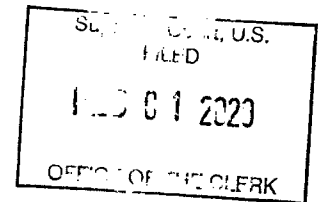


ORIGINAL

19-7542  
No. \_\_\_\_\_

IN-THE-  
SUPREME-COURT-OF-THE-UNITED-STATES



Douglas-Alan: Pelmear, et-al PETITIONER(S)

vs.

Maureen O'Connor, et-al RESPONDENT(S)

-ON-PETITION-FOR-WRIT-OF-CERTIORARI-TO-

UNITED-STATES-COURT-OF-APPEALS-FOR-THE-SIXTH-CIRCUIT

No. 18-03915

PETITION-FOR-WRIT-OF-CERTIORARI

Douglas-Alan: Pelmear &

Noah-Wade: Pelmear

P.O. Box 165

403 Hill-Street

Napoleon, Ohio [43545]

419-906-1525

*PRO-SE.*

### **QUESTION(S)-PRESENTED**

1. Can state actors acting under color of state law, impair, impede, deny, discriminate, threaten or otherwise obstruct petitioners'/ plaintiffs' free exercise of federally protected rights and or federally protected common law rights under The-Constitution of the United-States?
2. Can state actors acting under color of state law have absolute or quasi judicial immunity for their illegal actions against petitioners'/ plaintiffs' rights protected under The-Constitution of the United-States?
3. Should the Courts' in a color of law case grant absolute or quasi judicial immunity without the respondents/ defendants asking for it or even answering the civil complaint while making rulings based on speculation and conjecture by denying all hearings?
4. Can the Courts' deny the petitioners' rights to answer respondents motions, allow respondents to threaten and intimidate witnesses of an active case, allow obstruction of justice and rule on the case by assuming facts not in evidence without due process and equal protection of law?
5. Should this Supreme-Court allow the respondents'/ defendants' to argue the original complaint when none of the respondents'/defendants' ever answered the original complaint in the trial court and fell into default judgment?
6. Can the 11<sup>th</sup> Amendment extend immunity over Article III section 2 paragraph 2 and Article VI paragraph 2 treaties protected by The-Constitution of the United-States when the respondent state actors acting under color of state law broke their oath of office?

## LIST-OF-PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] All parties **do not appear** in the caption of the case on the cover page. A list of all parties to the proceeding in the court case whose judgment is the subject of this petition is as follows:

Petitioner(s)/ Appellant(s)/ Plaintiff(s) **Douglas-Alan: Pelmear, Minster of state for the Cherokee nation of Indians** is listed on cover sheet and Noah-Wade: Pelmear [*pro se*].

Respondents/ Appellee(s)/ Defendant(s) **Ohio–Supreme-Court-Chief-Justice Maureen O'Connor** is listed on cover sheet, Justice Terrence O'Donnell, Justice Sharon L. Kennedy, Justice Judi L. French, Justice Patrick F. Fischer, Justice R. Patrick DeWine, Justice Mary DeGenaro, Ohio-Sixth-District-Court-Of-Appeals-Judge Arlene Singer, Judge James D. Jenson, Judge Christine E. Mayle, Defiance-County-Court-Judge Joseph N. Schmenk, Williams-County-Ohio-Judge Kent Lewis North, Fulton-County-Judge Jeffery L. Robinson, Fulton-County-Ohio-Attorney-Prosecutor-Judge Eric K. Nagel, Judge or attorney Mark Powers, Wauseon-Ohio-Prosecutor Thomas Albert McWatters III, Assistant-Prosecutor-Stephen M. Maloney, Assistant-Prosecutor Kevin Whitlock, Barber, Kaper, Stamm, McWatters & Whitlock, Archbold-Ohio-Prosecutor Mark D. Hagans, Fulton-County-Ohio-Prosecutor Scott Haselman, Fulton-County-Ohio-Clerk-Of-Courts Tracy Zuver, Fulton-County-Ohio-Sheriff Roy E. Miller, Deputy Matthew Smithmyer, Deputy Jeremy Simon, Deputy John Trejo, Henry-County-Prosecutor John Jay Hanna, Henry-County-Ohio-Prosecutor Gwen Howe-Gebbers, Henry-County-Ohio-Sheriff Michael Bodenbender, Henry-County-Clerk-Of-Court Connie L. Schnitkey, Fulton-County-Ohio-Court-Western-District-Clerk Heather Lumbrezer, Deputy-Clerk Whitney Lavinder, Bailiff Mike Mann, Deputy-Clerk Alyese Stidham, Deputy-Clerk Randi Wudi, Fulton-County-Ohio-Dog-Warden Brian Banister, Deputy-Dog-Warden Jon Rufenacht, Reminger Co. LPA, Attorney

Michael P. Gilbride, Donna L. Keefe, Fishel Hass Kim Albrecht Downey LLP, Attorney Marc A. Fishel, Maumee-Valley-Planning-Organization, Dennis Miller, Director, Marsha Kolb, Matthew Davis, Wauseon-Ohio-City-Counsel, Jeff Stiriz (President), Shane Chamberlin, Scott Stiriz, Harold Stickley, Steve Schneider, Kathy Huner (Mayor), Archbold-Ohio-City-Counsel, Kevin L. Morton (President), Vaughn Bentz, Kenny Cowell, Kevin Eicher, Brian Huffman, Ed Leininger, Fulton-County-Ohio-Commissioners, Jon Rupp, Bill Rufenacht Jeff Rupp, Henry-County-Ohio-Commissioners, Thomas H. VonDeylen, Bob Hastedt, Glenn Miller, Defiance-County-Ohio-Commissioners, Ryan Mack, Mick Pocratsky, Gary L. Plotts, Correction-Center-of-Northwest-Ohio or CCNO, Dennis Sullivan of CCNO, Michelle K. Schlade, Any Jane and/or John Doe(s) and/or any XYZ-Corporations-Contributed to Petitioners'/ Plaintiffs' harm names and addresses unknown.

