

No. 20-1037

Supreme Court, U.S.  
FILED  
JAN 11 2021  
OFFICE OF THE CLERK

**In the Supreme Court of the United States**

**Wanda Bowling,**

*Petitioner,*

vs.

**JUDGE JOHN ROACH, in his official and individual capacity,**

*Respondent.*

---

On Petition for a Writ of Certiorari to the  
United States Court of Appeals for the Fifth Circuit  
and  
the United States Eastern District Court of Texas

---

**PETITION FOR A WRIT OF CERTIORARI**

---

Wanda Bowling  
Pro Se  
Petitioner  
Texas Patriot/United States Patriot  
2024 W. 15<sup>th</sup> St. STE. F-138  
Plano, Texas 75075  
(770) 335-2539  
[wldahleimer@gmail.com](mailto:wldahleimer@gmail.com)

RECEIVED  
JAN 14 2021  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

## **QUESTIONS PRESENTED**

1. Whether the Fifth Circuit's panel's opinion is in direct conflict with its own previous decisions, other U.S. Court of Appeals, and with the U.S. Supreme Court?
2. Whether the Eastern District Court of Texas's Opinion is in direct conflict with other federal court rulings deeming Petitioner Vexatious Litigant issuing a prefiling injunction obstructing remedy?

## **PARTIES TO THE PROCEEDINGS AND \*RULE 29.6 STATEMENT**

Petitioner – Wanda Bowling, Pro Se, Texas citizen

Respondent – Judge John Roach Jr., for the Collin County District Judge in Texas  
19-41003

Respondent- District Attorney, Greg Willis for Collin County: 19-40914

\*There are no corporations involved in the proceedings.

## **QUESTIONS PRESENTED**

1. Whether the Fifth Circuit's panel's opinion is in direct conflict with its own previous decisions, other U.S. Court of Appeals, and with the U.S. Supreme Court?
2. Whether the Eastern District Court of Texas's Opinion is in direct conflict with other federal court rulings deeming Petitioner Vexatious Litigant issuing a prefilings injunction obstructing remedy?

## **PARTIES TO THE PROCEEDINGS AND \*RULE 29.6 STATEMENT**

Petitioner – Wanda Bowling, Pro Se, Texas citizen

Respondent – Judge John Roach Jr., for the Collin County District Judge in Texas  
19-41003

Respondent- District Attorney, Greg Willis for Collin County: 19-40914

\*There are no corporations involved in the proceedings.

## Table of Contents

QUESTIONS PRESENTED.....	i
PARTIES TO THE PROCEEDINGS AND RULE 29.6 STATEMENT.....	i
TABLE OF AUTHORITIES .....	iii
DOCUMENTS FOR REVIEW .....	1
JURISDICTION .....	1
CONSTITUTIONAL PROVISIONS AT ISSUE .....	1
STATEMENT OF THE CASE.....	2
REASONS TO GRANT PETITION	
I.    Complete obstruction to remedy in State Court.....	14
II.    Texas Judicial Region necessitates accountability.....	14
III.    Complete obstruction for ongoing violations and threats.....	15
IV.    Circuit conflict in application of caselaw for 11 <sup>th</sup> Amendment and Ex Parte Young.....	17
A.    Standard of Review used in pleadings.....	18
B.    Application to facts and omissions.....	20
V.    Circuit conflict in application of caselaw for Younger Abstention Doctrine.....	22
A.    Standard of Review used in pleadings.....	22
Application to facts and omissions.....	23
VI.    Circuit conflict in application of caselaw for Judicial Immunity....	26
A.    Standard of Review used in pleadings.....	26
Application to “actions” and omissions.....	30
CONCLUSION.....	38

## TABLE OF AUTHORITIES

### Cases

<i>Brewer v. Blackwell</i> , 692 F.2d 387, 396- 98 (5th Cir. 1982).....	28
<i>Davis v. Scherer</i> , 468 U.S. 183 (1984).....	18
<i>Ex Parte Virginia</i> , 100 U.S. 339, 348 (1879).....	27,36
<i>Ex Parte Young</i> , 209 U.S. 123 (1908).....	17,18,20,21
<i>Ex Parte Young</i> , 209 U.S. at 159-60 (1908).....	19
<i>Fitzpatrick v. Bitzer</i> , 427 U.S. 445,456 (1976).....	19
<i>Forrester v. White</i> , 484 U.S. 219,229 (1988).....	27,36
<i>Forrester v. White</i> , 484 U.S. at 228-30.....	27,32,33,36
<i>Gregory v. Thompson</i> , 500 F.2d 59 (9th Cir. 1982).....	28,32,33,34
<i>Hafer v. Melo</i> , 502 U.S. 21, 29-30 (1991).....	18,22
<i>Harper v. Merckle</i> , 638 F.2d 848, 859 (5th Cir. 1981) .....	
.....	28,29,31,32,33,34,35,36,37
<i>Idaho V. Coeur d'Alene Tribe of Idaho</i> , 521 U. S. 261, 296, 298-299..	19
<i>King v. Love</i> , 766 F.2d 962, 968 (6th Cir. 1985).....	29,34,35,37
<i>Krueger v. Miller</i> , 489 F. Supp. 321, 329 (E.D. Tenn. 1977).....	29
<i>Krueger v. Miller</i> , 489 F. Supp. at 330.....	28,32,33,34,35,36,37
<i>Lopez v. Vanderwater</i> , 620 F.2d 1229, 1235 (7th Cir. 1980).....	29,33
<i>Lewis v. Clarke</i> , No. 15-500 (U.S. April 27, 2017).....	20,21
<i>McAlester v. Brown</i> , 469 F.2d 1280, 1282 (5th Cir. 1972).....	
.....	27,29,31,33,34,35
<i>McMillan v. Svetanoff</i> , 793 F.2d at 155.....	27

<i>Middlesex County Ethics Committee v. Garden State Bar Ass'n....</i> 457 U.S. 423 (1982).....	22,23
<i>Mireles v. Waco</i> , 502 U.S. 9, 11-12 (1991) .....	27,31
<i>New Orleans Pub. Serv., Inc.</i> , 491 U.S. at 353-58.....	23
<i>Patsy v. Board of Regents</i> 457 U.S. 496, 102 S. Ct. 2557, 73 L. Ed. 2d 172 (1982).....	25
<i>Pulliam v. Allen</i> , 104 S. Ct. 1970, 1981, 1982 (1984).....	30,37
<i>Scheuer v. Rhodes</i> , 416 U.S. 232,237 (1974).....	18
<i>Supreme Court of Virginia v. Consumers Union of the United States, Inc.</i> , 446 U.S. 719, 731 (1980).....	27
<i>Va. Office for Prot. &amp; Advocacy v. Stewart</i> , 563 U.S. 247, 254 (2011)...	19
<i>Verizon Md. Inc. v. Public Serv. Comm'n of Md.</i> , 535 U.S. 635, 645 (2002).....	19
<i>Younger v Harris</i> , 401 U.S. at 53-54.....	26
<i>Younger v. Harris</i> , 401 U.S. 37 (1971).....	22

