failed to apprehend, or had again deliberately chosen to ignore, that Petitioner never brought any claims against any *de jure* sovereign entity (*i.e.*, "Michigan"), or any individual in their "official" capacity, but instead specifically brought claims against those derivative fictional *de facto* "corporate" entities (*i.e.*, "STATE OF MICHIGAN" (as corporately "re-organized" by Article 5 of the Michigan Constitution of 1963), "COUNTY OF CALHOUN" (per Art. 7, Sec. 1, Mich. Const. (1963)), and "MICHIGAN DEPARTMENT OF CORRECTIONS" (per MCL 791.212)) which are subordinate commercial creatures of the *de jure* "sovereign". Reference – Art. 5, Mich. Const. (1963); Art. 7, Sec. 1, Mich. Const. (1963); MCL 791.212

71. That Petitioner asserts that it appears that the 3 Circuit Court judges who issued the "O R D E R" of April 24, 2019 (docket #19) had misapprehended, or failed to apprehend, or had deliberately chosen to ignore, that even a supposed "sovereign" has no authority in America to enslave its inhabitants by establishing and maintaining a system of peonage operating under color of law, no matter the legalistic "justification" for its existence; and, when taken to its logical extreme, the consequences of the legalistic rationales exhibited in the "O R D E R" of April 24, 2019 are actually able to justify a system of enslavement of its citizenry, and the "State", and its state actor agents, are immune from supporting any such "state-sponsored" enslavement. Reference – Am. XIII, Const. U.S.A.; 42 USC 1994, *supra*; Iwanowa vs. Ford Motor Company, 67 F.Supp.2d 424 (1999); Doe vs. Unocal Corporation, 963 F.Supp. 880 (1997); Beech Grove Investment Company vs. Civil Rights Commission, 380 Mich. 405, 157 NW2d 213 (1968) (All found in paragraph 11 of "Notice of Referenced Citations By Affidavit"); *inter alia*

72. That Petitioner asserts that it appears that the 3 Circuit Court judges who issued the "O R D E R" of April 24, 2019 had misapprehended, or failed to apprehend, or had deliberately chosen to ignore, that Congress has explicitly declared that any form of governmental instrumentality that attempts to coerce the liquidation of a "debt, obligation, or otherwise" is a legal nullity, and without legal validity from its inception; and that, as such, both the colorable "statute" (MCL 750.165), and the purported "state judgment" that had incarcerated Petitioner in an effort to coerce the liquidation of a supposed "debt", were both null and void from their inception, and could never have legal validity to which the "Rooker-Feldman doctrine" would apply. Reference – 42 USC 1994; Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923); District of Columbia v. Feldman, 460 U.S. 462 (1983)

73. That Petitioner asserts that it appears that the 3 Circuit Court judges who issued the "O R D E R" of April 24, 2019 (docket #19) had misapprehended, or failed to apprehend, or had deliberately chosen to ignore, that even though the courts have ruled in a certain case that "...a private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another...", Congress has provided to Americans a legislatively-cognizable interest, via 18 USC 1595, in civilly prosecuting another; and the extraordinary remedy known as the common law "Writ of Qui Tam" ("statu-

torized" within 28 USC 1651) specifically provides for a private citizen to prosecute another for criminal violations. Reference – 18 USC 1595; 28 USC 1651; Mitchell v. Tenneco Chemicals, Inc., 331 F.Supp. 1031 (D.C.S.C.1971) (Paragraph 12 of "Notice of Referenced Citations By Affidavit")

74. That Petitioner asserts that it appears that the 3 Circuit Court judges who issued the "O R D E R" of April 24, 2019 (docket #19) had misapprehended, or failed to apprehend, or had deliberately chosen to ignore, that Petitioner had already shown to the district court that the purported "judgment of divorce" that was fraudulently used as the contractual "*res*" to colorably attach the supposed "debt" liability to Petitioner was itself an unconscionable construct created by fraudulent means, and to which Petitioner had never agreed to, or affirmed with his signature.