#### **RELATED-CASES**

- Douglas-Alan: Pelmear et-al v. Maureen O'Connor et-al, No. 3:18-CV-1480, United-States-District-Court-For-The-District-Of-Ohio-Western-Division. Judgment entered Sept.11, 2018.
- Douglas-Alan: Pelmear et-al v. Maureen O'Connor et-al No. 0:18-03915, United-States-Court-Appeals-For-The-Sixth-Circuit, Judgment entered Nov. 05, 2019.

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United-States-District-Court-For-The-District-Of-Ohio-Western-Division,

Douglas-Alan: Pelmear, et al v. Maureen O'Connor, et al, Originating-Case-No. 3:18CV01480,

But not published yet.

### JURISDICTION

United-States-Court-Of-Appeals-For-The-Sixth-Circuit, Case 18-3915, Order on 11-05-2019

1) The action was brought in pursuant to Title-42-U.S.C.-sec. 1983, 1985, 1986 and 1988, also but not limited to Article-1-sec. 10, Article-3-sec 2- paragraph.-2, Article-6 of The-Constitution of the United-States and the First, Fourth, Fifth, Sixth, Seventh, Eight and Fourteenth-Amendments to The-Constitution of the United-States. Jurisdiction is found upon Title-28-USC-sec(s) 1330, 1331, 1332 and 1343, Title 18-U.S.C.-sec. 112 and the aforementioned statutory and constitutional provisions.

2) Petitioner(s)/ Plaintiff(s), Douglas-Alan: Pelmear is a natural individual, Minister of state of the Cherokee nation of Indians, domicile in and around Henry-County-Ohio and with son of Douglas-Alan: Pelmear, Noah-Wade: Pelmear is a natural individual, member in good standings with Cherokee nation of Indians, domicile in and around Fulton-County-Ohio.

3) Respondents/ Defendants/ Aggressors were sued in their official, personal and private capacity which live and work in Ohio and as state or county judges, county prosecutors, city attorneys and other Ohio county and state employees or "et al", *which are state actors and*

*acting at all times under color of state law*, which have participated in the denial of federally protected common law rights and the denial unalienable United-States-Constitutional-Rights.

4) Ex-Parte Young 209 US 123 (1908), The Eleventh Amendment provides no shield for a state official confronted by a claim that he had deprived another of a federal right under color of state law...when a state officer acts under a state law in a manner violative of the federal constitution. And he is, in that case, stripped of his official or representative character, and is subjected in his person to the consequences of his individual conduct. The state has no power to impart to him any immunity from responsibility to the supreme authority of the United States.

### **CONSTITUTIONAL-AND-STATUTORY-PROVISIONS-INVOLVED**

However in artfully pleaded are held to less stringent standards than formal pleadings drafted by lawyers, Haines v. Kerner, 404 U.S. 519,520 (1972).....1

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### **STATEMENT-OF-THE-CASE**

Douglas-Alan: Pelmear, and Noah–Wade: Pelmear [*pro se*], however in artfully pleaded are held to less stringent standards than formal pleadings drafted by lawyers, \*\*\* Haines v. Kerner, 404 U.S. 519,520 (1972).

Douglas-Alan: Pelmear, Minister of state for the Cherokee nation of Indians and Noah-Wade: Pelmear [*pro se*] in good standings with the Cherokee nation of Indians. See 5:15-CR-66-JMH US v. Cox in United-States-District-Court-Eastern-District of Kentucky where I, Douglas-Alan: Pelmear was a witness for the United States as Cherokee nation of Indians official.

**Warning,** what you are about to read may shock your conscience of how far the respondents’/defendants’/appellees’/aggressors’ will go to hide their common practices of deceit under color of state law. The civil rights violations, conspiracy, fabrication of documents, counterfeit documents, forgery, willful concealment, willful and wrongful lien showing their willful intent, is present in the elaborate scheme with a plot to deprive rights and their cover-up.

I, Douglas-Alan: Pelmear invented the HP2g 110mpg V8 hybrid engine. In 2008, I, Douglas-Alan: Pelmear drove a car with a prototype HP2g 110mpg V8 hybrid engine from Napoleon, Ohio to Las Vegas, NV for a tradeshow.

Horse Power Sales net Inc. or HPSN where I, Douglas-Alan: Pelmear was president went to Henry County Ohio for grants where HPSN received a \$50,000 small business bridge loan (or RLF).

The civil rights violations started when respondent/ defendant Henry-County-Commissioner Thomas H. VonDeylen went to banks to stop myself and the businesses from receiving loans. Then respondent/ defendant Henry-County-Commissioner Thomas H. VonDeylen had the clerk, respondent/defendant Vickie Glick change the Henry County bridge loan document voting record from his "absent during voting" to a "NO" vote, changing loan records without lawful rights. In May 15, 2010, Maumee-Valley-Planning-Organization, or hereafter "MVPO", respondent/defendant Marsha Kolb and respondent/defendant Dennis Miller the loan administrator to the revolving loan fund or RLF submitted forged fraudulent documents to Ohio-Secretary-Of-State to secure a wrongful UCC1 lien on HP2g-LLC; a nonparty to the Henry-County loan in the attempt to get Douglas-Alan: Pelmear's patent(s). In January 2012 an angel investment group (with a multi-million dollar offer) in their research found a UCC1 lien on HP2g-LLC by Henry-County RLF loan and brought this record to my (Douglas-Alan: Pelmear) attention. I, Douglas-Alan: Pelmear brought the wrongful UCC1 to the attention of Henry-County-Commissioner Richard Myers. Richard Myers took the information to the loan administrator MVPO to correct the wrongful UCC1 lien. MVPO wrote a letter saying the UCC1 lien was in error and would be corrected. HP2g-LLC was not taken off the lien, but HPSN was added to the UCC1 lien. In a letter obtained in a public records request from respondent/ defendant Dennis Miller of MVPO to Henry-County-Commissioner July 17, 2013 stated