### **Statutes & Rules**

18 U.S.C. § 242 Conspiracy against Rights under color of law.....	
.....	30,32,33,34,36
28 U.S.C. § 2101(e) Supreme Court; time for appeal.....	1
28 U.S.C. § 1254(1) Courts of Appeals; certiorari certified questions...	1
28 U.S.C. §1331 Federal Question.....	1
28 U.S.C. §1343 - Civil rights and elective franchise.....	1
28 U.S.C. §1356 - Seizures not within admiralty and maritime jurisdiction.....	1

28 U.S.C. §1367 - Supplemental jurisdiction.....	1
28 U.S.C. §754 and 959(a) Trustees and Receivers.....	1
42 U.S.C. § 1988 Proceedings in vindication of civil rights.....	1
42 U.S.C. §1983 Civil Action for Deprivation of Rights .....	1,18,25
42 U.S.C. §1985 Conspiracy to Interfere with Civil Rights.....	1
Fourth Amendment.....	1
Fifth Amendment.....	1
Ninth Amendment.....	1
Eleventh Amendment.....	1,18,19,21
Fourteenth Amendment.....	1,19

### **Texas Statutes and Rules**

Texas Government Code Sec. 74.051(c) Compensation.....	21
Texas Penal Code § 32.47 Fraud Sec.....	30,34,35,36

### **Appendix**

- Appendix A: US Eastern Dist. Ct of Tx Order Vexatious Litigant 4:18-cv-00610
- Appendix B: Appellants Brief interlocutory appeal (no judgement) 19-40914
- Appendix C: Order dismissing Roach complaints 19-41003
- Appendix D: 5th Circuit Order denying Motion for Rehearing 19-41003
- Appendix E: Texas judicial appointment statistics

## **DOCUMENTS FOR REVIEW**

US Eastern Dist. Court of Texas Order Vexatious Litigant 4:18-cv-00610

Appellants Brief interlocutory appeal of Vexatious Litigant 19-40914

5<sup>th</sup> Circuit Order dismissing Roach complaints 19-41003

5<sup>th</sup> Circuit Order denying Motion for Rehearing 19-41003

## **JURISDICTION**

The U.S. Supreme Court also has jurisdiction, per Rule 11: 28 U.S.C. § 2101(e), to review the interlocutory appeal 19-40914 before judgment from the Fifth Circuit. The appeal was filed 10/30/2019. Briefs were complete by 4/20/2020. It has been approximately 9 months of waiting. The delay facilitated ongoing violations.

The date of the Fifth Circuit Judgment in question for case 19-41003 was 5/29/2020. Motion for Rehearing was denied on 8/14/2020. This Petition for a Writ of Certiorari is filed timely within 150 days per COVID-19 instructions. The U.S. Supreme Court has jurisdiction under 28 U.S.C. § 1254(1) to review a decision by a U.S. Court of Appeals.

## **CONSTITUTIONAL PROVISIONS INVOLVED**

Title 42 United States Code 1983 Civil Action for Deprivation of Rights. Specific matters are brought under 42 U.S. Code§ 1985 Conspiracy to interfere with civil rights, 28 U.S. Code§ 1336 - Seizures not within admiralty and maritime

jurisdiction, 28 U.S. Code§ 1343 - Civil rights and elective franchise, and 28 U.S. Code§ 1367 - Supplemental jurisdiction at the discretion of this court. Additionally, subject matters include US Constitution Amendment 4: Search and Seizure, Amendment 5-Protection of Rights to Life, Liberty and Property-Due Process clause, US Constitution Amendment 9-Life Liberty and Pursuit of Happiness, and US Constitution Amendment 14-Rights to Citizenship - Due Process required, 18 U.S Code § 242, and 11<sup>th</sup> Amendment state sovereignty. Younger Abstention and Judicial Immunity.

## **STATEMENT OF THE CASE**

This case arises from what began as a simple Divorce proceeding from a short ten(10) year marriage, no children, to an outbreak of racketeering.

Petitioner had discovered the former spouse, Dahlheimer Jr., had been stealing equity/funds among other things from Petitioner's premarital estate starting year one into their marriage. A Third Party Fraud suit was added to the Divorce litigation against the Dahlheimers as their estate was used as collateral to embezzle funds. The Dahlheimers used their wealth and politically position to oppress the Petitioner into fear and deplete resources. The simple case snowballed into a conspiracy of corruption. As newly appointed Judges made fools of themselves, the case was escalated into higher courts. As the case escalated to higher courts, fraudulent concealment and tampering with governmental records were added to the running list of offending constitutional violations. These were

the contributing factors that precipitated Petitioner seeking protection in a federal court. Petitioner is completely obstructed in the state court and has never been allowed to present her case to restore her premarital assets or obtain 10 years worth of community.

**Facts and procedural history:**

1. 3/2015 Petitioner filed for Divorce and a Protection Order against Dahlheimer for the long history of domestic violence. The Honorable Judge Scott Becker presided over the case.
2. 9/2015 Petitioners Divorce case was abruptly transferred into Greg Abbott's newly appointed Republican Judge Piper McCraw.
3. By 10/2015 Dahlheimer had been caught stalking Bowling for 7 months in church, declined to produce financials, vandalized Bowling's property, making threats, and was finally arrested. Regardless, Dahlheimer continues.
4. Judge McCraw appeared to demonstrate aligning with the wealthy Dahlheimers than protect Bowling and her interests. McCraw's reputation on this case in becoming public and her frustration with opposing attorneys becomes apparent in her adverse and baseless rulings. She was accused of being reckless and lawless.
5. McCraw's favoritism for the wealthy Dahlheimer family protecting their son gave Dahlheimer Jr. a license to continue stalking, breaking in and vandalizing Bowling's home. Bowling was kept in alarm status.