75. That Petitioner asserts that it appears that the 3 Circuit Court judges who issued the "O R D E R" of April 24, 2019 (docket #19) had misapprehended, or failed to apprehend, or had deliberately chosen to ignore, that Petitioner's claims, as asserted in the light of the nullifying language of 42 USC 1994, actually comports positively with the requirement propounded in Heck v. Humphrey that a 42 USC 1983 suit cannot proceed unless the Plaintiff can demonstrate the invalidity or unconstitutionality of the state action that created the injury (explained in paragraph 5, *supra*). Reference – 42 USC 1994; Heck v. Humphrey, 512 US 477 (1994) (Paragraph 13 of "Notice of Referenced Citations By Affidavit"); *inter alia*

76. That Petitioner asserts that it appears that the 3 Circuit Court judges who issued the "O R D E R" of April 24, 2019 (docket #19) had misapprehended, or failed to apprehend, or had deliberately chosen to ignore, the significant relationship of the time of his contrived false arrest and false imprisonment as it related to the scheduling of the then-pending federal civil case 4:05-cv-0062 (W.D. Mich.), and the timeliness of how said sham arrest and prosecution conveniently prevented Petitioner from being able to continue litigating in said civil action, is more than sufficient circumstantial evidence to corroborate Petitioner's vindictive prosecution claims; and that it is nothing more than the arbitrary selective and intentional ignoring of the facts of said state actions by the 3

Circuit Court judges who issued the "O R D E R" of April 24, 2019 that they were able to deny such validly-presented claims.

77. That Petitioner asserts that it appears that the 3 Circuit Court judges who issued the "O R D E R" of April 24, 2019 (docket #19) had misapprehended, or failed to apprehend, or had deliberately chosen to ignore, that Petitioner had specifically asked for "common law remedy" in his district court complaint (in the manner of the "saving to suitor's clause" 28 USC 1333), and that the effect of said order procedurally denies and deprives Petitioner of his entitlement to a civil trial to adjudicate his meritorious federal claims. Reference – Am. VII, Const. U.S.A.; T.N.T. Marine Service, Inc. v. Weaver Shipyards & Dry Docks, Inc., 702 F.2d 585 (C.A.5 (Tex.) 1983), certiorari denied 104 S.Ct. 151, 464 U.S. 847, 78 L.Ed.2d 141; Stainless Steel & Metal Mfg. Corp. v. Sacal V.I., Inc., 452 F.Supp. 1073 (D.C.Puerto Rico 1978); Brownlee v. Yellow Freight System, Inc., 921 F.2d 745 (C.A.8 (Mo.) 1990); Braune v. Abbott Laboratories, 895 F.Supp. 530 (E.D.N.Y.1995); Simler v. Connor, 83 S.Ct. 609, 372 U.S. 221, 9 L.Ed.2d 691 (Okl.1963); See, also, Doughty v. Nebel Towing Co., 270 F.Supp. 957 (D.C.La.1967) (All found in paragraph 14 of "Notice of Referenced Citations By Affidavit"); *inter alia*

77. That Petitioner asserts that it appears that the 3 Circuit Court judges who issued the "O R D E R" of April 24, 2019 (docket #19) had misapprehended, or failed to apprehend, or had deliberately chosen to ignore, their obligation to review Petitioner's claims according to the rules of the common law, notwithstanding the previously described procedural deprivation of the opportunity for Petitioner to bring his claims to trial. Reference – Am. VII, Const. U.S.A. (Paragraph 15 of "Notice of Referenced Citations By Affidavit")