respondent/ defendant Marsha Kolb of MVPO, for RLF loan of HPSN, knowingly and willfully placed the wrongful UCC1 lien on HP2g-LLC a nonparty to the HPSN-RLF loan with fraudulent forged documents manufactured in an attempt to secure patents which were never promised to RLF loan and is personal intellectual property of me, Douglas-Alan: Pelmear. This letter goes on to say “I don’t believe that Doug or his business ventures have been harmed though the actions of MVPO or Henry County Commissioners” as MVPO and the Henry-County-Board-Of-Commissioners are assessing their potential liability of their actions against myself and the businesses. Also we found out later HP2g-LLC was damaged earlier. In May 2011 an investment group in their research also found the UCC1 lien on HP2g-LLC by Henry-County-RLF loan secured for a unlimited amount. I, Douglas-Alan: Pelmear signed a contract for \$900 million dollars for 45% of HP2g LLC stocks. The Henry-County RLF false lien on HP2g-LLC ended the agreement. Because of the lack of funding in July 2012 MVPO got a judgment using respondent/ attorney Eric K. Nagel to confess judgment on HPSN’s behalf of the RLF loan in Henry-County-Common-Pleas-Court case #12CV0120, but the loan documents used in court were forged & fraudulently signed. So MVPO agreed to make a new RLF loan to HPSN for a six month \$50,000 balloon payment with only 2 cars as security for the loan. Now the RLF loan documents were altered. The-Board-Of-Commissioners-Of-Henry-County by MVPO seized a 1965 Ford-Mustang GT and a 1993 Ford-Mustang-Special-Edition, the only 2 pledged vehicles and twice taken by respondent Henry County Sheriff Michael D. Bodenbender while the respondent Henry-County-Prosecutor John Jay Hanna watched the double jeopardy (United States Constitution Amendment V). The first time 6-13-2013 the cars were held passed the statute of limitation to sell the seized assets and returned damaged, I, Douglas-Alan: Pelmear repaired damages to the vehicles after being returned by respondent Henry-County-Prosecutor John Jay Hanna because the statue of limitation of time to sell the assets (cars) had expired.

Second time assets or cars were taken was on 9-5-14. The cars were damaged again before the sales which were in the Henry County Sheriff's impound.

The 1993 Ford-Mustang was advertised for sale at a 50% diminished appraised worth over their appraisers. As per respondent Thomas Albert McWatters' III email Sent: Friday, July 19, 2013 (quote) "This general strategy would alleviate the need to try to sell the two cars we have now for top dollar." or in other words; discrimination, double jeopardy, threats without provocation, which respondent Thomas Albert McWatters III followed through the devised plot's "general strategy" and still continues by color of the offices, color of state law and organized public corruption. Due to of the lack of funding in March 2013 MVPO got a judgment using attorney Eric K. Nagel to confess judgment on HPSN's behalf of the RLF loan in Henry-County-Common-Pleas-Court case #13CV0045 by altering loan documents and submitting the first loan documents used in court which are forged & fraudulently signed. Henry-County-Ohio-Commissioners conspired with respondent Dennis Miller president of Maumee-Valley-Planning-Organization or MVPO Defiance, Ohio and respondent Thomas Albert McWatters III, Wauseon-City-Attorney/Prosecutor, Special-Attorney-for-the-Ohio-Attorney-Generals-Office and MVPO/Henry-County-Commissioners attorney to mastermind a plot was devised as "general strategy" and acted on in order to deprive of life, liberty, property and pursuit of happiness, without due process of law (Amendment V). Thomas Albert McWatters III sent the plot Friday, July 19, 2013 to Dennis Miller of MVPO, and quotes: "Here is a suggestion on how to proceed.", "It would require some participation/assistance by the Sheriff," "What if we issued a writ for all Mustangs located at the Florida Site", "We could broaden it to include all cars owned by Horse Power", "This general strategy would alleviate the need to try to sell the two cars we have now for top dollar", "It would also give the commissioners (and you!) a chance at some pay back against Pelmeear", "I assume he is not aware that we can grab anything he has and have it

sold”, “I would assume there would be some satisfaction gained from collecting all his mustangs!” Horse Power is an Ohio used car dealer owned by Douglas-Alan: Pelmear and is a nonparty to the HPSN-RLF loan agreement.

The Horse-Power-Sales-net-INC. paid \$55,593.01 on October 20<sup>th</sup>, 2015 (without an accounting of the funds from the sale of the two cars that was under priced) which was an over payment of the loan to Maumee-Valley-Planning-Org. or MVPO/Henry-County-Revolving-Loan-Fund, the payoff was under duress, to stop the seizure and sale of my, Douglas-Alan:-Pelmear’s, personal property without due process and equal protection.

I, Douglas-Alan: Pelmear, Horse-Power-Sales-net-LLC and HP2g-LLC (plaintiffs) sued Henry-County-Ohio, et al in Defiance-Ohio-Common-Pleas-Court in November 2013 cases numbers 13CV42618 and 13CV42628 which were active till January 2018 without ever having a hearing. The respondent Judge Joseph N. Schmenk, the court clerks and staff denied due process and equal protection by judging the cases without ever scheduling any hearings and allowed counterfeit, forged, fraudulent document which was made by MVPO and signed by Dennis Miller the director only. Defiance-Ohio-Common-Pleas-Court denied hearings of Fraud-Upon-The-Court and due process by denying access to the court, allowed newly found fraudulent document to decide the two cases denying due process and equal protection.

