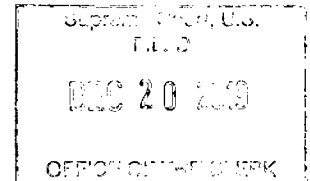


19-8224
NO.

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ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATE
WASHINGTON DISTRICT OF COLUMBIA



Iowa Supreme Court NO. 18-0282
Black Hawk County NO. LACV 132272

JAMES WILLIAM NEUMAN --PETITIONER

VS.

STATE OF IOWA., et.al-- RESPONDENTS
ON PETITION FOR WRIT OF CERTIORARI TO

IOWA SUPREME COURT
IOWA APPELLANT COURT

AMENDED PETITION FOR WRIT OF CERTIORARI

Plaintiff James Neuman
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QUESTIONS PRESENTED FOR REVIEW

1. Do the Black Hawk County Clerks have qualified Immunity when they conspired to delete or erase a 200 dollar payment to the clerk's office under receipt number 919839 and to not follow court Orders in a bid to steal or defraud the plaintiff out of 843.75 dollars?

Black Hawk Clerk Supervisor Cindy Schmidt and Stephany King attempted to steal or defraud the plaintiff out of 843.75 because they refused to follow the court Order in an OWI case and adjust the fee, fines and surcharges by half for over 6 months. Also, Black Hawk Clerk Supervisor Cindy Schmidt doesn't have qualified immunity when she erased or completely deleted a 200 dollar payment from the plaintiffs payment record to the Black Hawk clerk's Office under receipt number 919839. The Black Hawk Clerks Stephany King, Supervisor Cindy Doe and Deb Doe have immunity to maliciously falsify or forge the plaintiff's court payment records

by removing 5 payments from the record and only placing 4 of them back onto the record. Black Hawk Supervisor Clerks of the court Cindy Schmidt and Stephany King don't have qualified immunity when they repeatedly lied and perjured themselves to cover-up the BH clerk's conspiracy to financially defraud criminal defendants, not follow court order in an attempt to steal or defraud the plaintiff of 843 dollars because they

refused to follow the courts order. Also the blatant and malicious theft of 200 dollars by deleting or erasing a 200 dollar payment from me to the clerk's office under receipt number 919839.

2. Does Judge Nathan Callahan have Absolute Immunity

to sanctioning me 1250 dollars because I "Blew the

Whistle" on the Black Hawks clerk's office

conspiracy to financially defraud criminal

defendants, not follow court order, delete payments

made by the plaintiff, lying to the plaintiff

repeatedly and forge and falsifying court payment records?

Nathan Callahan doesn't have Absolute Judicial Immunity when he conspired with BH clerk Supervisor Cindy, Michelle Wagner and Brian Williams to sanction me 1250 dollars and mis-labeled a NON-criminal sanction as a CRIMINAL CONVICTION & FINE on my criminal record, for "Blowing the Whistle" on the BH clerks office. I submitted a Motion for an injunctive order against the Black Hawk Clerk's office about 1 year after my OWI conviction and Judge Nathan Callahan sanctioned me 1250 dollars. Judge Nathan Callahan didn't have jurisdiction to sanction me 1250 dollars in November of 2015 for my Motion for an Injunctive Order against the Black Hawk Clerks office, because my OWI case OWCR-196436 was on appeal at the Iowa Supreme Court under case 14-1338, when this happened. Judge Nathan Callahan ordered that 250 dollars of sanction money be awarded to the Black Hawk Attorney's office for their cooperation in retaliating against the plaintiff for "Blowing the

Whistle" on the BH clerk's office for finically defraud criminal defendants and for not following court orders. Also, Black Hawk Attorney Michelle Wagner lied and commit perjury on official court itemized charges list by saying or labeling this 250 dollars sanction as a Refundable Charge and NOT as a sanction. There was nothing refundable about this 250 dollars that Judge Nathan Callahan awarded to the Black Hawk County Attorneys office for their cooperation in retaliating against the plaintiff.

Jurisdiction Question Presented for Review

3. Can District Chief Judge Kurt Wilke re-use a 26 day old out-of-District Transfer Order from Chief Justice Mark Cady's on June 29, 2017 to "transfer" a second Judge, Rusty Davenport from the Second District court to the First District court and onto my case under Rule 22.2 and Estate of Cox v. Dunakey & Klatt, P.C., 893 N.W.2d 295, 306,?

Judge Kurt Wilke needs a separate out-of-District transfer order under Rule 22.2 for every judge that is transferred between District Courts and he didn't have one on June 29, 2017. Judge Kurt Wilke, of the Second District Court, didn't have "jurisdiction" to enter a "Special Assignment" order in my case at the First District Court, which was really an "out-of-district transfer" under Rule 22.2. Chief Judge Kellyann Lekar refused to follow Chief Justice Mark Cady's order and transfer one of her judges from the First District to the Second District court in this "Quid Pro Quo" Jurisdiction deal. Iowa Supreme Chief Justice Mark Cady need to select the judges to be transfer between district courts under Rule 22.2. Judge James Drew lied and commit perjury in his Recusal statement/Order on July 24, 2017 to get out of an out-of-district court transfer, in a case were already issued 5 orders in 12 days, before he recused himself on the 24 day. Judge James Drew didn't have the authority or power to order District Chief Judge Kurt Wilke to transfer a second

judge to the First District Court in his Recusal statement, but that's what he did. Judge Rustin Davenport, from the second district, seized "jurisdiction" over my First District Court case without any out-of-district transfer order under Rule 22.2 from Chief Justice Mark Cady and in violation of case law Estate of Cox v. Dunakey & Klatt, P.C., 893 N.W.2d 295, 306. Defendant Judge Kellyann Lekar, Judge Kurt Wilke and Justice Mark Cady violate my Due Process Rights, Civil Rights and Constitutional Rights by conspiring to violate Rule 22.2 in a "Quid Pro Quo" jurisdictional judge swap. Judges Rustin Davenport, James Drew and Kurt Wilke can't make an "administrative task" that is meant for Chief Justice Mark Cady under Rule 22.2 their own "Judicial Task". Judge Rustin Davenports citing of Case Estate of Cox v. Dunakey & Klatt, P.C., 893 N.W.2d 295, 306, doesn't have anything to do with the way Judge Rustin Davenport, of the Second District, seized "jurisdiction" over my civil case in the First District.