6. 11/2015 A Motion to Recuse Piper McCraw was filed.
7. Subsequently, Bowling receives an unrelated letter inviting her to hearing in another court. No real claim or cause was articulated in the letter except for a "Glock" for which Bowling owned.
8. Not suspecting a threat, Bowling showed up in court with her brother. Upon the opening of the hearing the District Attorney Greg Willis, co-conspirator of McCraw, accused Bowling of stealing this particular gun from Dahlheimer and demanded incarceration. The evidence Willis provided was an intentional fabrication of impossibilities. The Judge(unknown name) quickly discerned the wrongful accusation and frivolous effort to wrongfully incarcerate Bowling. The Judge allowed Bowling to go free to prove her ownership of the gun.
9. Bowling later demanded an explanation from Greg Willis for this fraudulent effort to incarcerate and further asked why he denied police protection from Dahlheimer's breakins/stalking/threats. His office finally responded after many requests and allowed an intake. Explanations for Bowling's questions were promised by his[Willis] "people", no response was ever received.
10. In regards to the Motion for Piper McCraw's Recusal, no due process occurred. There was no transfer of the case to an admin judge, no appointment of impartial judge, and no notice of hearing on the recusal. The Recusal was deemed tried and denied. Entries of the hearing showed up on the docket after it occurred.

11.5/2016 Bowling's attorney wins over a Summary Judgment citing the current Plano, Texas residence is primarily owned by Bowling's separate property interests where Dahlheimer had \$2300.00 community interest. By this time Bowling had approximately \$135,000.00 of separate property invested.

12.5/2016 By this time, Bowling had discovered Dahlheimer's forgery, fraud, and the theft of Bowling's separate properties both Georgia and Texas and her business(\$310,000.00). Bowling's attorney files a third party fraud case inviting Dahlheimer Sr.(estate trust fund used as collateral in several transactions).

13.6/2016 McCraw obstructs(denies) any advanced discovery pleadings on the third party fraud, and denies compelling discovery on Dahlheimer's multiple criminal fraud on Bowling's property for which Dahlheimer was in contempt.

14.7/2016 A second Motion to Recuse Piper McCraw was filed.

15. Repeating history, no due process occurred of properly transferring the recusal case to an admin judge, there was no appointment of impartial judge, and no notice of hearing on the recusal occurs. The Recusal was deemed tried and denied. Docket entry appeared after it's occurrence.

16.7/2016 McCraw holds a Divorce trial without notifying Bowling, which in essence obstructed Bowling's attempt to litigate the criminal offenses of Dahlheimer and the recovery of her stolen assets. McCraw apparently notified Dahlheimer/Mueller of the hearing. The current docket entry as it stands today is not true to the occurrence of when the Trial took place.

17. In a default Divorce Decree McCraw awarded Dahlheimer half of Bowling's separate Real Estate property(already deemed hers in SJ), almost 100% of the community property, and some of Bowling's premarital tangible property. In the Divorce Decree, McCraw kicked Bowling out of her separate property Plano home and forced the property up for sale.

18. Bowling waved the white flag. Bowling complied with the Divorce Decree and vacated her home basically penniless.

19. 8/2016 Dahlheimer Jr. and his vexatious attorney, Paulette Mueller, filed a motion for enforcement citing a multitude of false allegations attempting to incarcerate Bowling. Apparently, Dahlheimer isn't finished punishing Bowling.

20. 10/2016 The Dahlheimers, Mueller, along with their Chicago Title family friend, Craig Penfold appointed Receiver, brutalized Bowling attempting to oppress her into submission to sign fraudulent sales paperwork on Bowling's property. Penfold attached a \$111,000.00 of fake expenses against the property's equity.

21. 10/2016 Bowling was forced to escalate her case to an Appellate Court to push off the threats and the racketeering scheme in the Trial Court.

22. 12/2016 With the assistance of the current Appellate Court regime and a good attorney Bowling was GRANTED a Motion to Stay Pending Appeal. The Stay neutralized any enforcement of the Divorce Decree, sale of property, etc. among other appealable judgments. Penfold, the Receiver, was dismissed. Bowling took back possession of her vacant property, however, very damaged.

23.3/2017 Instead of complying with the Stay Pending Appeal, case now held in Appellate jurisdiction, McCraw reordered up enforcements of the Divorce Decree and appointed another Receiver, Rhonda Herres. In addition to this, McCraw ordered Bowling to vacate her property again attempting to force the sale of the property. Bowling did not vacate this time as the trial court had no jurisdiction. Bowling was threatened by corrupt law enforcement(on video: Plano Police Dept. with no probable cause), more home invasions occurred, theft, tampering with her car, and McCraw continued to order one unlawful threat after another. This all occurred during Appellate jurisdiction. Bowling's attorney, a previous Judge in the Collin County Court, stepped in and ceased McCraw's unlawful adjudication.

24. Bowling wrote a Complaint to the Texas Judicial Commission on Conduct where there were 3 Greg Abbott newly appointed Republican Judges. No formal response or success.

25. 11/2017 The Appellate Court's newly appointed(by Greg Abbott), Republican Judge David Evans, issued an adverse Opinion.

26. Bowling, alarmed at the departure of the "facts" in the Opinion from what is plainly on the record, went to the Appellate courthouse and requested a copy of the record on appeal(in their possession). Bowling discovered the three(3) main trial clerk records designated from McCraw's court of 87 megabytes which supported her appeal, were missing in their entirety. Three(3) fake replacement records of nonsensical documents were present amounting to 4 megabytes.

27. The absconded records revealed the gouging of the Receivers, several fraud accounts of the Dahlheimers/Meuller, Willis's participation of intimidation, and the lawless actions of Judge McCraw.

28. Bowling motioned the Appellate court to correct their records for a Rehearing. Judge Evans DENIED and the Appellate clerk, Lisa Matz, never responded to Bowling's request to correct the records. (See #05-16-01196-cv Bowling's Motion for Rehearing to the Appellate Court). The tampering of the records now makes it clear that criminal conspiracy is no longer "conclusionary" at this point.

29. Bowling Petitioned the Texas Supreme Court(TSC) where there were another three(3) new appointed Republican Judges by Gregg Abbott, to order the Appellate Court to correct the records and allow a rehearing. The petition was DENIED without an opinion or any identifiable Judge accountable for the decision. (See #18-0095 Bowling's Petition for Review)

30. Now Bowling was fully obstructed from litigating to recover her assets criminally swindled from her by the Defendants.