79. That Petitioner asserts that it appears that the 3 Circuit Court judges who issued the "O R D E R" of April 24, 2019 (docket #19) had misapprehended, or failed to apprehend, or had deliberately chosen to depreciate or ignore the video evidence provided to the Court in which former caseworker and CALHOUN COUNTY FRIEND OF THE COURT whistleblower Carol Rhodes publicly exposed the pervasive corruption of those state actor agents employed within that *de facto* corporate entity; and her published literary work. "FRIEND OF THE COURT, ENEMY OF THE FAM-

ILY" (ISBN #0-9668161-0-2) (incorporated herein by reference) further exposes the inhumane and fraudulent methods within that cult-like organization (Note – Petitioner's personal story, using pseudonyms, comprised Chapter 11 of that book). Reference - "FRIEND OF THE COURT, ENEMY OF THE FAMILY" by Carol Rhodes ISBN #0-9668161-0-2 (self-published)

80. That Petitioner asserts that it appears that the 3 Circuit Court judges who issued the "O R D E R" of April 24, 2019 (docket #19) had misapprehended, or failed to apprehend, or had deliberately chosen to depreciate or ignore the extent of judicial corruption that permeates the courts throughout the entire STATE OF MICHIGAN; and Petitioner herein incorporates by reference the expositive work of former Michigan Supreme Court Chief Justice and whistleblower Elizabeth A. Weaver (retired) entitled "JUDICIAL DECEIT' (ISBN #978-0-9894101-0-6) that details the ubiquitous malversation that infects the entire system of Michigan courts. Reference - "JUDICIAL DECEIT' by Elizabeth A. Weaver and David B. Schock, *Ph.D.* ISBN #978-0-9894101-0-6

80. That Petitioner asserts that the above-described selective legalistic "interpretation" put forth by the 3 Appellate Court judges who issued the "O R D E R" of April 24, 2019 (docket #19, 18-1867 (6th Cir.)) exemplifies the rhetoric of encroachment and usurpation that Americans had been warned about by previous jurists who understood the sanctity of natural inalienable rights and the judicial mandate to protect and preserve same (as set forth in the "Supremacy Clause"). Reference - Art. VI, Sec. 2 and 3, Const. U.S.A.; Suss vs. American Society for Prevention of Cruelty to Animals, 823 F.Supp. 181 (S.D. N.Y. 1993); Locwood v. Commissioner of Revenue, 357 Mich. 517; 98 NW2d 753 (1959); Carmen v. Secretary of State, 384 Mich. 443; 185 NW2d 1 (1971); Cummings v. Missouri, 71 US 277 (1867); United States v. Cruikshank, *et al.*, 92 U.S. 542 (1876); City Council of Montgomery v. Kelly, 38 So. 67 (1904); Boyd vs. United States, 116 US 616 (1886); People vs. Sinclair, 387 Mich. 91, 152; 194 NW2d 878 (1972); Black's Law Dictionary, Fifth Edition (All found in paragraph 16 of "Notice of Referenced Citations By Affidavit"); *inter alia*

82. That Petitioner candidly asserts that insidious/bad faith "interpretations of law" found within the "O R D E R" of April 24, 2019 (docket #19) that convolute Petitioner's claims and selectively ignore the explicit legislative provisions articulated therein are consistent with the existence of a

de facto corporate fascist police state administered by martial rule that maintains its existence by massive fraud, popularly-disseminated disinformation, and enforced by "courts of lawlessness"; and that the good faith application of laws adhering to the American principles of protection of natural inalienable rights that is to be afforded in the *de jure* constitutional republic, and the judicial ethics that underlie such protections, are a matter of personal integrity and authentic fealty to the Constitution. Reference - Odinetz vs. Budds, 315 Mich. 512, 24 NW2d 193 (1946); Quotation by Justice Learned Hand, from his book "SPIRIT OF LIBERTY" (All found in paragraph 17 of "Notice of Referenced Citations By Affidavit")