List of Parties

DEFENDANTS:

STATE OF IOWA

BLACK HAWK COUNTY, IOWA

BLACK HAWK COUNTY ATTORNEYS OFFICE

BLACK HAWK COUNTY COURTHOUSE

BLACK HAWK COUNTY CLERKS OFFICE

IOWA ATTORNEY GENERAL

JUDGE NATHAN CALLAHAN

CHIEF JUDGE KELLYANN M LEKAR

JUDGE JOSEPH MOOTHART

JUDGE JOEL A DALRYMPLE

BLACK HAWK COUNTY ATTORNEY JEREMY LEE WESTENDORF

BLACK HAWK COUNTY ATTORNEY MICHELLE MARIE WAGNER

BLACK HAWK COUNTY ATTORNEY BRIAN JOHN WILLIAMS

IOWA A.G KEVIN R CMELIK

IOWA A.G THOMAS FERGUSON

BLACK HAWK COUNTY GRANT VEERDER

BLACK HAWK COUNTY WINDOW CLERK STEPHANY KING

BLACK HAWK COUNTY BOARD OF SUPERVISORS JOHN MILLER

BLACK HAWK COUNTY BOARD OF SUPERVISORS TOM LITTLE

BLACK HAWK COUNTY BOARD OF SUPERVISORS FRANK MAGSAMEN

BLACK HAWK COUNTY BOARD OF SUPERVISORS CRAIG WHITE

BLACK HAWK COUNTY BOARD OF SUPERVISORS LINDA LAYLIN

BLACK HAWK COUNTY CLERK OF THE COURT RITA SCHMIDT

BLACK HAWK COUNTY CLERK OF THE COURT DEB DOE

BLACK HAWK COUNTY WINDOW CLERK STEPHANY KING

BLACK HAWK COUNTY WINDOW CLERK CINDY SCHMIDT

BLACK HAWK COUNTY CLERK OF THE COURT JANE DOE

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RELATED CASES

Neuman Vs State of Iowa, No. LACV-132272 Black Hawk
County District Court. Judgement entered December 18,
2017 & February 2, 2017.

Neuman Vs State of Iowa, Appellant No. 18-0282 Iowa
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**IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI**

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[XXX] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix B to the petition and is Iowa Appellant Court on July 24, 2019

[] reported at ; or,
[] has been designated for publication but is not yet reported; or,
[XXX] is unpublished.

The opinion of the court appears at Appendix A & B to the petition and is
[] reported at ; or,
[] has been designated for publication but is not yet reported; or,
[XXX] is unpublished.

JURISDICTION

[xxx] For cases from **state courts**:

The date on which the highest state court decided my case was Iowa Supreme Court/Iowa Appellant Court. A copy of that decision appears at Appendix A or B.

Petition for Rehearing was thereafter denied on the following date: September 25, 2019, Iowa Supreme Court and a copy of the order denying rehearing appears at Appendix A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

Statement of case

The Petitioner is appealing Judge Rustin Davenport's dismissal order in his civil case 132272 against many bad state and county employees who have been conspiring to NOT follow court orders in order to financially defraud criminal defendants and keep them on probation as long as possible. Also the Defendant's Clerks Cindy Schmidt and Stephany King removing, deleting or erasing of a 200 dollar payments made by the plaintiff to the Black Hawk clerk's office under receipt number 919839. The Black Hawk Clerks Cindy Schmidt and Stephany King falsified or forgery of my court payment records by deleting 5 payments from the record to make it look like I had not paid on my court fines for over 5 months. The Black Hawk Clerks Cindy Schmidt and Stephany King then only posted 4 of the 5 payments of 200 dollars each back onto the record, thereby stealing or defrauding me out of 200 dollars under receipt number 919839. Also, the Black Hawk County Clerk's

conspired to not follow court Order in a bid to steal or defraud the plaintiff of 843.75 dollars in violation of 714.1 (1)(8) Theft and Fraud. Also, the blatant and repeated lies and perjury from the Black Hawk Clerk's Cindy Schmidt and Stephany King was to cover-up their conspiracy to not follow court order in order to financially defraud criminal defendant and to keep them on probation as long as possible.

The State of Iowa has waived its sovereign immunity with respect to itself and to its employees acting within the scope of their employment with the State in the Iowa Tort Claims Act (ITCA) Iowa Code § 669.2(3). The State has waived sovereign immunity regarding many of Neuman's claims, including claims arising out of conspiracy to financially defraud, conspiracy to NOT follow court orders, erasing or deleting a 200 dollar payment under receipt number 919839, falsify or forgery of court payment records, malicious and willful lies to cover up their conspiracy and malicious prosecution of a "Whistle Blower", without jurisdiction. Id. §

669.14(4); see also Trobaugh v. Sondag, 668 N.W.2d 577, 584 (Iowa 2003). Neuman does allege facts to support each element of Cause of Action see Rieff v. Evans, 630 N.W.2d 278, 292 (Iowa 2001). Neumans petition contains factual allegations that give the defendant 'fair notice' of the claim asserted so the defendant can adequately respond to the petition." *Rees v. City of Shenandoah, 682 N.W.2d 77, 79 (Iowa 2004).* Neuman, has pled many credible claims against the State Defendants-Appellees.

Neuman's petition, alleged conspiracies of many different kinds. Under Iowa law, "[a] conspiracy is a combination of two or more persons by concerted action to accomplish an unlawful purpose, or to accomplish by unlawful means some purpose not in itself unlawful." *Basic Chems., Inc. v. Benson, 251 N.W.2d 220, 232 (Iowa 1977); accord State v. Tonelli, 749 N.W.2d 689, 692 (Iowa 2008).* As the Iowa Supreme Court noted in Wright v. Brooke Group Ltd., however, "Civil conspiracy is not in itself actionable; rather it is the acts causing

injury undertaken in furtherance of the conspiracy [that] give rise to the action." 652 N.W.2d 159, 172 (Iowa 2002) (quoting Basic Chems., 251 N.W.2d at 233).