31. 8/2018 Because of the ongoing interference of police harassment and Dahlheimer's escalation of criminal behavior, Bowling filed a Federal lawsuit in the US Eastern District Court of Texas (4:18-CV-00610) against the Dahlheimers, attorney Paulette Mueller, Judge McCraw(Trial Court), Judge Evans(Appellate court), the COA Clerk Lisa Matz, Receivers Penfold and Herres, and Willis for violating her constitutional rights including Tampering

with Government Records, Fraudulent Concealment, Conspiracy to Interfere with Civil Rights, and other constitutional violations.

32. McCraw continued to preside and refused to recuse herself, so Bowling filed a preliminary injunction in the Federal court to cease the trial court lawless aggression. McCraw finally recused herself.

33. Once again corrupt law enforcement(on camera again, same Plano Police) invited themselves inside Bowling's home, threatened her, and refused to leave when Bowling told them "get out".

34. The threats toward Bowling continued. Bowling amended her TRO to stop the ongoing violations of the Trial court. The TRO went unanswered.

35. On October 10<sup>th</sup>, 2018 paperwork was taped to her Bowling's front door. The paperwork was a new lawsuit filed by Dahlheimer/Mueller who filed, yet another, motion for enforcement, citing more false allegations with the intent to incarcerate Bowling. No ORDER was in place for any kind of "enforcement". This new lawsuit(about the sixth lawsuit of same) was initiated while the Federal lawsuit was in progress. These baseless suits appeared to be nothing but a threat.

36. The hearing was scheduled in 5 days (inclusive of a weekend) in Republican Judge John Roach's court, same Divorce case, but "Re-opened". Bowling was scheduled to leave for an out of town engagement (government reporting for her job: no way to cancel) and she could not get an attorney to represent her on such short notice. In an effort to remedy the due process issue Bowling filed into the

court a request to STAY until the Federal Court ruled on the preliminary injunction against the State court. Bowling also explained the scheduling conflict and the lack of due process.

37. Instead of acting judicially fair, Judge Roach held the trial without Bowling.

38. Because an ORDER did not exist for the Dahlheimer/Muellers Motion for Enforcement to be valid, Roach issued a bizarre “Order for Clarification”. Roach ordered Bowling to vacate her home within 3 hours of that same day, as the hearing(impossible to comply), and awarded attorneys fees against Bowling of \$125,000.00 for the one hour hearing. Roach also ordered Herres/Receiver to take possession of all of Bowling’s belongings present in the home and secure them away from Bowling(including the home). This unlawful seizure, in essence, would leave Bowling with no home, belongings, and just the clothes in her suitcase upon arriving home.

39. Bowling arrived back to her home 2 days later to find Herres, who broke into Bowling’s home, destroyed her door locks, destroyed the alarm system and camera system, and was changing the locks on Bowling’s home to lock her out. Herres directly threatened Bowling.

40. The following day(3 days after the Order for Clarification was issued), and without a hearing, Roach issued to Bowling an Order to Appear for jail. Roach’s order to appear held Bowling in “contempt” for not moving out of her 4000 sq ft home with all of her belonging in 3 hours time while Bowling was serving 1800 miles away. Roach’s ongoing violations escalated.

41. Thereafter, in order to stay out of jail, Bowling was forced to sign a false confession of guilt to all of the false allegations claimed in the “Motion for Enforcement” invented by Dahlheimer/Mueller.
42. Roach endeavored to work with the conspirators to take Bowling’s residence and facilitate more gouging by the Herres and the Dahlheimers. Herres , self proclaimed sellers agent, sold the property, then Roach actively concealed the financials of the sale.
43. Bowling attempted to remove her state case to the Federal Case currently in progress for Roach’s ongoing constitutional violations with the same Defendants(4:19-cv-00022). Bowling requested it be consolidated with the pending case. Judge Christine Nowak from the Eastern District Court of Texas wrongly DENIED and remanded.
44. Bowling then filed an independent lawsuit against Roach for the ongoing violations of her constitutional rights and requested it be consolidated to the same pending original case(4:19-cv-00144). Judge Christine Nowak from the Eastern District Court of Texas ignored the consolidation request.
45. Roach responded to the Federal Court with blatant perjury by claiming the remaining property in question “*was awarded to Dahlheimer*”. Roach is concealing the unlawful seizure of Bowling’s assets by fraud on the court.
46. In the meantime, Judge Christine Nowak of the Federal court deemed Bowling a vexatious litigant with a prefilings injunction suppressing Bowling’s ability to amend updating the court of the ongoing threats. Bowling filed an interlocutory

appeal to the Fifth Circuit to review the Order. Being deemed a vexatious litigant conflicts with every Circuit's interpretation in the US Appellate courts and the US Supreme Court.

47. All briefs for the interlocutory Appeal were completed almost nine months ago(4/20/2020), yet the court is declining to rule. Leaving Nowak's Vexatious Order in place simply facilitated Judge Roach's next unlawful violations. **Petitioner is requesting the US Supreme Court to review this appealed Order as the delay has caused irreparable damage.**

48. The 5the Circuit court dismissed the lawsuit against Roach, but clearly misapplied law, omitted law applied to Roach's actions, and misarticulated/omitted facts.

49. Bowling appealed the dismissal, but the Fifth Circuit court affirmed the lower court's ruling reiterating the same misapplications(19-41003). **Petitioner is requesting the US Supreme Court to review the Circuit Court's rational as it does not mirror their own previous application of law or other Circuit court's approach.** This writ identifies the omissions of the district court.

50. Roach continued violating constitutional rights. He proceeded by holding two Zoom phone conference hearings(8/19/2020 and 9/21/2020). This is at a less restricted time of COVID-19 when the courthouse was open and trials were face to face with distancing. Zoom meetings were for non-evidentiary hearings. The

court never showed up for either phone hearing, yet apparently the hearings took place. It is unknown when.

51. Without Bowling's defense, Roach issued a Vexatious Litigant Order against Bowling to obstruct her while he proceeded to distribute 100% of Bowling's remaining equity to the Defendants without oath or evidence. Roach also violated a declaratory decree in doing so. The damage is irreparable.

52. Bowling requested the court answer Findings of Facts and Conclusions of Law. Roach declined to answer.

53. Bowling attempted to appeal for remedy in the state court. However, Bowling's Notice of Appeal was DENIED by the trial clerk unless Bowling paid \$35,000.00.