Brief in Support

Petitioner and Natural Person Barry Wayne Adams presents the instant application in reliance of explicitly-promulgated guarantees, specifically, but not limited to, the perpetual entitlement to the availability to recourse from the writ of habeas corpus according to the course of the common law, as unequivocally expressed in the Northwest Ordinance of 1787, which still operates as unrepealed and active positive law federal law (i.e., 1 Stat. 50), and to expose the usurpational devices "statutorily" implemented within the extant de facto corporate fascist police state being administered under martial rule, that have devastated the natural (and common law) right and entitlement of a natural father to the proprietary association, consortium, and care (i.e., "dominion", also referred to as the "*patria potestas*") of his natural children and, through the statutorily-created methods coercively employed as the colorable legalistic contrivances utilized by the *de facto* corporate "FRIEND OF THE COURT" in furtherance of the prosecution of so-called "child support enforcement", have derogated the paternal status of a divorced father, through the assignation of the diminished capacities of "payer" and non-custodial "visitor", to that of a debt bondage peon, in exact replication of the ancient roman "*capitis deminutio maxima*", as was described in the "Statements Of Facts" above; and that such agenda of encroachment, usurpation, and enslavement of natural fathers is a significant primary causative factor in the ongoing societal degradation and decay that is currently manifesting in America, and will soon attain the point of irreversible and

irremediable intractability, notwithstanding the unconstitutional and treasonous existence of a martial rule police state (refer to paragraph 18 of "Notice of Referenced Citations By Affidavit").

The above-described agenda of legalistic facilitation of the disintegration of the natural family and of the natural rights and capacities of natural fathers (that is the very essence of "fatherhood") as a result of the tendentious encroachments and usurpations of the corporate state, has not gone unnoticed, as explicated in Chapter 5 ("The Restoration of Authority") of "Twilight of Authority" by Robert Nisbet (Oxford University Press, Inc. 1975), in which the author recognizes and acknowledges the primordial societal value of the natural family (i.e., a natural father and natural mother, and their conjoined natural progeny) and the oppressions inflicted thereupon by the machinations of the corporate state, to wit:

"It should be obvious that family, not the individual, is the real molecule of society, the key link of the social chain of being...On no single institution has the modern political state rested with more destructive weight than on the family."

The devastating influences of the corporativistic paradigm in its nefarious attempt to displace the natural societal ordering that is fundamentally reliant upon the innate social structure derived from the natural family with the artificial "order" mandated by the devices of the corporate state and a coercively-imposed "Command-and-Control" societal construct that is intended to establish a quasi-inquisitorial environment of "corporate" micromanagement of individual lives (that is *de facto* existential slavery) is the very antithesis of operant "liberty" as conceived and recognized by the founding fathers.

"Rightful liberty is unobstructed action according to our will within the limits drawn around us by the equal rights of others. I do not add 'within the limits of the law' because law is often but the tyrant's will, and always so when it violates the rights of the individual." Thomas Jefferson

(For the sake of clarity, Petitioner's references to the "*patria potestas*" are not made toward the oppressive and tyrannical variety of intrafamilial slavemaking that was practiced within the ancient roman jurisprudence, but instead refers to that Christianized species of benevolent paternal dominion recognized at the English common law that is derived from Biblical principles and centuries of historical and experiential wisdom.)

Petitioner's unconstitutional and treasonous incarceration was the consequence of the cumulative aggregation of component encroachments and usurpations of fundamental natural rights, including, but not limited to: the alienation of the natural right to not enter into contract (by virtue of Petitioner's volitional choice to not affirm and sign the fraudulently-obtained "Judgment of Divorce" which was nevertheless used as the colorable "*res*" to spuriously assign and attach purported civil liabilities to which criminal punitions have been subsequently exacted); the alienation of the natural right to be able to enjoy the fruits of one's own labor (by virtue of the colorable "Friend of the Court" procedural tactic of "imputation of income"); the alienation of the natural right to not be forced into debt obligation bondage (by virtue of the existing illegal incarceration that attempts to coerce the liquidation of a (fraudulently assigned) purported "debt" by operation of the enforcement of a colorable "statute" and physical captivity); and the alienation of the constitutional right to a *de jure* constitutional republican government and recourse and remedy in accord with the principles of the common law (by virtue of the unconstitutional imposition of a *de facto* corporate fascist police state administered by martial rule through the use of the usurpational machinations of the "statutory" jurisdictional construct).