"Thus, the wrongful conduct taken by a co-conspirator must itself be actionable." *Id.* The claims related to fiduciary and judicial obligations and duties, Plaintiff has pled many facts and allegations that suggesting many of the State Defendants owed him such duties; rather, then conspiring to not follow court order in order to financially defraud the plaintiff was just one of the many violations of their Fiduciary and Judicial Obligation to the plaintiff. Neuman's Petition states several claim upon which relief may be granted.

The Black Hawk County Clerk's don't have Absolute or Qualified Immunity when they conspire to not follow court Order in a bid to steal or attempt to steal or defraud the plaintiff of 843.75 dollars in violation of 714.1 (1)(8) Theft and Fraud. This "administrative task" is covered under the doctrine of "qualified immunity", were it protects insofar as their conduct

does not violate clearly established statutory or Constitutional rights of which a reasonable person would have known. Minor v. State, 819 N.W.2d at 400.

Attempted theft of 843.75 dollars by the Black Hawk Clerks Employees is a clearly violation of established statute which a reasonable person would have known that they were violating criminal law. Plaintiff asked every time he made a payment to the Black Hawk Clerk's office, when they were going to adjust the court fine, fees and surcharges, like Judge Joseph Mootharts OWI sentencing order stated, but all I ever got was the run-around. I also asked the Window Clerks when they would adjust the court fees, fines and surcharges when I turned in my car Interlock paperwork and SR-22 insurance form. Officials are not liable for bad guesses in gray areas; they are only liable for transgressing bright lines. See *Avalos v. City of Glenwood*, 382 F.3d 792, 798 (8th Cir. 2004); *Davis v. Hall*, 375 F.3d 703, 712 (8th Cir. 2004). See also, *White v. Pauly*, 137 S.Ct. 548, 551, 196 L.Ed.2d 463

(2017) (qualified immunity protects all, but the plainly incompetent or those who knowingly violate the law). That is exactly what we have here, Black Hawk Clerks of the court knowingly violating the law in a conspiracy to financially defraud criminal defendants by NOT following court orders and adjusting the court fees, fines and surcharges by half after the plaintiff filed his SR22 and car interlock paperwork in an attempt by the BH clerks to steal or defraud the plaintiff of 843.75 dollars. Judge Moothart's warned me during my OWI Sentencing Hearing on October 17, 2014, to not pay off my court bill until the clerks adjusted the fines, fees and surcharges by half, because the State of Iowa would not refund any money if I over paid. It appears that this financial defrauding and not following court orders has been happening for some time at the Black Hawk Courthouse. The window clerks Steph and Jane Doe tried to steal 843.75 dollars from the plaintiff when they refused to follow the court orders for over 7 months in violation of 714.1 (1)(8). The Black Hawk

Clerks' office doesn't have any mechanizes or safeguards in place to make sure the clerks actually follow the court orders.

The Clerks of the court DON'T have absolutely or qualified immunity from a civil lawsuit were their alleged participation in the conspiracy consists of attempted theft of 843.75 dollars, falsification or forgery of court payment records, deleting or erasing a 200 dollar payment by the plaintiff from the record and repeated lies and perjury from the clerks Black Hawk Clerk's office. Also the Black Hawk Clerk Supervisor Cindy Schmidt falsification or forgery of the plaintiffs payment record by deleting or removing 5 payments and only reposting 4 of the payments back onto the record, thereby stealing or defrauding 200 dollars from me under receipt number 919839. Supervisor Clerk Cindy and Black Hawk Clerk Stephany King don't have the power, authority or right to delete payments made by me from the record. The Black Hawk County Clerk's don't have Qualified Immunity when they conspire to falsify

or forge the plaintiff's court payment record. These "administrative task" are covered under the doctrine of "qualified immunity", were it protects insofar as their conduct does not violate clearly established statutory or Constitutional rights of which a reasonable person would have known. Minor v. State, 819 N.W.2d at 400.

This is exactly what we have in this case,

"administrative task" of collecting court fines and fees, Not following court orders, theft of 200 dollar court payment, attempted theft of 843.75 dollars, falsifying or forgery of court records, lying and perjury to conceal the conspiracy to financially defraud. Also, because these "administrative task" were done with the intent to deceive and financially defraud criminal defendants that owed money to the Black Hawk County Courthouse, the defendant's claims of "Qualified Immunity" are NOT valid. Theft, conspiracy to financially defraud, not following court orders, falsifying and forgery of court payment records are "outside their official capacity". There was NO "due

care" in this case like in *Baldwin v. City of Estherville*, 915 N.W.2d 259, 279 (Iowa 2018). The Plaintiff is NOT talking about a mistake of law, a mistake of fact, or a combined mistake of law and fact. Like under *Pearson*, 555 U.S. at 231, 129 S.Ct. at 815; *Butz v. Economou*, 438 U.S. 478, 507, 98 S.Ct. 2894, 2911 32.

All Defendants and many others within the Black Hawk County Courthouse know about and are helping or aiding the clerk's office in their conspiring to commit financially fraud against criminal defendants and not follow court orders in violation of 706.1 Conspiracy 1(a)(b), 714.1 (1)(8) Theft and Fraud, 718.5 Falsifying Public Documents, 715A.5 Tampering with Records and 720.5 False representation of records and 721.10 Misuse of public records and files, 721.1 (1)(2)(3) Felonious misconduct in office, 715A.2 1(a)(b)(c)(d) 2(a)(b) Forgery, 669.1, 714.8 (3)(4)(5)(10) Fraudulent Practices and 714.16 (1)(n)(2)(a) Consumer frauds. Under the functional approach, courts do not look to

the identity of the government actor, but instead at the nature of the function performed. Minor at 394.