On the May 27, 2016, Douglas-Alan: Pelmear had an interview on Fred Lefebvre 1370 WSPD about HP2g 110 mile per gallon hybrid engine and the extreme and serve prejudice and discrimination of respondent/ Thomas Albert McWatters III, other state agencies and associates and organized public corruption. The Thomas Albert McWatters’ III email of July 19, 2013, was read over the air and the (quote) \*\*\* “It would give the commissioners (and you) a chance at some pay back against Pelmear” was talked about extensively. Thomas Albert McWatters III employment was at the time Wauseon-City-Attorney, Special-Attorney-for-the-Ohio-Attorney-

Generals-Office and of the law firm of respondent/ Barber, Kaper, Stamm, Robinson & McWatters (Robinson of the firm was the Fulton-County-Court-Judge). On this same day (after my father was on the radio) around 6:45pm I, Noah-Wade: Pelmear, was turning on to East-Oak-Street in Wauseon-Ohio from a private driveway without using a turn signal for which there is no law broken and I was arrested, hand cuffed and placed in the back of a respondent Marc Tanner's Wauseon-City-Police cruiser retaining my liberties without my rights to counsel and while the vehicle I drove was towed and impounded from a parking space. Respondent Marc Tanner was shown proof of Douglas-Alan: Pelmear is Minister of state for the Cherokee nation of Indians and U.S. immunity laws which apply. Police officer Marc Tanner said he didn't understand U.S. laws and processed on with the arrest and detention without any jurisdiction.

Jurisdiction was challenged at arraignment in these cases in the Fulton-County-Court moved on without any jurisdiction at all. Admission and confession of no jurisdiction are shown in the court transcripts exhibit 30 and 31 in complaint. This action is a violation of The Constitution of the United States Amendment XIV due process and equal protection.

At the time respondent/ defendant Prosecutor Eric K. Nagel (now judge) has a conflict of interest by being a witness and had been an attorney for HPSN where I, Noah-Wade: Pelmear, am an advisor in an active court case in Defiance-Common-Pleas-Court case # 13CV42818 for which I had an interest in the outcome. Motions were overruled before looking at evidence submitted into the trial court.

The Fulton-County-Court overruled and denied discovery by suppressing all evidence.

Suppression of evidence is a violation of the due process clause of the Fourteenth-Amendment.

Prosecutor, (now Judge), Eric K. Nagel failed to disclose any evidence which is known as Brady evidence is a treatise on prosecutorial misconduct. As prosecutor, Eric-K-Nagel refused to

disclose any evidence and then, he used that same undisclosed evidence in trial and then again to impact the trial court's sentences.

Jury demand and speedy trial demand was made on time, but overruled and denied by color of law by the Fulton-County-Ohio-Court at trials of case # TRD 1601588 and TRD 1602132. This is a violation of The-Constitution of the United-States-Amendment VI, all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state.

Respondent City-of-Wauseon-Law-Director/Prosecutor Thomas Albert McWatters III, of respondent Barber, Kaper, Stamm, Robinson, McWatters and now Whitlock has a conflict of interest by being sued in court case in Defiance-Common-Pleas-Court case # 13CV42818 where fraudulent documents in case # 13CV42628 were forged by the defendants and submitted to the court. By developing these forged counterfeit fraudulent documents the defendants and their offices, secured a wrongful UCC1 lien at the Ohio-Secretary-Of-State for 6 plus years.

Respondents' Judge Arlene Singer, Judge James D. Jensen and Judge Christine E. Mayle. The Court-Of-Appeals-Of-Ohio-Sixth-Appellate-District-Fulton-Court allowed by color of state law the denial of federally protected common law rights and unalienable United-States-Constitutional-Rights. I was also denied procedural due process by not have a hearing on fraud upon the court, denying access to the court and allowing the denial of due process and equal protection of the lower court, acting under color of law in case # F-16-009 and F-16-010.

Respondent Assistant-Prosecutor Stephen M. Maloney and respondent Assistant-Prosecutor Kevin Whitlock of respondent/ Barber, Kaper, Stamm, McWatters & Whitlock, are in conflict of interest, received the Supreme-Court-Of Ohio temporary stay for case # 2017-1690 on December 22, 2017 by email, during normal business hours. The Fulton-County-Court-Western-District Judge Kent-North violated the stay order causing kidnapping, unlawful detention of my liberties and imprisonment for four plus days and forced to pay fees at the Corrections-Center of

Northwest-Ohio while on the Supreme-Court-Of-Ohio-Stay. Going against law: “notice to agent, is notice to the principal, notice to principal is notice to agent” or in this case, notice to the prosecutor, is notice to the court. The-Supreme-Court-Of-Ohio temporary stay was also posted on their website, which is a public record on December 22, 2017, during normal business hours. Fraud upon the court was first seen in the Supreme-Court-Of-Ohio entries in case 2017-1690 exhibits of “DENNIS SULLIVAN’S MEMORANDUM CONTRA”... exhibits by respondent/ defendant Attorney Scott A. Haselman Prosecuting-Attorney-of- Fulton-County with counterfeit evidence.

My Motion-Of-Contempt-And-Affidavit of the Supreme-Court-Of-Ohio stay order was not heard on case 2017-1690, *but was disposed because respondent/ defendant Dennis Sullivan and respondent/ Correction-Center-Of-Northwest-Ohio hired respondent/defendant attorney Marc A. Fishel who was a adviser for the Supreme-Court-Of-Ohio. Respondent/attorney Marc A. Fishel who is an adviser for the Supreme-Court-Of-Ohio is barred from representing a party in an active case in the Supreme-Court-Of-Ohio by rules. **This conflict of interest violation of Marc A. Fishel and all the Justices compromised the Court’s ability to make any decision.*** The contemptors kidnapped me, unlawfully imprisoned me and retained my liberties while on a “Stay” by the Supreme-Court-Of-Ohio, without substantive due process, procedural due process, equal protection, procedure under color of law and denying access to the court. Wauseon-City-Police-Officer Marc Tanner committed perjury of his testimony at trial. I have now found from a public records request of these cases, because I was denied discovery, respondent/ Officer Marc Tanner and Officer Tony Imber made fraudulent claims or omitted the truth on the police report. Officer Marc Tanner also perjured himself at my trial. The Ohio-Supreme-Court denied due process and equal protection and allowed the all of the lower courts to deny due process and equal protection acting under color of law in case # 2017-1690 and denied access to the court.