The methodology of usurpation and encroachment used against the plenary common law right of a natural father to the possessory dominion of his natural legitimate children is readily discerned, notwithstanding the deliberate efforts to conceal and obfuscate such usurpational practices via the usage of re-compartmentalized alternative labels and legalistically ritualized "procedures". The common law "*patria potestas*" provided full entitlement of the natural father to the inviolable association, consortium, and dominion of his progeny (*i.e.*, the "right"), which was conditioned on the fulfillment of the paternally-assigned mandate (*i.e.*, the "responsibility") to provide the basic necessaries of existence ("maintenance and support") throughout their upbringing until the children have reached the age of majority. In order to usurp such traditional paternal entitlement, said "right" must be severed and dissociated from its concomitant "responsibility", leaving the father with no meaningful capacity to assert possessory claims over his children, yet still burdened and encumbered with all the paternal liabilities associated with "maintenance and support". Thus, the strategy applied within the *de facto* corporativist modality has been to contrive the novel concepts

of "custodial" parent (which typically is awarded to the mother) and "non-custodial" parent (which, by elimination, is typically attached to the now-dispossessed father), with the "non-custodial" parent being relegated to the state-sanctioned imposition of the egregiously-diminished capacities of "payer" and "visitor", thereby completely eviscerating the primordial and traditional offices of "fatherhood" and insuring that his progeny will become mere "creatures of the corporate state" as a result of the inevitable consequences of the behavioral conditioning and mind control inculcated through "compulsory education", and also insuring that any sense of the continuity of familial traditions and history will be displaced by the agenda of corporate "commerce" to manufacture domesticated and obedient future "employees" whose labor and services will be exploited, in the very same manner as a system of "slavery", by the corporate "economy". A society that bases its ongoing cohesion on the continuance of the traditional familial dynamic is anathema to the corporate paradigm, and, therefore, corporativism must incrementally neutralize the continuation of natural familial bloodlines and relations; thus the herein-described utilization of legalistic (*i.e.*, "statutory") methods to attempt to perfect a corporativistic "utopia" that has discarded the "anachronistic" institution of the natural family (with the aid of "politically correct" propaganda), notwithstanding the destruction of authentic liberties and natural rights that are derived therefrom.

Petitioner, "of necessity", will exercise extreme candor to the Court concerning these matters: the issues presented herein address egregious efforts at displacements of the Natural/Common Law with usurpational legalistic modalities that prevent and negate a Natural Father's ability to actually be an authentic "father" and reducing the concept of "fatherhood" to a nonsensical, meaningless, and substantively-empty legalistic abstraction, while instead irrationally reducing the contours of a father's natural obligations to merely pecuniary concerns while substantively abrogating the "*patria potestas*", and can reduce a divorced father to a condition of *de facto* enslavement (similar to the ancient roman legal status of "*capitis diminutio maxima*"), albeit hidden behind a "corporativized" (*i.e.*, "commercialized") façade that attempts to occlude the real nature of its underlying oppression and destructive societal effects by sham legalistic legitimization through the contrivance of an inherently-unconscionable sham "contract" designed to deny and deprive the most

precious and significant constellation of Constitutionally-protected rights that an American adult man can possess (refer to paragraph 19 of "Notice of Referenced Citations By Affidavit").