Yes, the "Nature of the work performed" which were administrative task.

Also, these Black Hawk clerks Cindy Schmidt and Stephany King and many other defendants are conspiring to keep people on probation for as long as possible. Criminal Defendants are on probation until your court fine is paid off. The BH Clerks' Office conspiracy to not follow court orders and adjust the court fees, fines and surcharges, leads to overcharging people, which leads to people being on probation longer because the court fine was never adjusted. If your court fine is not paid off, you are on probation until it is paid off. Black Hawk Clerks Conspiracy to keep criminal defendants on probation as long as possible.

The Black Hawk window clerks Stephany King and Jane Doe don't have "qualified immunity" when they used lies and perjury to cover up their conspiracy to financially

defraud criminal defendants. I asked about adjusting my court fines, fees and surcharges, like the Judge Moothart's Order stated, every time I made a payment to the BH clerks' office. I asked about the court fees, fines and surcharges being adjusted when I turned in my SR-22 and Car Interlock paperwork. Clerks of the court Stephany King and Jane Doe made a representation to me that if the court ordered it; the clerks would adjust the fees, fines and surcharges. For over 6 months, all I ever got were lies and the run around from the two window clerks Stephany King and Jane Doe about adjusting the court fees, fines and surcharges. On May 19, 2015 I had to force the Black Hawk clerks Cindy Schmidt and Stephany King to follow the court order and adjust my fees and surcharges.

Governmental entities, such as a county, are liable for such constitutional and criminal violation if plaintiff demonstrates that there was a policy or custom of the county which caused the constitutional and criminal

violation. See *Board of County Commissioners of Bryan County v. Brown*, 520 U.S. 397, 403, 117 S.Ct. 1382, 1388 (1997); To establish a governmental policy or custom, the plaintiff must allege a specific pattern or series of incidents that support the general allegation of a custom or policy; See *Henry v. Farmer City State Bank*, 808 F.2d 1228, 1237 (7th Cir. 1986). The plaintiff has established to pattern and series of incidences that support the allegations of violations of customs, policies, criminal statues and civil statues were violated by the BH clerk's office.

Also, Black Hawk Supervisor Clerk Cindy Schmidt lied repeatedly to the plaintiff about how his money would be returned if I overpaid on my court bill. Supervisor Clerk Cindy lied to me at least 3 times by telling me that the state of Iowa would have refunded my money if I overpaid on my court bill. Also, Black Hawk Supervisor Clerk Cindy lied to me about how other people overpaid on their court bill in the past and their money was refunded to them by the State.

Supervisor Clerk Cindy lies and deceit was intended to deceive and conceals the BH clerk's office conspiracy to financially defraud defendants by not following court orders and adjust the fees and surcharges. This "administrative task" is covered under the doctrine of "qualified immunity", were it protects insofar as their conduct does not violate clearly established statutory or Constitutional rights of which a reasonable person would have known. Minor v. State, 819 N.W.2d at 400.

Supervisor Clerk Cindy Schmidt has been working at the Black Hawk County Courthouse for decades and she knew that she was lying to me about the money being refunded if I overpaid and about how other people got refunds from the state when they overpaid. Also, Judge Joseph Moothart warned me at my OWI sentencing hearing, that the state would not refund my money if I overpaid.

Judge Moothart knew that the BH clerks were conspiring to financially defraud criminal defendants and he did NOTHING about it. Also, not adjusting the court fees and surcharges like the court order states allows these

defendants and the state of Iowa to confiscate or steal my State Income Tax Refund. When the State of Iowa confiscates or stole my tax refund, they somehow subtract about 7.00 from the confiscated check. I had the right to pay off my court fine early, but the clerk's conspiracy and lies dragged out my payments and allowed the state to steal my tax refund check.

After having the Black Hawk clerk's office lie to me for over 6 months, I filed a Motion for an Injunctive order against the Black Hawk Clerk's office and Judge Nathan Callahan sanctioned me 1250 dollars for "Blowing the Whistle" on the BH clerk's office. I was sanctioned 1250 dollars for "Blowing the Whistle" on the clerks conspiracy to financial defraud defendants, NOT follow court orders, erase or delete 200 dollar payment from plaintiff, falsify or forge defendant payment records, and their conspiracy to keep criminal defendants on probation as long as possible. Judge Joseph Moothart was my OWI trial judge, but he recused himself and my

Motion for an Injunctive order was sent to Judge Nathan Callahan.

Judge Nathan Callahan doesn't have absolute judicial Immunity when he conspired with BH clerk Supervisor Cindy, Michelle Wagner and Brian Williams to label a non-criminal 1250 dollar sanction as CRIMINAL CONVICTION & FINE on my criminal record. Judge Callahan has conspired with the BH clerk's office and the BH attorney's office to mislabel a NON-criminal 1250 dollar sanction as a CRIMINAL CONVICTION & FINE for "Blowing the Whistle" on the Black Hawk Clerk's office. Black Hawk Clerk Cindy told me that she classified Judge Nathan Callahan's 1250 dollars sanction as criminal offense and fine after taking with Judge Nathan Callahan. My paperwork from the BH clerks proves how they mis-labeled a 1250 sanction as a criminal conviction and fine.

Judge Nathan Callahan didn't have jurisdiction to sanction me because my criminal OWI case OWCR-196436 was at the Iowa Supreme Court when sanctioned me 1250

dollars in Nov 2015. Judge Nathan Callahan should have sent my October 2015 Motion for an Injunctive order against the clerks office to the Iowa Supreme Court were my Appeal was happening. My criminal OWI case OWCR-196436 was given the Appeal case number 14-1338 and I was at the Iowa Supreme Court until April of 2016, when Judge Nathan Callahan sanctioned me 1250 dollars in November of 2015. Judge Nathan Callahan even said during the Sanction Hearing that my OWI case, including the whole case folder was at the Iowa Supreme Court, before he sanctioned me 1250 dollars. Civil liability only attaches when a judge acts wholly without jurisdiction. Id. at 308-09

Anyone that argues that this was a prosecuting Attorney performing conduct in initiating or pursuing criminal prosecution is wrong and false, therefore the defendants don't have immunity. The Law statues of Minor v. State, 819 N.W.2d 383; Imbler v. Pachtman, 424 U.S. 409, Anderson v. Larson, 327 F.3d 762, are related to the initiating or pursuit of criminal prosecution,

but there was no criminal prosecution in my Motion for an Injunctive Order against the BH clerk's office.