Respondents/ Wauseon-City-Assistant-Prosecutors, Stephen M. Maloney and Kevin Whitlock filed on November 16, 2017 a “MOTION TO REVOKE COMMUNITY CONTROL & IMPOSE SENTENCE” of case # TRD 1601588 and TRD 1602133 on me without ever being found guilty for any crime.

I, Noah-Wade: Pelmear was re-judged to a harsher sentence on February 26, 2018 of jail with no work release when in the first trial on October 13, 2016 where I was judged as jail with work release. The respondent/ Bailiff Mike Mann verified I had a job for the judge in court just before I was re-judged to a harsher sentence or double jeopardy. The conspiring with two or more, depriving me of the rights by intimidation and the threat of force to deny my civil rights to equal protection of the law with use of armed bailiff Mike Mann, respondent/ Deputy-Sheriff Matt Smithmyer, respondent/ Deputy-Sheriff Jeremy Simon and this sheriff dog. I, Noah-Wade: Pelmear, was re-judging to a harsher sentence then the October 13, 2016 trial of TRD1601588 and TRD1602132 cases by Judge Kent Lewis North while the county court house was locked up from the public denying my right to a public trial. Judge Kent Lewis North conspired with two or more officers, deputies with use of the sheriff dog, respondent/ clerks, Assistant-Prosecutor-Stephen M. Maloney and Assistant-Prosecutor Kevin Whitlock of Barber, Kaper, Stamm, McWatters & Whitlock, organized public corruption depriving me of the right of double jeopardy per the United States Constitution’s Fifth Amendment.

On January 16, 2018 in The-SUPREME-COURT-Of-Ohio I, Noah-Wade: Pelmear submitted a motion of contempt and affidavit. It was discovered Contemptor Dennis Sullivan of Correction-Center-of-Northwest-Ohio and attorney Marc A. Fishel had a conflict of interest by being on an advisory board to The-Supreme-Court-Of-Ohio. Attorney Marc A. Fishel is a member of the Supreme-Court’s-Commission on Dispute-Resolution which consists of twenty one members appointed by the Chief-Justice and Justices of the Supreme-Court-Of-Ohio. The Ohio-Supreme-

Court's Commission-on-Dispute-Resolution is an advisory board for the Supreme-Court-Of-Ohio and the staff.

Archbold-Police, Fulton-County-Ohio, pulled me over for driving under a yellow light February 2017. The officer wrote a ticket for no Ohio-Drivers-License. Then the respondent Archbold-Police-Officer Nathan Slough made contact with the owner of the vehicle (I was driving) with my phone, Douglas-Alan: Pelmear, because "the vehicle must have been stolen". Next officer made the owner, Douglas-Alan: Pelmear (my father) drive from Henry-County to Archbold-Fulton-County where I was being detained or I was to be jailed. When my father Douglas-Alan: Pelmear arrived, the officer asked him many times if the vehicle was stolen. The answer was they don't have jurisdiction. The respondent Archbold-Police-Officer Nathan Slough omitted his criminal action from the report. The obvious is the officers (three officers) forced Douglas-Alan: Pelmear to drive to Archbold, Ohio by intimidation and the threat of force to deny civil rights and equal protection of the law, under color of state law and depriving me of liberty to force Douglas-Alan: Pelmear to drive to their jurisdiction and say I had stolen the truck. Where I, Noah-Wade: Pelmear would go to jail for grand theft or he, Douglas-Alan: Pelmear would go to jail for allowing me to drive. I, Noah-Wade: Pelmear have a Cherokee nation of Indians travel permit. In this case TRD-1700396 respondent/ Prosecutor Mark D. Hagans has denied exculpatory evidence with discovery.

On April 3, 2018 about 10am while I, Noah-Wade: Pelmear was waiting in the Fulton-County-Court lobby and while my attorney was in a meeting with respondent Prosecutor Mark D. Hagans for a pretrial of the Archbold, Fulton-County-Ohio, (pulled me over for driving under a yellow light) case TRD-1700396. First the respondent/ Fulton-County-Sheriff Roy Miller and respondent/ Deputy John Trejo came out from the courts office to talk to my father Douglas-Alan: Pelmear and threaten him not to drive in Fulton-County. Next the respondent/ Fulton-

County-Dog-Warden Brian Banister and respondent/ Deputy-Dog-Warden Jon Rufenacht came out from the courts office to talk to me. Fulton-County-Dog-Warden Brian Banister said he wanted to know why I had not purchased a license for my dog. I told him I no longer had a dog. This is when Douglas-Alan: Pelmear said I, Noah-Wade: Pelmear have an attorney and, Fulton-County-Dog-Warden Brian Banister needed to talk to him, my attorney. Fulton-County-Dog-Warden Brian Banister kept on threatening me while my father continued to answer with he must talk to my attorney which was present at the court. My attorney came out to talk to me about Dog-Wardens actions. After talking to my attorney we, my father and I, left the court. By the time Douglas-Alan: Pelmear got home to Napoleon, Henry County Ohio, the Fulton-County-Dog-Warden Brian Banister drove out of his jurisdiction where he opened the front door of my fathers house and put a ticket in the house for me. The ticket states he, Fulton-County-Dog-Warden Brian Banister, witnessed me, Noah-Wade: Pelmear, keeping or harbor a dog in Archbold at 10am on the April 3, 2018. This is about the same time as he; Fulton-County-Dog-Warden Brian Banister was at Fulton-County-Court-Lobby harassing me. I don't have a dog, I was not in Archbold at that time with a dog and I don't reside at my father's house in Napoleon, Ohio.