The fact that Petitioner's illegal [per 42 USC 1994] incarceration comports entirely with the criteria indicative of a *de facto* system of peonage and debt obligation bondage cannot be more trenchantly discerned, to wit: notwithstanding the devices of fraud, deception, and bad faith collusively committed under color of law by the various state actors within the 10TH DISTRICT COURT (Mich.), the 37TH CIRCUIT COURT (Mich.), the "FRIEND OF THE COURT" of Calhoun County, Michigan, and others, to "administratively" and "procedurally" attach a colorable "debt" liability to Petitioner (despite Petitioner's refusal to agree to, or accept, or consent to, or affirm, or sign, the spurious "Judgment of Divorce" which was used as the purported "contractual instrument" to fraudulently assign such liability), Petitioner, in the manner of a peon, remained in physical captivity as a result of the use of a colorable "operation of (specious) law" that clearly attempted to coerce the liquidation of said "debt", as has been previously defined by this court (refer to paragraph 20 of "Notice of Referenced Citations By Affidavit")

According to the federal "anti-peonage" statute(s) (i.e., 14 Stat. 546, Chap. 187 (1867) [42 USC 1994]; 114 Stat. 1486 (2000), amended as 122 Stat. 5068 (2008) [18 USC 1589]; inter alia), there is no allowance whatsoever for any form of debt obligation bondage, even "under color of law", otherwise it would be very simple to circumvent the unambiguous language of such statutes by simply enacting a "statute" that criminalizes the "failure to pay" a "legalistically-imposed debt" (as is specifically the case with the colorable "enforcement" of "MCL 750.165"), and the plain import of the promulgated enactment would be effectively rendered meaningless (refer to paragraph 21 of "Notice of Referenced Citations By Affidavit").

As the language of the statute abolishing peonage clearly and unambiguously indicates that "...all acts, laws, resolutions, orders, regulations, or usages of any Territory or State..." that attempt to "...enforce, directly or indirectly..." the "...liquidation of any debt or obligation, or otherwise, are declared null and void", both the "statutory" "MCL 750.165" and the colorable "JUDGMENT OF SENTENCE - COMMITMENT T0 DEPARTMENT OF CORRECTIONS" in colorable case "06-

400l FH (37th Cir. Mich.)" are, and have been *ab initio*, legal nullities, as well as all the subsequent colorable "process" that has attempted to validate such "statutory" enactment and/or "conviction", and negates any pretentious presumptions of perfected "subject matter jurisdiction", as the superordinate federal anti-peonage statutes renders any and every aspect of state "process" that attempts to imprison an individual for "failure to pay" a debt fatally defective (refer to paragraph 22 of "Notice of Referenced Citations By Affidavit").

Petitioner asserts that he is bringing to the Court those aspects of "American" jurisprudence that are superordinate to the positive laws of the legislature and preserved and protected by the Constitution, and to which obligation the judiciary is required to exercise vigilant percipience notwithstanding the facially-promulgated acts of the legislature (refer to paragraph 23 of "Notice of Referenced Citations By Affidavit").

Petitioner deliberately brought this action before this Court to challenge the fundamental unconstitutionality of the authoritariopathic devices of legalistic rhetoric and procedure that are used to "perfect" the mechanisms of encroachment and usurpation that have permeated the procedural decision-making and explained away the usurpational actions of the state actor agents employed by Respondents; and for the granting of superior disposition in favor of Petitioner's presented claims without the threat of further retaliatory response by Respondents.

Inasmuch as the *lex non scripta* requires a real injured party (*i.e.*, a living human being) before there is any standing to make a claim of damages, the use of an entity of fiction (such as "THE PEOPLE OF THE STATE OF MICHIGAN") as a "vessel" ("*ens legis*"; "straw man"), or legalistic device utilized as an instrumentality to make a claim of injury, has no validity within the common law; and that such protective aspect of the common law jurisdiction to prevent the use of legalistic procedural contrivances by the "STATE" to make spurious claims of injury against citizens as methods of targeting certain citizens deemed "undesirable" by such fictive tactics was the reason the Founding Fathers insisted that the common law remain a distinct jurisdictional modality of recourse in both the Constitution (Art. III, Sec. 2) and the Northwest Ordinance (Art. II) in order to

prevent the replication of the tyrannical abuses of governmental authority as were explicated in the Declaration of Independence.