Therefore, the argument that the defendants have Absolute Immunity because they were initiating or pursuing a criminal conviction is NOT relevant to this case. Also, the defense Attorneys will have to come up with some Absolute Immunity statutes for judges that DON'T have jurisdiction, but issue orders against an individual for "Blowing the Whistle" on their malicious and willful conspiracy to financially defraud the people of Black Hawk County, Iowa.

Judge Nathan Callahan ordered me to the Black Hawk Courthouse for the sanction hearing on November 17, 2015. Judge Nathan Callahan was willing to forget about sanctions if I dropped my Motion for an Injunctive Order against the Black Hawk clerks' office. Judge Nathan Callahan told me that he would forget about sanctioning me if I agreed to withdraw my Motions for an Injunctive order against the BH clerk's office. I made it very clear to Judge Nathan Callahan that I was

NOT going to withdraw my Motion for an Injunctive Order. Judge Nathan Callahan got so pissed off at me, when I told him that I wouldn't withdraw my Motion for an Injunctive Order against the Black Hawk clerk's office. Judge Nathan Callahan tried to intimidate and coerce me into dropping my Oct 2015 Motions for an Injunctive order against the BH clerk's office, before the Sanction Hearing even started. Judge Nathan Callahan didn't let me speak freely and he dominated the Sanction Hearing with his stupidity and outrage.

On October 26, 2016 I submitted a Motion to Judge Nathan Callahan asking for Sanction Relief in the form of an Injunctive order to tell the clerks to change the classification from a criminal conviction and fine to a NON criminal sanction, but he refused. Judge Nathan Callahan told me in his response that he would send me to jail for up to 6 months if I submitted any more paperwork to his rotten and evil court. Judge Nathan Callahan was a defendant in my Federal lawsuit when he sanctioned me 1250 dollars for "Blowing the Whistle" on

the BH clerk's office conspiracy. At the Sanction Hearing, Judge Nathan Callahan asked me about my 109 page complaint to the Iowa Judicial Qualification Commission. Also, at the Sanction Hearing, Judge Nathan Callahan asked me about my federal lawsuit 16-cv-2054, in which he was a defendant in. Judge Nathan Callahan and Michelle Wagner retaliated against the plaintiff because of my 109 page Iowa Judicial Qualification Commission Complaint and my federal lawsuit 16-cv-2054 for what happened before and during my OWI trial. All the defendants knew about and conspired with defendants to sanction or retaliate against the plaintiff for trying to stop the BH clerk's conspiracy to financially defraud, his 109 page IJQC complaint and his federal lawsuit 16-cv-2054. Judge Joseph Moothart was my OWI trial judge, but recused himself and turned my Motion for an Injunctive order against the Clerks office over to Judge Nathan Callahan to sanction me 1250 dollars for "Blowing the Whistle" on the Black Hawk clerk's office. Judge Joseph Moothart knew about the Black Hawk

Clerks conspiracy to financially defraud criminal defendants because he warned me at the OWI sentencing hearing NOT to pay off my court bill until the clerks adjusted the fees, fines and surcharges by half.

Judge Nathan Callahan ordered that 250 dollars of the 1250 dollars in sanction money go to the Black Hawk County Attorney's office as a bribe for their complicity, corporation and conspiracy in the financial extortion of the plaintiff for "Blowing the Whistle" on the BH clerks' office conspiracy. Sanction money can't be awarded to the Black Hawk Attorney's office for their cooperation in retaliating against the plaintiff for "Blowing the Whistle" on the BH clerk's office. All the sanction money needed to go to the State of Iowa. On the Court itemized charges or Bill it has listed "MK11 Refundable" 250.00 dollars to the Black Hawk County Attorneys Office, but this 250 dollars was from Judge Nathan Callahan's 1250 dollar sanction Order.

Jurisdiction statement of case

On June 29, 2017 Iowa Supreme Court Chief Justice Mark Cady was the first judge to issue an order in my District Court case under Rule 22.2 that was first used to perform an out-of-District Court Transfer of Judge James Drew onto my case. Then, 26 days later, this same out-of-District Court Transfer order was re-used to perform a second District Court Transfer, after Judge James Drew recused himself. Also, Chief Judge Kellyann Lekar never sent one of her judges from the First District to the Second District Court as ordered by Supreme Court Chief Justice Mark Cady on June 29, 2017.

Chief Justice Cady June 29, 2017 Order stated:

Pursuant to Iowa Court Rule 22.2, it is hereby ORDERED that any Judge of the Second Judicial District designated by Chief Judge Kurt L. Wilke be assigned to the First Judicial District for the purpose of disposition of the above referenced case. It is further ordered, that any judge of the First Judicial District Designated by Chief Judge Kellyann Lekar assigned to the Second Judicial District to handle the judicial Business which normally would have been assigned to the judge temporarily serving in the First Judicial District.

Iowa Civil Rule 22.2 Recall and transfer of judges.

The supreme court by and through the chief justice may at any time order the recall of eligible retired judges for active service, and the transfer of active judges and other court personnel from one judicial district to another to provide a sufficient number of judges to handle the judicial business in all districts promptly and efficiently.