54. Roach is extorting \$35,000.00 from Bowling as payment to Appeal his Vexatious Litigant order and the unlawful seizure of her remaining assets. Bowling is penniless and cannot pay the Trial Court this sum of money which prevents Bowling's constitutional rights to appeal.(Texas and US Constitution).

55. Bowling filed a letter to the Administrative Judge requesting permission to file an Appeal only to receive a returned filing from the clerk citing "*This does not appear to be a request to file new litigation*".

56. Roach's court reporter has received payment from Bowling for Transcripts for the two phone conferences, yet Bowling has never received the transcripts to file a Mandamus with the Texas Supreme Court.

57. Filing a Writ of Mandamus seems moot in the Texas Supreme Court, which is the same court that denied correction of the tampered records precipitating this federal case.

58. The federal court is the only remedy available.

## **REASONS TO GRANT THE PETITION**

### **I. Obstruction to remedy in state court.**

Petitioner was obstructed in the Texas trial court from presenting the embezzlement of her separate properties in Georgia/Texas by the Dahlheimers and presenting her rights to community property in a simple divorce because the divorce trial was held without notifying her. Petitioner's appeal was obstructed in the Texas higher courts due to the convenient disappearance of the entire clerk record transferred from the Trial court into the appellate record which supported her appeal. Correction of records DENIED. Petitioner is obstructed in presenting her case of the intimidating threats and other constitutional violations. Today, Roach placed a prefiling injunction against Bowling with a price of 35,000.00 to appeal his latest unlawful orders. Petitioner should be given a remedy for restoration of her assets which were swindled by the Defendants and to cease threatening aggression.

### **II. This particular Texas judicial region necessitates accountability**

This particular trial court system of offending state actors serve one of the largest wealthiest counties in Texas. It is well known as "the Wild Wild West".

12 of 13 Judges were appointed by the Governor to serve as “Republican” judges. These judges kept their seat ongoing mainly because of no opposition. The Governor has additionally appointed Judges to the Appellate Court and the Texas Supreme Court. The appointments are lawless voter suppression. State judges are supposed to be voted into their seat by the public, NOT appointments. The Governor has overstepped his authority by appointing 109 judges(25%) in his first term(2015-2019: Appendix E). These judges have become lawless renegades with no accountability. The Executive branch, who unlawfully appointed them, protects their every lawless move. If a candidate challenges the judge’s seat during elections, they are harassed, intimidated, and in some cases destroyed. See 4:18-cv-00380: (A MUST READ), where Suzanne Wooten won a judge seat in this region by a landslide public vote over the political Judge Sandoval, then Republican state actors trumped up fabricated charges against Wooten, disbarred her, and unlawfully incarcerated campaign contributors. Abbott was involved. Federal jurisdiction should offer remedy to victims and demonstrate an intolerance to the unconstitutional public corruption. It is imperative for public protection. These autonomous judges have destroyed families in the spirit of the Republican wealth.

### **III. Complete obstruction for ongoing violations and threats**

(Question 2)

The irregularities the state trial court found are of such magnitude that they ought to have had material implication in federal proceedings. But the US Eastern

District Court of Texas short-circuited the proper legal inquiry by dismissing all defendants, omitting the material facts, applying baseless immunities, then issuing a prefiling injunction to obstruct remedy. The failure of the federal courts originated with a Magistrate Judge Christine Nowak, who wrote over 250 pages of distorted facts, misapprehended law, and intentionally misled downstream judges resulting in a defect of integrity in the federal courts. Nowak's reports and recommendations completely omitted offensive actions and the law applied which was pled clearly in Bowling's pleadings. Bowling objected and corrected the volumes of distortions, factual defects, and omissions. The corrections were simply ignored and the reports were "adopted" as judgment. This concealed and obstructed facts for downstream judicial reviews. All led to the sanction of defective decisions by the Fifth Circuit. In the interest of the public having faith in our federal court's constitutional protections, this may call for an exercise of this Court's supervisory power.

Nowak has strong Republican ties to these particular Texas Defendants who directly promoted her federal seat, favored her spouse, and integrated her into Texas political associations with the Defendants. The details of those strong ties are pled in the original case's appeal 20-40642 p. 13-16. Nowak cannot be impartial. This appeal provides context for the entire case.

Because of Nowak's promotion for a Vexatious label with a distorted report, the appeal of this interlocutory order may fail by defect. The nine month delay(so far) gave Roach an opportunity to lawlessly distribute the remainder of Petitioner's

interests and completely obstruct her from requesting appellate review of his ongoing violations(or any future lawlessness) by deeming Bowling Vexatious piggybacking on the federal order, now in appellate jurisdiction. On it's face, this chain of events(and inactions) paints a picture of the federal court conspiring with the state court to obstruct Petitioner. The obstruction appears political, not judicial.

Petitioner filed a complaint of Nowak, but investigation was "abated".

Petitioner's lawsuit hardly mimics a Vexatious Litigant by any US Court and Texas standards of review.

#### **IV. There is a Circuit conflict of application for the 11<sup>th</sup> Amendment and Ex Parte Young**

(Question 1)

The Fifth Circuit court's application of the 11<sup>th</sup> Amendment fails when there is a disparate translation between Circuit courts over defining "ongoing violations". It is unknown what the Fifth Circuit court's translation is based on. The Opinion appeared to have a critical misunderstanding of the facts on record which may have constituted a defect in integrity in their decision or their approach in application.

Example: Fifth Circuit states "*At the time Bowling filed her federal complaint, Judge Roach had scheduled a hearing regarding the sale of certain property outlined in her divorce.*" This is factually defective. Roach wasn't even participating in any state proceedings when Petitioner filed her federal complaint.

Roach took over(10/2018) McCraw's court several months after the original complaint was filed in federal jurisdiction 8/2018. Petitioner filed multiple TROs to stop Roach's ongoing violations before adding him into the federal court's jurisdiction with a Complaint of accumulated ongoing constitutional offenses(Jan/Mar 2019). Nowak denied the TROs.

**STANDARD OF REVIEW: Eleventh Amendment and Ex Parte Young**

42 U.S.C. § 1983 authorizes claims against state officials allowing Injunctive relief if in their official capacity and compensatory and punitive damages in their individual capacity, a principle which was demonstrated in *Brandon v. Holt*, 469 US 464, 105 S. Ct. 873, 83 L. Ed. 2d 878 (1985). This was the premise of Roach's lawsuit.