In the instant situation, Petitioner continues to be (illegally) incarcerated for a purported "crime" contrived by the *de facto* corporate "STATE", in which there was no real injured party, no malicious intent, and no perfected contractual agreement in which Petitioner had volitionally assumed liabilities for the failure to comply with supposed conditions of performance; and that the usurpational premises contrived to deprive Petitioner of his liberty and the paternal dominion of his children were clearly invented to fabricate a "Kafka-esque" -type legalistic machination that had effectively rendered Petitioner a "political prisoner" characteristic of the operations of a martial rule regime such as was denounced by the Founding Fathers in the Declaration of Independence.

The reasons that the 3 constitutionally-enumerated judicial jurisdictions were initially chosen and originally intended to remain separated from each other (as explained in Murray vs. Chicago and Northwestern Railway Company, 62 F. 24 (N.D. Iowa 1894)) was so that a corrupted government would not be able to contrive any legalistic mechanisms of oppression that, although operating "under color of law" and facially presenting an affect of plausibility to the uninformed and credulous layperson, would be able to target certain politically "undesirable" individuals or groups of individuals that require effective "neutralization" and/or political suppression as deemed by the malversational status quo.

Within the "rules of the common law", the "PEOPLE OF THE STATE OF MICHIGAN" has no capacity or standing to make a claim of injury, or prosecute, or convict, or impose a sentence, or incarcerate the Petitioner based on the nature of the purported "charge" (how can there be any semblance of an impartial "trial by jury" when the *de facto* "judge", the *de facto* "prosecutor", and the *de facto* "jury" are all members of the same "body corporate" that has been identified as the colorable "Plaintiff" in the asserted action?); within the "rules of the common law", the *de facto* corporate "STATE OF MICHIGAN" never has any "authority" to establish and maintain a system of debt obligation bondage and peonage, even under the most sanctimonious of pretexts such as

"child support enforcement", which in this instance only involves making unilaterally- (and non-contractually-) imposed "payments" to a state-operated collection agency, and has nothing to do with the actual provision by Petitioner to his children of food, clothing, shelter, etc. (which in the instant situation was amply provided); within the "rules of the common law", Petitioner's natural rights and entitlements to the fruits of his own labor cannot be alienated and usurped (by the procedural machination of "imputation of income") and are inviolable; within the "rules of the common law", Petitioner's natural right to not enter into contract cannot be alienated and usurped (by the fraudulent reliance upon a unconscionable and fraudulently-obtained "Judgment of Divorce" as the colorable "*res*" which purportedly attempted to attach (without Petitioner's consent) contractual performance liabilities to Petitioner); and, within the "rules of the common law", the above described deprivations of natural rights, imposition of a condition of peonage, and ability to exercise his entitlements and capacities of *patria potestas*, are all actually tortious trespasses upon Petitioner's life, liberty and property, creating permanent irreversible damages and injuries to both Petitioner and his natural daughters.

Petitioner candidly asserts that, at its essence, the manner in which the "ORDER ADOPTING R&R" and "JUDGMENT" of March 15, 2018 (docket entries #52 and #53) attempts to logically process Petitioner's claims is argumentally-analogous to "Even though it looks like a duck, waddles like a duck, swims like a duck, and quacks like a duck, it is really an ostrich", to which Petitioner can only perceive bad faith and fraud.

Inasmuch as said "ORDER ADOPTING R&R" and "JUDGMENT" of March 15, 2018 (docket entries #52 and #53) additionally failed to apprehend, recognize, acknowledge or appreciate that Petitioner's complaint was never directed at any sovereign entity (*i.e.*, "body politic"), but was brought against subordinate fictional "corporate" forms; and that rather than Petitioner belabor the Court with "disjointed" or "colorful" (what is perceived to be) "tax protester-style jargon", Petitioner proffers instead the following judicial pronouncements verbatim (refer to paragraph 24 of "Notice of Referenced Citations By Affidavit").