On May 8, 2018 pretrial there was about 2.5 hour in-camera meeting with respondent/ Judge Eric K. Nagel who has a conflict of interest, respondents Dog-Warden Brain Banister, Archbold-Prosecutor Mark D. Hagans, Wauseon-City-Assistant-Prosecutor Kevin Whitlock and attorney Tom Molitierno (petitioner Noah-Wade: Pelmear's attorney). **Dog-Warden Brian Banister should not have been allowed to testify in the in-camera meeting which influenced the judge's opinion before trial.** Since the alleged dog harboring charge was in the city of Archbold, Wauseon-City-Assistant-Prosecutor Kevin Whitlock is a nonparty to the complaint, but was in the in-camera meeting to influence the judge's opinion of me to be judged guilty so

the MOTION-TO-REVOKE-COMMUNITY-CONTROL & IMPOSE-SENTENCE of case # TRD 1601588 and TRD 1602133 occurred before any guilt was proven.

Respondent/ Wauseon-City-Assistant-Prosecutor Kevin Whitlock's action shows conflict of interest by entrapment or the action of tricking someone into committing a crime in order to secure their prosecution, severe extreme animosity and prejudice by the law firm of Barber, Kaper, Stamm, McWatters & Whitlock. Fulton-County-Dog-Warden Brian Banister committed perjury with intent to mislead and defraud the court.

The-Supreme-Court-Of-Ohio and The-Ohio-Sixth-District-Court-Of-Appeals allowed the Fulton county court to judge me, Noah-Wade: Pelmeal completely absent of any jurisdiction being denied a jury, being denied counsel, being denied discovery of any evidence, allowing perjury from police officer, being denied speedy trial, being denied a unbiased prosecutor without a conflict of interest, retaining my liberties and imprisoning me and re-judging me to a harsher sentence or its called double jeopardy without due process and equal protection.

Respondent/ Clerks-of-Court's conspired with two or more and/or attorneys who work for state entities to deprive without due process, without provocation, under color of office, under color of state law and or organized public corruption.

1. Found in public records request Henry-County-Clerk-of-Common-Pleas-Court, Connie L. Schnitkey on May 29, 2014 Case # 13CV0045 and 12CV0120 Board-of-Commissioners-of-Henry-County-by Maumee-Valley-Planning-Org. vs. Horse- Power-Sales.Net-Inc. made "certified copies of documents from case 12CV0120, but are not filed or documented." For respondent/ Donna L. Keefe of respondent/ attorney Michael P. Gilbride of respondent/ Reminger Co. LPA, attorney for MVPO in the Defiance Common Pleas Court active cases at the time 13CV42618 and 13CV42628 changing court's records and changing public records by color of law.

2. All the clerks of Fulton-County-Court-Western-District on February 26, 2018 refused to come to the window for Douglas-Alan: Pelmear and Noah-Wade: Pelmear before re-judging to a harsher sentence then the October 13, 2016 trial of TRD1601588 and TRD1602132 cases by color of law.

Public records request was made on March 22, 2018 to respondent/ clerk of court Heather Lumbrezer, Fulton-County-Court-Western-District where a \$150 U.S. dollar deposit was requested, then paid by Douglas-Alan: Pelmear. On April 9, 2018 I, Douglas-Alan: Pelmear picked up the transcripts of December 22, 2017 and February 26, 2018 cases TRD 1601588 and TRD 1602133. In with the "original transcripts" received there were invoices. I found an error in the transcript, respondent/ Michelle K. Schlade (the reporter) asked me, Douglas-Alan: Pelmear if I had the **originals and the copies** of the transcripts for the correction. This tipped me off there were two sets of transcripts made. In further inspection of invoices it was discovered that an original and a copy transcript was made and I was charged for 2 sets of transcripts on the total bill (by respondent/ Michelle K. Schlade reporter). I only received one set of original transcripts. I have asked Michelle K. Schlade the reporter for the second set of transcripts a few times, but there has been no answer given. I, Douglas-Alan: Pelmear was charged for two transcripts, but received only one set. I suspect respondent/ clerk of court Heather Lumbrezer, Fulton-County-Court-Western-District conspired with respondent/ Michelle K. Schlade the reporter to keep a copy of the transcripts and charging them to me by color of law by embezzlement. All Ohio court cases for Noah-Wade: Pelmear have been adjudicated since August 1, 2018.

None of the respondents'/defendants answered the 42 U.S.C. 1983 the complaint in the U.S.-District-Court case 3:18CV01480. Here is how respondent/ appellee/defendants fell into default judgment as seen in the motion of AMENDED-MOTION-FOR-DEFAULT-JUDGMENT-OF-THE-OHIO-SUPREME-COURT-JUSTICES filed Aug 28, 2018. The Ohio-Supreme-Court are