The Eleventh Amendment limits official capacity claims against certain state officials(not all) to prospective injunctive relief. It does not affect damage claims against those officials in their individual capacity, *Hafer v. Melo*, 502 U.S. 21, 29-30 (1991); *Scheuer v. Rhodes*, 416 U.S. 232,237 (1974), *Davis v. Scherer*, 468 U.S. 183 (1984).

While state officials can generally invoke sovereign immunity when sued in their official capacity, they cannot do so in one specific instance. In *Ex Parte Young*, the Supreme Court held that a private litigant can bring suit against a state officer for prospective injunctive relief in order to end "a continuing violation of federal law." *Ex Parte Young*, 209 U.S. 123 (1908). A state official who enforces "an

unconstitutional legislative enactment . . . comes into conflict with the superior authority of [the] Constitution,' and therefore is '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.'" *Va. Office for Prot. & Advocacy v. Stewart*, 563 U.S. 247, 254 (2011) (quoting *Ex Parte Young*, 209 U.S. at 159-60).

To determine when *Ex Parte Young* applies, courts perform a straightforward inquiry into whether [the] complaint alleges an ongoing violation of federal law and seeks relief properly characterized as prospective." *Verizon Md. Inc. v. Public Serv. Comm'n of Md.*, 535 U.S. 635, 645 (2002)(quoting *Idaho V. Coeur d'Alene Tribe of Idaho*, 521 U. S. 261, 296, 298-299.

Finally, the states surrendered a portion of the sovereign immunity that had been preserved for them by the Constitution when the Fourteenth Amendment was adopted. Therefore, Congress may authorize private suits against non-consenting states to enforce the constitutional guarantees of the Fourteenth Amendment. The Eleventh Amendment is a constitutional limit on federal subject matter jurisdiction, and Congress can override it by statute only pursuant to the enforcement power of the Fourteenth Amendment. *Fitzpatrick v. Bitzer*, 427 U.S. 445,456 (1976) (under the Fourteenth Amendment, Congress may "provide for private suits against States or state officials which are constitutionally impermissible in other contexts.").

And lastly, another exception to Sovereign immunity is explained in *Lewis v. Clarke*, No. 15-500 (U.S. April 27, 2017) Borrowing from “arm-of-the-state” principles, *infra* Section II.D, the Court reasoned that the “critical inquiry is who may be legally bound by the court’s adverse judgment, not who will ultimately pick up the tab.” *Lewis*, slip op. at 9. Not all judges are an arm-of-the-state?

APPLICATION TO FACTS AND OMISSIONS: Eleventh Amendment and *Ex Parte Young*

The Circuit application disparity might be caused by the translation of “ongoing violations”. Also omitted was caselaw application of *Ex Parte Young*’s exceptions.

*Ex Parte Young*, 209 U.S. 123 (1908) does allow injunctive prospective relief in official capacity claims by private lawsuits from individuals negatively affected by the constitutional violations of state government officials. Bowling clearly requested such relief in her multiple TROs to stop Roach prior to filing a complaint against him directly in federal jurisdiction. Roach can be held in his official capacity as his actions to violate constitutional rights were intentional. Roach acted well outside his legal authority. *Ex Parte Young*, 209 U.S. 123 (1908) does apply.

In the original Federal lawsuit filed, Judge McCraw was the Trial court offender who violated Bowling’s constitutional rights. After the original Federal lawsuit was in progress Judge Roach participated in the “re-opened” Trial case.

Petitioner added him later to the lawsuit for continued constitutional violations in that court.

The Fifth District Opinion was mistaken factually when it states “she did not allege” ongoing violations. The mistaken statement is assumed to be caused by a disparity in translation of “ongoing violations”, but it is still not clear of the 5<sup>th</sup> Circuit’s translation. *Ex Parte Young* obviously applies. Roach can be sued for prospective injunctive relief and the Fifth Circuit confirmed Petitioner properly requested such relief(among other relief).

Regardless, when executing a “critical inquiry” into Roach’s status as official he serves a specific county, bound by that territory. Ultimately, he is paid out of county funds from the region. Government Code Sec. 74.051(b)(c)(d) where it clearly district judges are paid by counties in administrative judicial region on a pro rata basis based on population, “*The salary set by the Texas Judicial Council shall be apportioned to each county in the region according to the population of the counties in the region and shall be paid through the county budget process*”. Roach is not an “Arm of the state” rather he is an arm of the county for which he serves. While the state may issue the check, the funds are from the county budget. Roach is not truly a “State Official” earning Sovereign immunities. It should not matter if the Attorney General defends the judge, it matters who should be legally bound by a decision of accountability, *Lewis v. Clarke*, No. 15-500 (U.S. April 27, 2017).

Lastly, Sovereign immunity and the Eleventh Amendment only attach immunity in Official Capacity, NOT individual capacity. Judge Roach can be held

liable in his individual capacity if other immunity doctrines fail, *Hafer v. Melo*, 502 U.S. 21, 29-30 (1991), et. al.

**V. There is a Circuit conflict of application for the Younger Abstention Doctrine**

(Question 1)

The Fifth Circuit invoked the Younger abstention doctrine to defend Roach's accountability in his individual capacity. The Court assumed "any" state proceeding would fall under the 3 prongs of competing issues, state policy, and state provision of adequate opportunity. While the opinion states caselaw well, they did not apply them appropriately.

**STANDARD OF REVIEW: Younger Abstention Doctrine:**

The Younger Abstention doctrine, derived from *Younger v. Harris*, 401 U.S. 37 (1971), is a defense where the United States court may refuse to hear a case if hearing the case would potentially intrude upon the powers of another court. Such doctrines are usually invoked where lawsuits involving the same issues are brought in two different court systems at the same time (such as federal and state courts).

The U.S. Supreme court facilitated a three prong test by their decision in *Middlesex County Ethics Committee v. Garden State Bar Ass'n* 457 U.S. 423 (1982). These requirements are used by most of the Federal courts as a guide to apply abstention or refrain.

The U.S. Supreme Court emphasized the importance of the federal courts' role in exercising the jurisdiction granted to them to protect and enforce individual rights. The Court stated that "our cases have long supported the proposition that federal courts lack the authority to abstain from the exercise of jurisdiction that has been conferred." The Court reiterated that abstention is the "exception, not the rule," and further declared that the circumstances in which federal court abstention is appropriate have been "carefully defined" by the Court. *New Orleans Pub. Serv., Inc.*, 491 U.S. at 353-58

APPLICATION TO FACTS AND OMISSIONS: Younger Abstention:

The Fifth Circuit Court assumed the 3 prongs covered any judicial proceeding in the state court, *Middlesex*, 457 U.S. at 434. The Opinion simply did not properly apply the prongs to the facts.