For example, MCL 791.212 clearly indicates that *de* facto Respondent MICHIGAN DEPARTMENT OF CORRECTIONS is a "body corporate" (refer to paragraph 26 of "Notice of Referenced Citations By Affidavit").

Respondent COUNTY OF CALHOUN is also a corporate entity (Art. 7, Sec. 1, Mich. Const. (1963)), as well as the corporate STATE OF MICHIGAN (Art. 5, *et seq.*, Mich. Const. (1963)).

The federal legislature has clearly indicated in 42 USC 1994 that any type or system of peonage is legally null and void, and therefore unconstitutional.

Inasmuch as Petitioner's incarceration was illegal from its inception according to Congress (per 18 USC 1581-1593a, 1595; 42 USC 1994; etc.), and any acts that, under color of law, were inflicted up-on Petitioner were an attempt to coerce the liquidation of a (fraudulently-contrived) debt, every act complained of in Petitioner's original complaint was not the act of a sovereign, and any purported Eleventh Amendment immunity is without applicability (refer to paragraph 27 of "Notice of Referenced Citations By Affidavit").

Petitioner asserts that the disposition of the 18 USC 1595 claims of the instant case hinged on whether the deciding jurist chose to accept, recognize, and acknowledge that Petitioner's 8-year incarceration for "failure to pay" conforms to the accepted definition of "peonage", notwithstanding its state-sponsored source of establishment and maintenance (refer to paragraph 28 of "Notice of Referenced Citations By Affidavit").

Petitioner further provides this logical progression of legal citation to provide non-frivolous and meritorious support for his requests herein (refer to paragraph 29 of "Notice of Referenced Citations By Affidavit").

These additional salient citations are self-explanatory as to the duties of the District Court in support of Petitioner's claims (refer to paragraph 30 of "Notice of Referenced Citations By Affidavit").

Request for Relief

"Of Necessity", in anticipation of appellate review, and in consideration of the statement of facts and references of law set forth above, Affiant/Petitioner and Natural Person Barry Wayne Adams does request the following relief:

1. That the Supreme Court justices give good faith consideration to the issues presented within Petitioner's petition, and the underlying claims raised therein, for the reasons enumerated herein and issue a writ of certiorari over federal cases 1:16-cv-0678 (W.D. Mich.) and 18-1867 (6th Cir.) in light of the statutory provisions of 18 USC 1595 and 42 USC 1994, *inter alia*;

2. That the Supreme Court review, identify and positively articulate both the substantive and procedural abuses of discretion resulting from each and every of the erroneous decision(s) (*i.e.*, the "opinions and orders" found in Appendices A-I) of both the District and Appellate Courts;

3. That the Supreme Court grant Petitioner's requests for relief as they were first presented in the original District Court Complaint (docket entry #5);

4. That, in the alternative, this Court remand 1:16-cv-0678 (W.D. Mich.) back to the Western District with corrective instruction and supervisory oversight; and

5. That Petitioner be reimbursed for the postage for having to unnecessarily re-file the instant complaint three extra times in order to "correct" inconsequential formalistic "defects"; and

6. Any other form of relief that this Court deems appropriate.

I, Affiant/Petitioner and Natural Person Barry Wayne Adams, further say nothing.

Barry Wayne Adams
622 West Green Street
Marshall, Michigan

Self-Verification

I, Affiant/Petitioner and Natural Person Barry Wayne Adams, do attest and affirm that the averments and statements in the above "Verified Request For Petition For Writ Of Certiorari" are true and correct, under penalty of perjury.

All Rights Reserved,

Barry Wayne Adams
622 West Green Street
Marshall, Michigan