represented by lead counsel Nicole M. Koppitch (0082129) of the Ohio-Attorney-General, filed defendant's notice of appearance of lead counsel with the U.S. District-Court, Northern-District of Ohio on July 30, 2018. The Ohio-Attorney-General lead counsel set forth in a "Notice" by the defending party per FEDERAL-RULES-OF-CIVIL-PROCEDURE-Rule 5.1-Constitutional Challenge to a Statute—Notice, Certification. Per-Rule 5.1 (a) NOTICE-BY-A-PARTY. A party that files a pleading, written motion, or other paper drawing into question the constitutionality of a federal or state statute must promptly and Rule 5.1 (B)(2) serve the notice and paper on the Attorney General ... on the state attorney general if a state statute is questioned—either by certified or registered mail or by sending it to an electronic address designated by the attorney general for this purpose. The Ohio-Attorney-General lead counsel request the Court and opposing parties to direct future pleadings, motions, memoranda and other notices to be sent by operation of Court's electronic filing system to all parties for whom counsel has entered an appearance. *By this notice the Ohio-Supreme-Court counsel appearance, she has been served and one can understand the clock toll of time started as of at least the date of July 30, 2018 to answer complaint.* **Default judgment** motion was filed Aug 28, 2018 because 22 days pass without any response by the Ohio-Supreme-Court-Justices or their counsel and never responded to the complaint. Next the Ohio-Judges of The-Sixth-District-Court-Of-Appeals took service on Aug.15, 2018 of summons and complaint along with all other motion of the case. On Aug. 31, 2018 Ohio-Attorney-General lead counsel for the Ohio-Judges of The-Sixth-District-Court-Of-Appeals made an appearance and motion to dismiss on jurisdiction but never responded to the complaint in 27 days thus falling to Default judgment before being dismissed September 11, 2018. In this civil rights violation case where alternative liability applies to the respondents'/defendants' malpractice, neglecting their duties of office and illegal conduct which broke their oath of office to up hold the 14<sup>th</sup> Amendment of the Constitution. The U.S. Supreme Court has

stated that "no state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it." *Cooper v. Aaron*, 358 U.S. 1, 78 S.Ct, 1401(1958). The respondents'/ appellees'/defendants' want to move the standard of review toward a plenary review in the Appeals-Court; this action is shown in all of the appellees briefs. The Appeals-Court should not allowed the respondents'/ appellees'/defendants' to argue the case when no one answered the original complaint in the U.S.-District-Court. We objected to the appellees briefs and moved to strike all the defendants inadmissible records submitted into this court.

Also the United-States-District-Court-For-The-District-Of-Ohio-Western-Division committed a complete reverse of the courts' dismissal by: using The United-States-District-Court-For-The-District-Of-Ohio-Eastern-Division, found on the header of Memorandum-Opinion-And-Order dated September 11, 2018 case 3:18CV01480 which is fictional grammar by the wrong division. The U.S.-District-Court made their ruling on *speculation, conjecture, assuming facts not in evidence* by denying procedural due process and equal protection by denied hearings on all the plaintiffs' motions. The-U.S.-District-Court denied the petitioner/ plaintiffs' right to rebut the Ohio-Sixth-District-Court-Of-Appeals motion to dismiss dated August 31, 2018 by ending the case September 11, 2018, this is 10 days before we, Douglas-Alan: Pelmeare and Noah-Wade: Pelmeare had the right to answer, denying due process and equal protection and denied access to the court.

The U.S.-Courts' committed an error in a color of state law case granting absolute or quasi judicial immunity without the defendants asking for immunity and without the defendants even answering the civil complaint. The U.S.-Courts' committed an fatal error in making rulings based on speculation and conjecture by denying all hearings. The essential elements of due process are notice and an opportunity to defend. *Simon v Craft* 182 US 427 (1901).

## REASON-FOR-GRANTING-THE-WRIT

I, Douglas-Alan: Pelmeare Minister of state for the Cherokee nation of Indians and Noah-Wade: Pelmeare call on The-Constitution-Of-The-United-States, Article III section 2 - paragraph 2, in all cases affecting... public Ministers and the State shall be a party, the supreme Court shall have original Jurisdiction. Article VI paragraph 2, this Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United-States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. Treaty with the Cherokee: 1791, Article XIII In case of violence on the persons or property of the individuals of either party, neither retaliation or reprisal shall be committed by the other, until satisfaction shall have been demanded of the party of which the aggressor is and shall have been refused. Treaty with the Cherokee: 1791, Article XVI treaty on contracting parties is protected by The-Constitution of the United-States. See also 5:15-CR-66-JMH US v. Cox in United-States-District-Court-Eastern-District of Kentucky where I, Douglas-Alan: Pelmeare was a witness for the United States as a Cherokee nation of Indians official.

Treaties and the petitioners' understanding as per law as seen Tulee v. Washington 315 U.S. 681, 684 (1942) "It is our understanding that the terms of the treaty are carried out, as far as possible, in accordance with the meaning they were understood to have by the tribal representatives at the council". See also Washington State Dept. of Licensing v. Cougar Den Inc. 586 U.S. 2019. I am Douglas-Alan: Pelmeare Minister of state for the Cherokee nation of Indians a tribal representative of the council.

The State was not named on the suit, but is a party by the Ohio-Attorney-General assuming responsibility and liability by defending The-Supreme-Court-Of-Ohio-Justices and the Ohio-

**Judges of The-Sixth-District-Court-Of-Appeals when the appeals court Judges allowed the county court judgments to stand without any jurisdiction. See Cooper v. Aaron, 358 U.S. 1, 78 S.CT, 1401 (1958).**

The U.S.-Courts' committed an error in a color of state law case granting absolute or quasi judicial immunity without the defendants asking for immunity and without the defendants even answering the civil complaint. The U.S.-Courts' committed a fatal error in making rulings based on speculation, conjecture and or assuming facts not in by denying all hearings. **The essential elements of due process are notice and an opportunity to defend.** Simon v Craft 182 US 427 (1901). Also, **new evidence was found** of conflict of interest in the U.S.-District-Court of the magistrate judge. Respondent/ Defendant Stephen M. Maloney was the former extern to Magistrate-Judge James R. Knepp II which was the magistrate judge of this case.