First prong: The Fifth Circuit Opinion mistakenly believes there is an "ongoing state judicial proceeding" ensuing. However, the proceeding must have competing issues.

Federal jurisdiction must abstain if the subject matter is competing with the state jurisdiction subject matter. Bowling's claims in the Federal court are unlawfully seizing property, conspiracy to interfere with civil rights, abuse and lack of due process,(See Constitutional provisions in writ), etc. The state court proceedings of divorce ended four(4) years ago(2016) and any state remedy was exhausted through the Texas Supreme Court(2018) for that subject matter. There

is nothing in the state court remaining that has any relevance to the Federal issues, however, Roach continues to find ways to violate more constitutional rights. The Defendants in the original case keep re-opening state proceedings(6 times approximately) with fabricated “enforcement” rhetoric to threaten Bowling and attempt to usurp other courts jurisdiction. Still, “Enforcement” does not mirror Bowling’s complaint of violations in the Federal court. The Abstention is not an applicable defense to dismiss Judge Roach.

The first prong fails. The interests in each court do not mirror or compete.

Second prong: The Fifth Circuit court misapplied the second prong where federal courts should abstain from trampling over “important State interests”. The fabricated “Enforcement” proceedings in the state court is not of “important State interest” for which Texas state agencies have policy involvement. The Opinion also misapplied the Burford Abstention doctrine. The Burford Abstention is a 1943 creation to preserve state jurisdiction for regulating state agencies to further policy. None of the Bowling’s complaint has any subject matter infringing on state agency policies.

The second prong fails. There are no state policies at risks.

Third prong is satisfied only when the state “provides an adequate opportunity to raise federal challenges”. This would be applied correctly by the Fifth Circuit, however, Bowling’s entire premise of her complaint is regarding the

lack of “adequate opportunity to raise federal challenges”, complete obstruction, in the state court. Bowling went all the way to the Texas Supreme Court obstructed at the state court level(held trial without notice to Petitioner) and Appellate courts where the implicating clerk records disappeared(correction of records DENIED). If the highest court in Texas obstructed correction, supported the tampering of governmental records, and denied Bowling’s last attempt at remedy to restore her stolen assets, then, Bowling has exhausted any state court remedy. Obstruction to adequate remedy in the state court is the grounds for Bowling’s federal complaint.

Today, Roach is currently obstructing Bowling from utilizing Texas courts by his impromptu issuance of a prefilng injunction with a \$35,000.00 price to file an appeal AND he has also directed his court reporter to delay producing(or not produce) transcripts for all of his hearings obstructing Bowling from filing a mandamus in the Texas Supreme Court. Obstruction to leverage higher courts is ongoing. Any opportunity has been obstructed.

The Fifth Circuit opinion states twice that Bowling has not exhausted all state remedies. Even if Roach wasn’t actively obstructing Bowling’s access to the state courts(which he is), according the U.S. Supreme Court there is no requirement to exhaust remedies under 42 U.S.C.A. § 1983, *Patsy v. Board of Regents*, 457 U.S. 496, 102 S. Ct. 2557, 73 L. Ed. 2d 172 (1982).

Third prong fails. State court remedy is not adequate and Federal remedy is the only remedy available.

Younger Abstention exceptions do apply to Bowling's case. Completely omitted by the Fifth Circuit court was addressing the exceptions to Younger Abstention. There are three exceptions to Younger abstention where the prosecution is in bad faith, or where the prosecution is part of some pattern of harassment against an individual, or where the law being enforced is utterly and irredeemably unconstitutional, *Younger v Harris*, 401 U.S. at 53-54. Roach has demonstrated all of these exceptions. Bowling supported these exceptions by the facts on record.

The Fifth Circuit panel simply omitted addressing Roach's actions in their opinion.

## **VI      There is a Circuit conflict in application of Judicial Immunity**

**(Question 1)**

The Fifth Circuit appeared to apply judicial immunity to Judge Roach because he was a judge instead of applying the caselaw, including their own caselaw, to his actions.

The caselaw and actions described below are omitted from any Magistrates report, court opinion, or the Mandate from the Fifth Circuit. This court should determine if these acts should go unchecked or addressed.

### **STANDARD OF REVIEW: Judicial Immunity:**

The legal standards used for Petitioners lawsuit and appeal are as follows:

Immunity attaches to the act itself, not the person performing the act. Thus, an act is not judicial merely because a judge performs it. *Forrester v. White*, 484 U.S. 219, 228-29 (1988).

There are two circumstances where Judicial Immunity is overcome *Mireles v. Waco*, 502 U.S. 9, 11-12 (1991): "a judge is not immune for non-judicial actions, i.e., actions not taken in a judicial capacity" and "a judge is not immune for actions, although judicial in nature, done in complete absence of all jurisdiction".

To define "non-judicial", a judge's actions are considered non-judicial when it does not require an exercise of judicial discretion or a determination of parties' rights which includes ministerial, administrative, and legislative acts(inclusive, but not limited to). These acts are not entitled to Judicial Immunity. See *Forrester v. White*, 484 U.S. at 228-30; *Supreme Court of Virginia v. Consumers Union of the United States, Inc.*, 446 U.S. 719, 731 (1980); *Ex Parte Virginia*, 100 U.S. 339, 348 (1879).

As one court noted, a judge does not "utilize his education, training, and experience in the law" to perform such acts. Typically, a layperson could perform these non-judicial acts. See *Forrester v. White*, 484 U.S. at 229; *Ex Parte Virginia*, 100 U.S. at 348. Because these acts do not involve any exercise of judicial discretion, the goal of judicial independence does not require that the law extend absolute immunity to them. See *McMillan v. Svetanoff*, 793 F.2d at 155.

To define "judicial acts" the Fifth Circuit court, themselves, led other courts in their approach leveraging *McAlester v. Brown*, 469 F.2d 1280, 1282 (5th Cir.

1972) citing 4 factors to determining “judicial acts” (1) whether the precise act complained of is a normal judicial function; (2) whether the acts occurred in the courtroom or appropriate adjunct spaces such as the judge's chambers, and “looks to the expectations of the parties”; (3) whether the controversy centered around a case pending before the court; and (4) whether the acts arose directly out of a visit to the judge in his official capacity.