Let me first say, that Chief Justice Mark Cady's June 29, 2017 Order was used to maliciously abuse, misuse and rewrite Rule 22.2 for a purpose it was NEVER intended to be used. Justice Mark Cady didn't have jurisdiction, on June 29, 2017, to enter an order in my District Court case after conspiring with DEFENDANT/judge Kellyann Lekar. At first, Chief Judge Kurt Wilke used the June 29, 2017 Order to transfer Judge James Drew from the Second District to the First District and onto my case. DEFENDANT Kellyann Lekar refused to follow Chief Justice Mark Cady's June 29, 2017 and transfer a judge to the Second District Court to "Balance out" the courts. On July 13, 2017 I asked for Reconsideration of Justice Cady's Order, but he refused to reply to my Motion for Reconsideration of his June 29, 2017 Order. Also on July 13, 2017, I filed

Motion to Strike Chief Justice Mark Cady's June 29, 2017 out-of-District Court Transfer Order. Then on July 15, 2017 the plaintiff submitted a Motion for a "Jurisdiction Hearing". I challenged Judge James Drew's "Jurisdiction" and he recused himself on July 24, 2017, within about 24 days after being transferred to the First District court to preside over my case LACV 132272. Make no mistake about it, Judge James Drew recused himself from an out-of-District Court Transfer with lies, perjury and conspired with Judges Lekar and Wilke and Justice Cady. Then on July 26, 2017 Chief Judge Kurt Wilke, of the Second District, issued an Order in my case at the First District Court so that he could re-used Chief Justice Mark Cady's June 29, 2017 Transfer Order to perform a second out-of-District Court transfer of a second judge to the First District Court, Judge Rustin Davenport. District Chief Judge Kurt Wilke, from the Second District Court, doesn't have jurisdiction to enter orders in my case at the First District Court.

Judge Rustin Davenport, of the Second District, then seize "jurisdiction" over my First District Court case without any order under Rule 22.2 from Chief Justice Mark Cady. Judges Rustin Davenport and Kurt Wilke don't have jurisdiction to make an "administrative task" that are meant for Chief Justice Mark Cady under Rule 22.2. Judges Davenport, Drew and Wilke are stealing or swindling Chief Justice Mark Cady's out of his "administrative task" and making it their "Judicial Task". NOTHING in Rule 22.2 says that you can re-use Justice Cady's Transfer order to transfer additional judges to another district, 26 days later. Judges Kurt Wilke and Rusty Davenport doesn't have jurisdiction to make decisions on "administrative task", were the law or Rule 22.2 says it's Iowa Supreme Court Justice Mark Cady's "administrative task".

DEFENDANT/Judge Kellyann Lekar refused to follow Chief Justice Mark Cady's June 29, 2017 and transfer a judge to the Second District Court. Kellyann Lekar is a DEFENDANT

in my civil lawsuit LACV 132272 and she was given a direct order by Chief Justice Mark Cady, but she refused to comply with that June 29, 2017 Order. I truly believe that this is "CONTEMPT OF COURT". As the defense attorneys for DEFENDANT Kellyann Lekar, Iowa A.G Rebecca Barloon and Jeffery Peterzalek should have known that their client Kellyann Lekar didn't complied with Chief Justice Mark Cady's June 29, 2017 Order. Also, Judges Kurt Wilke, James Drew and Rustin knew that Judge Kellyann Lekar refused sent a Judge to the Second District Court, like Justice Mark Cady's Order stated. Also, Chief Justice Mark Cady knew that Judge Kellyann Lekar wasn't going to follow the second part of his June 29, 2017 Judicial Transfer Order.

All 8 Iowa District court chief Judge know that Justice Mark Cady is abusing and misusing Rule 22.2 by issuing out-of-District Court Transfer orders telling the chief judges to swap Judges, but in reality, ONLY the Judge from the district that isn't a party to the civil lawsuit actually transfers one of their judges. Yes, with Chief

Justice Mark Cady's "Judicial Transfers Orders", everyone of the 8 District Court Chief Judges know to follow ONLY the first part of the Chief Justice Mark Cady's District Transfer Orders, like Kellyann Lekar did when she refused to follow Mark Cady's June 29, 2017 Order. Everyone knows that transferring a judge out-of-district to hear a single case would NEVER survive a challenge on jurisdiction that this second judge was assigned to, especially without a Transfer Order from Justice Cady. Yes, any out-of-district judge presiding over a case from another different district court would have their jurisdiction challenged and they would lose. The appointment of an out-of-District Judge, when there is NO reason to appoint an out of district judge, would be challenged by both parties in a civil or criminal case. Chief Justice Mark Cady's Judicial Transfer orders are entered into or onto one case LACV-132272, NOT two cases. Yes, Justice Mark Cady's June 29, 2017 District Transfer Order was issued in my civil case LACV-132272 ONLY. There was NO other case that Chief Justice Mark Cady issued an

Order in, so a Judge from the First District Court could preside over a case at the Second District Court. Chief Judge Mark Cady is acting like he is trying to comply with Rule 22.2 and "Balancing the Load", but he realizes that the second part of his "Judicial Transfer Order" never happens, just like in my civil lawsuit LACV-132272. Especially because they would be assigning an out-of-district Judge to a case were an out-of-District Court Transfer was NOT necessary. Justice Mark Cady is "Judge Shopping" or "Quid Pro Quo" swapping of lawsuit so they can cover-up for each other's violations of criminal laws.

On July 24, 2017, the secretary of the Cerro Gordo court setup another hearing date for Sept 20, 2017. Then, later that same day, July 24, 2017 Judge James Drew recused himself from my case. Yes, about 24 days after being transferred from the Second District Court to the First District Court, Judge James Drew recused himself from my civil case LACV-132272 with lies, perjury and conspiracy. Judge James Drew had his

secretary setup another hearing for September 20, 2017 to make sure my civil case LACV 132272 stayed at the Second District Court. Judge James Drew had just recently faced a civil lawsuit of his own, that was dismissed on April 19, 2017 by the Black Hawk County Courthouse. In Judge James Drew recusal statement he ordered Chief Judge Kurt Wilke to perform another "District Court Transfer" or "Special Assignment" of another judge from the Second District court to the First District court. Judge Wilke then selected a second judge, Rustin Davenport, to be "District Court Transfer" or "Special Assignment" to my case at the First District Court on about July 26, 2017.