## CONCLUSION

I, petitioner Douglas-Alan: Pelmeir Minster of state for the Cherokee nation of Indians and Noah-Wade: Pelmeir call on The-Constitution of the United-States Article III section 2 paragraph 2, in all cases affecting... public Ministers and the State, the supreme Court shall have original Jurisdiction. Further more The-Constitution of the United-States Article VI paragraph 2 treaties' protected. The *respondents/defendants/ aggressors* and the courts have violated treaties, Treaty with the Cherokee. 1791: Article I "There shall be perpetual peace and friendship between all the citizens of the United States of America, and all the individuals composing the whole Cherokee nation of Indians". Article II Cherokee nation is under protection of the United-State of America, Article XII In case of violence on the persons or property of the individuals of either party, neither retaliation or reprisal shall be committed by the other, until satisfaction shall have been demanded of the party of which the aggressor is and shall have been refused, per Article XIII the Cherokees have giving notice and, Article XVI protected by The-Constitution of the United-States. We the petitioners stand on all our rights and treaties.

The *respondents'/ defendants'/ aggressors'* broke the treaty to the Cherokee petitioners by acting under color of law, willfully and knowingly broke their oath of office, by changing government records without lawful rights, by abuse of power of office, by going to banks stopping loans to the petitioner, by manufacturing fraudulent HUD regulated documents, by forgery of petitioners loan documents, by conspiring a plot to defraud the petitioners, with theft of property by deception of petitioners, by the clerk certifying false court documents against petitioners, placing wrongful liens, changing a judgment to a harsher penalty or double jeopardy of the petitioner, denying public records, denying right to counsel, denying a public trial, denying the right to jury, denying rights to discovery of evidence, denying right to a speedy trial, denying rights to a unbiased judge and prosecutor, by being wrongfully imprisoned while on a stay by the

Supreme-Court-Of-Ohio, retaining liberties without due process and where the Fulton County Court admitted and confessed on the record to not having any jurisdiction over petitioner Noah Wade: Pelmear's case, but continued judgment without any jurisdiction. On September 22, 2017 Henry-County-Prosecutor continued the harassment by naming me, Douglas-Alan: Pelmear as defendant in court case 17CV0084 for back tax liability of property which I lease. I, the lessor, was forced under duress to pay \$14,308.30 property tax or my personal property would be forfeited. The-Courts committed a complete reverse of the court dismissal by ruling on speculation, conjecture, assuming facts not in evidence, denying procedural due process, equal protection by denying a hearing of complaint, denying a hearing of petitioners'/ plaintiffs' motions and denying the petitioners right to rebut a motion, denying access to the court. The Courts' in a color of law case grant absolute or quasi judicial immunity without the respondents/ defendants asking for immunity or even answering the civil complaint while making rulings based on speculation and conjecture by denying all hearings.

In this civil rights violation case where alternative liability applies to the respondents'/ defendants' malpractice, neglecting their duties of office and illegal conduct which broke their oath of office to up hold the 14<sup>th</sup> Amendment of the Constitution.

The State was not named on the suit, but is a party by the Ohio-Attorney-General assumed responsibility and liability by defending The-Supreme-Court-Of-Ohio-Justices and the Ohio-Judges of The-Sixth-District-Court-Of-Appeals when the Ohio appeals courts Judges allowed the county court judgments to stand without any jurisdiction.

Any one of the respondents/ defendants/ aggressors should have stopped their actions and or partition which would have changed the outcome in the damage to "we the petitioners/ plaintiffs". The respondents'/ defendants'/ aggressors' are jointly and severally liable to the petitioners'/ plaintiffs' damages. The Ohio-Attorney-General lead counsel for The-Supreme-

Court-Of-Ohio-Justices request the Court and opposing parties to direct future pleadings, motions, memoranda and other notices to be sent by operation of Court's electronic filing system to all parties for whom counsel has entered an appearance per Rule 5.1. *By this notice the Ohio-Supreme-Court counsel appearance, she has been served and one can understand the clock toll of time started as of at least the date of July 30, 2018 to answer complaint.* **Default judgment** motion was filed Aug 28, 2018 on *The-Supreme-Court-Of-Ohio-Justices.* On Aug. 31, 2018 Ohio-Attorney-General lead counsel for the Ohio-Judges of The-Sixth-District-Court-Of-Appeals made an appearance and motion to dismiss on jurisdiction, but never responded to the complaint in 27 days thus falling into Default judgment before being dismissed September 11, 2018. **The respondents/defendants had the right to remain silent as did The-Supreme-Court-Of-Ohio-Justices and the Ohio-Judges-Of-The-Sixth-District-Court-Of-Appeals when they failed to plead or otherwise defend within proceeding, within the time period specified under law and thus felling into default and are precluded to answer complaint under res-judicata, collateral estoppel now are in a default judgment.** When The-Supreme-Court-Of-Ohio-Justices and the Ohio-Judges-Of-The-Sixth-District-Court-Of-Appeals failed to plead or otherwise defend within proceeding **all of the respondents'/ defendants' are liable as the collective aggressor.**

The respondents'/ defendants'/ aggressors' used the judicial system to obfuscate, avoid, evade, prevent or obstruct prosecution of their own crimes and actions as they shredded the Constitution for their own gain **or simply their malicious intent is despotism and tyranny.**

We the petitioners/ plaintiffs pray for the respondents'/defendants default judgment to be honored which should have been given in the U.S.-District-Court, payment to be paid with interest, hearings of our motions for sanctions and motion to show cause. The petitioners/ plaintiffs' originally asked for the interested of the loss of the damages not the actual damages as a quick remedy and what *ever compensatory relief* the court deems necessary and proper. We ask

for oral arguments if the respondents/ defendants default judgment is not honored in this court.

**Justice delayed is justice denied.**

Matthew 23:23 (NIV) We have to give thanks to God for his grace...Amen.

Respectfully submitted on January 31, 2020 of the year of my Lord and per Public-Law 97-280,

Douglas-Alan: Pelmear

Douglas-Alan: Pelmear

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Appellant-PRO-SE



Noah-Wade: Pelmear

Appellant-PRO-SE