Judge James Drew issued 5 Orders within a 12 day period, before he recused himself. This shows me that Judge James Drew was ready to preside over this case, until I challenged his jurisdiction over my civil case LACV 132272. In Judge James Drew's recusal order on July 24, 2017, he recuses himself in one sentence and then in the very next sentence he ordered Chief Judge

Kurt Wilke to perform another "out-of-District Court Transfer" from the Second District Courts to the First District Court. Judge James Drew doesn't have the power, authority or jurisdiction to order District Chief Judge Kurt Wilke to perform another "out-of-District Court Transfer" or "Special Assignment" to the First District Court. Then, on July 26, 2017 Chief Judge Kurt Wilke transferred Judge Rusty Davenport from the Second District Court to the First District Court and onto my case. Judge Kurt Wilke, of the Second District Court, doesn't have the power, authority or jurisdiction to issue his July 26, 2017 order in my civil case at the First District Court. Chief Judge Kurt Wilke re-used Chief Justice Mark Cady's June 29, 2017 Order to perform a second "out-of-District Court transfer" of a second Judge, Rustin Davenport. Judge Rustin Davenport can't be transferred to the First District without a court order from Chief Justice Mark Cady, according to Iowa Rule 22.2 and that NEVER happened. This law or Rule 22.2 is written for the

Chief Justice only. Under Rule 22.2 EVERY judge that gets transferred needs a court order from Chief Justice Mark Cady and that didn't happen with Judge Rustin Davenport. Judge Rusty Davenport has made this "administrative task" his "judicial task".

The Black Hawk County Courthouse dismissed the case against Judge James Drew on April 19, 2017 and then James Drew was hand-selected to preside over my lawsuit against the Black Hawk Courthouse employees that was filed on May 18, 2017. These defendants are only swapping lawsuits, so that they can dismiss each other malicious violations of the law. Chief Justice Mark Cady's June 29, 2017 order actually swapped two judges around at the First and Second District courts, which goes completely contrary to what the Iowa Civil Rule 22.2 actually states. Judges Mark Cady, Kellyann Lekar, James Drew and Kurt Wilke are sending my lawsuit to Judge James Drew that recently had a civil lawsuit under number 069811 against him dismissed by the Black

Hawk County Courthouse. Then, after the Black Hawk Courthouse dismissed the civil lawsuit case against Judge James Drew, Judge Kurt Wilke performed an out-of-District Court Transferred of Judge James Drew onto my case from the Second District Court. This "Quid Pro Quo" jurisdiction deal is "Judge Shopping" or hand-selecting the Judge the DEFENDANTS want to preside over the civil case against them. Chief Justice Mark Cady's June 29, 2017 Order allowed the "Quid Pro Quo" swapping of my lawsuit under case number LACV 132272 for a Judge that recently had a civil lawsuit against him dismissed by the Black Hawk Courthouse. This Quid Pro Quo jurisdiction deal is actually "Judge Shopping" or hand-selecting of a presiding judge violates my Civil, Constitutional and Due Process Rights to a fair trial with an impartial judge that has jurisdiction.

Judge Kurt Wilke Stated in his July 26, 2017 Order:

"Honorable Rustin Davenport is "specially assigned" to replace Judge Drew and preside over all remaining facts of this case".

Judge Kurt Wilke of the Second District Court doesn't have the power or authority to make "Special Assignments" within the First District Courts. There is a HUGE problem here, this is NOT a "Special Assignment" it is actually an "OUT-OF DISTRICT COURT TRANSFER" of Judge Rustin Davenport from the Second District Court to the First District Court. Judge Kurt Wilke has purposely and willfully used the wrong terminology or words to describe what he was doing by stating it is a "Special Assignment". This was NOT a "Special Assignment" it is actually an out-of-district transfer of a District court judge from the Second District Courts to the First District Courts under Rule 22.2. Judge Kurt Wilke knew that he didn't have a new "transfer" order from Justice Mark Cady, so he decided to use the words "Special Assignment" so he could willfully and maliciously perform an "out-of-DISTRICT COURT TRANSFER" of judge Rustin Davenport from the Second District Court to the First District Court. Judge Kurt Wilke July 26, 2017 Order doesn't even spell

out under what rule or authority he was using to make a "Special Appointment", which was really an "out-of-district transfer" of Judge Rustin Davenport to the First District Court.

Judge James Recusal Order Statement July 24, 2017 said:

After further consultation with the Chief Judge it has been determined that I should recuse myself from this case because I was recently represented by Ms. Barloon and Mr. Peterzalek. Although the case was dismissed it is likely there will be further proceedings in that matter making it necessary for the Attorney General's office to provide further representation for me. Rather than risk the possibility of having to change judges after motions have been submitted it has been determined that a different judge should be appointed at this time. I therefore recuse myself from this case. The Chief Judge will assign another judge from the Second Judicial District to preside over the case. The parties will be advised whether the anticipated September 20 hearing date is still feasible when a new judge is appointed.

Judge James Drew stated in his recusal Order: "I therefore recuse myself from this case". Judge James Drew should have recused himself from the District Court transfer to the First District Court, not the case. I know that civil lawsuit filed against Judge James Drew was dismissed on April 19, 2017. Judge James Drew's recusal statement was submitted on July 24, 2017. I believe that the civil lawsuit against Judge

James Drew was dismissed for about 96 days, before Judge James Drew recused himself from my civil lawsuit. There was no chance that the civil lawsuit against Judge James Drew was going to be appealed after 96 days. Judge James Drew DIDN'T have a legitimate reason to recuse himself from the district transfer and from my case, so he used lies and perjury in his recusal statement. After 96 days there was NO possibility that there would be "further proceedings" in the lawsuit LACV 069811 against Judge James Drew. Judge James Drew can't use malicious and willful lies and perjury to recuse himself from an out-of-district transfer. An Appeal by the plaintiff Larry Schaefer in the civil lawsuit against Judge James Drew needed to be done within 30 days, and that didn't happen. So there was NO possibility of Appeal or for "further proceedings" in the lawsuit against Judge James Drew after 96 days. It didn't matter to Chief Judge Kurt Wilke that Judge James Drew was lying in his recusal statement, because Chief Judge Kurt Wilke lied and perjured himself in his

own order, just two days after Judge James Drew lied and perjured himself.

Jeffery Peterzalek and Barloon represent Judge James Drew in the lawsuit against him. These Iowa A.G's didn't say anything about the lawsuit against Judge James Drew or the conflict of interest when they were appointed. Also, Jeffery Peterzalek and Barloon had to know that Judge James Drew was lying in his July 24, 2017 Order. Peterzalek and Barloon had to know that the case against Judge James Drew was dismissed over 96 days before and that there was no chance of appeal or "future litigation" in the case against him. Also, Jeffery Peterzalek and Barloon had to know there was a conflict of interest when Judge James Drew took over the case but they didn't submit any documentation to the court explaining the conflict of interest before Judge James Drew recused himself. Jeffery Peterzalek and Barloon wanted Judge James Drew to preside over my case because they knew that James Drew was a defendant in another lawsuit filed by Larry Schaefer that ended

up at the First District court with Defendant/judge Kellyann Lekar at the R.I.C.O. courthouse of Black Hawk County.

Judge Rustin Davenport Stated on Dec 18, 2017:

"While this Judge is aware of cases pending in the Second Judicial District that are assigned to First Judicial District judges, this Court is unaware if there was an assignment of a Second Judicial District case to the First Judicial District in order balance out the workloads of each district".

See, even Judge Rustin Davenport knows that DEFENDANT Kellyann Lekar refused to follow Chief Justice Mark Cady's order and he refused to do anything about it. How does a presiding judge, like Rustin Davenport, believe that DEFENDANT Kellyann Lekar is not required to follow court orders from chief Justice Mark Cady?

Judge Rustin Davenport has cited Estate of Cox v. Dunakey & Klatt, P.C., 893 N.W.2d 295, 306, in his theft of jurisdiction over my civil case. Judge Kellyann Lekar presided over this case and DENIED the plaintiffs request to have an out-of-district judge preside over this case Estate of Cox v. Dunakey & Klatt, P.C., 893 N.W.2d 295,

306. This case Estate of Cox v. Dunakey & Klatt, P.C., 893 N.W.2d 295, 306 doesn't have anything to do with my case and it is not similar in any way to my case. It took this Prose attorney in case Estate of Cox v. Dunakey & Klatt, P.C., 893 N.W.2d 295, 306 over 5 months to ask for an out-of-District Judge in this case. Judge James Drew was transferred to my civil lawsuit, so my case has NOTHING similar to the Estate of Cox v. Dunakey & Klatt, P.C., 893 N.W.2d 295, 306 case. Judge Kellyann Lekar presided over this case Estate of Cox v. Dunakey & Klatt, P.C., involving her former employer. Also, in my case, Judge Kurt Wilke is re-using a 26 day old order to transfer a second judge out of district. In the case of Estate of Cox v. Dunakey & Klatt, P.C., 893 N.W.2d 295, 306 NO judge was transfer from out of district. This other case of Estate of Cox v. Dunakey & Klatt, P.C., 893 N.W.2d 295, 306 doesn't have any judges from out of district. Judge Rustin Davenport can't cite any case that actually had a judge recuse himself from a case and a second judge was transferred out-of-district using the

same order that transferred the first judge, James Drew. In Judge Rustin Davenport "Jurisdiction Overreach" he cite case Estate of Cox v. Dunakey & Klatt, P.C., were a Prose attorney took 5 months to ask for an out of District Judge and were Judge Kellyann Lekar presided over a case that involved her former employer. Case Estate of Cox v. Dunakey & Klatt, P.C., 893 N.W.2d 295, 306, is NOT case law to have Judge Rustin Davenport maliciously and willfully seized "jurisdiction" over my civil case.

Rule 14 Reason for Granting petition of Writ of Certiorari.

The Black Hawk Clerks should be forced to put some safeguards or mechanisms in place to make sure the Clerks of the court actually follow the court orders. This Writ of Certiorari should be granted so other people don't have their Civil, Constitutional and Due Process Rights violated by people working within the judicial system in the State of Iowa. The malicious and willful theft, conspiracy, retaliation, intimidation and assault on the plaintiff and his Civil Rights should not be tolerated by the court. Defendant received immunity from the blatant theft of 200 dollars

orig.

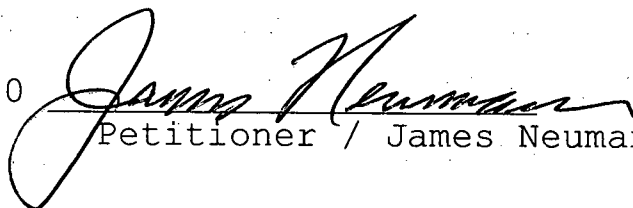
under receipt number 919839 and the attempted theft of over 843 dollars because the Black Hawk Clerk's office refused to follow the court orders in my OWI trial and adjust the fees, fines and surcharges by half. I asked the Black Hawk Clerks at least 7 times, when they would adjust the fees fines and surcharges like my OWI sentencing order stated. Also the malicious 1250 dollars sanction from judge Nathan Callahan for "Blowing the Whistle" on the Black Hawk Clerk's office and their conspiracy to not follow court order in order to financially defraud criminal defendants and keep them on probation longer. Also, the plaintiff shouldn't have to put up with a "Quid Pro Quo" Jurisdiction deal between the First and second district courts.

Conclusion

The petition for a writ of certiorari should be granted.

James Neuman
DEFENDANTS VERIFICATION

28th February, 2020


Petitioner / James Neuman

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

James Neuman PETITIONER
(Your Name)

VS.

State of Iowa — RESPONDENT(S)
et al

PROOF OF SERVICE

I, James Neuman, do swear or declare that on this date, February 28, 2020, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Iowa A.G. Caroline Barret Hoover Building
Des Moines IA 50319
Dustin Zeschke 528 W. Fourth P.O. Box 1200
Waterloo Iowa 50704

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 28, 2020

James Neuman
(Signature)