In one instance, the Fifth Circuit court, determined that immunity is not available “where the court found the “holding a contempt proceeding and ordering plaintiff incarcerated were not judicial acts where controversy that led to incarceration did not center around any matter pending before the judge, but around domestic problems of plaintiff former wife, who worked at the courthouse.”

*Harper v. Merckle*, 638 F.2d 848 (5th Cir. 1981). If actions of a Judge are precipitated by extrajudicial influence the acts are not “judicial acts.

According to the Fifth Circuit Court in *Brewer v. Blackwell*, 692 F.2d 387 (5th Cir. 1982). "When it is beyond reasonable dispute that a judge has acted out of personal motivation and has used his judicial office as an offensive weapon to vindicate personal objectives, and . . . no party has invoked the judicial machinery for any purpose at all . . .," his acts are nonjudicial(quoting *Harper v. Merckle*, 638 F.2d at 859(5<sup>TH</sup> Cir); *Krueger v. Miller*, 489 F. Supp. at 330).

Legal scholars and jurists have characterized non-judicial conduct as 1) conduct not requiring judicial discretion, or 2) highly aberrational behavior. *Gregory v. Thompson*, 500 F.2d 59 (9th Cir. 1982).

Conduct is “**aberrational**” if it is “a deviation or departure from what is normal, usual, or expected”(factor 2 in *McAlester v. Brown*) or something that is “**abnormal**, diverging from the norm.

Courts have characterized "highly aberrational" behavior, acts, as non-judicial when judges have engaged in such as performing arrests and summary trials, *Brewer v. Blackwell*, 692 F.2d 387, 396- 98 (5th Cir. 1982) (finding that a justice of the peace's alleged arrest of four men at a garbage dump, who then engaged in an automobile chase with one of the men and conducted a summary trial was not a judicial act); *Harper v. Merckle*, 638 F.2d 848, 859 (5th Cir. 1981) (concluding that a judge's jailing of a man for contempt when he entered the judge's chambers to make an alimony payment to a court employee was not a judicial act); *Lopez v. Vanderwater*, 620 F.2d 1229, 1235 (7th Cir. 1980) (determining that a judge's prosecutorial conduct in determining the charges against an arrested man was not a judicial act); *Krueger v. Miller*, 489 F. Supp. 321, 329 (E.D. Tenn. 1977) (holding that a justice of the peace acted outside the limits of his lawful authority when he displayed a false badge and arrested a woman).

Other examples include intentionally misleading police officers as to the identity of a person named on an arrest warrant, *King v. Love*, 766 F.2d 962, 968 (6th Cir. 1985).

AND lastly, Judicial immunity does not bar "prospective injunctive relief against a judicial officer acting in her judicial capacity," nor does it bar an award of

attorney's fees under 42 U.S.C. § 1988. *Pulliam v. Allen*, 104 S. Ct. 1970, 1981, 1982 (1984).

**STANDARD OF REVIEW of Criminal exceptions preventing Immunity**

Texas Penal Code Sec. 32.47. FRAUD includes, fraudulent concealment, forgery, stealing funds, misrepresenting improvements to gain false funds.

18 U.S Code § 242 Deprivation of rights under color of law. Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties,..(remaining citation omitted)

**APPLICATION TO ACTIONS AND OMISSIONS: Judicial immunity/criminal:**

None of Roach's actions are addressed in any report and recommendation, yet they are present in Bowling's complaint/pleadings. Judicial immunity applies to a judge's actions, not the position.

According to previous decisions by the Fifth Circuit court, other Circuit courts, and the US Supreme Court, Roach cannot enjoy Judicial Immunity for the following reasons:

1. Petitioners Divorce was settled 7/2016. Two years later a Federal lawsuit was filed 8/2018. At this time Roach had never met Petitioner. As the federal lawsuit progressed Defendants (Dahlheimer, et al) filed another “Motion for Enforcement” in the trial court with the typical false allegations meant to threaten and intimidate. Then, Defendants invoked Rooker-Feldman to the federal court in their motions to dismiss. However, after two years of being divorced, no viable Order was in place to warrant any “Enforcement” hearing. Without proper notice of a hearing and in the absence of Petitioner, Roach issued an order called “Order for Clarification”. In the spontaneous “clarification”, Roach ordered a Receiver to break into Bowling’s home that same day of the hearing and unlawfully seize all of Bowling’s separate property of her entire household of belongings. This property was not in controversy or mentioned in any motion pending before the court as a subject matter, nor was she in debt. Because Bowling’s separate property was not subject matter pending before the court, the action must be deemed outside Roach’s jurisdiction to adjudicate and unlawfully seize, *Mireles v. Waco*, 502 U.S. 9, 11-12 (1991). The act clearly violates factors (3) of *McAlester v. Brown*, 469 F.2d 1280, 1282. Further, factors 2) and (4) of *McAlester* deem Roach’s actions are not judicial because the subject matter of Petitioner’s separate personal property did NOT “arise out of the adjunct spaces of the court or in the judge’s chambers”. As a matter of fact, the subject matter didn’t arise anywhere. Petitioner’s separate personal property was not a subject matter in controversy before the court. *Harper v. Merckle*, 638 F.2d 848 (5th Cir. 1981). Further, there was no purpose served to

criminally break into Bowling's house and unlawfully seize the property and spontaneously order to lock the owner out of the residence and lock the separate property away from owner. This lends to violating 18 U.S Code § 242 for which there is no immunity. It would also appear that extrajudicial motives are at play for Roach's acts since he had never met Bowling. Extrajudicially motivated acts cannot be construed as judicial. Roach used his judicial office as a weapon to satisfy his motives *Harper v. Merckle*, 638 F.2d at 859; *Krueger v. Miller*, 489 F. Supp. at 330. Roach's relationships with the Defendants in the same court (Judge McCraw, Greg Willis, Judge Evans) precipitated his actions that cannot be defended with judicial immunity. It also appears the action was beyond the point of egregious and fit the aberrational (inexplicable and deviating) definition applying *Gregory v. Thompson*, 500 F.2d 59 (9th Cir. 1982).

2. In the same "Order for Clarification" in Bowling's absence, Roach's ordered Petitioner to vacate her 4000 sqft home (with all belongings) within 3 hours time, same day as the 10/15/2028 hearing. This task was not possible for any human being nor was it lawful by Texas statutes. This impossible order would serve no purpose for any party. Then, three days later after Roach issued this order he served Bowling with an "Order to Appear" for jail for contempt of not complying with the impossible order. This was an impromptu order with no hearing on the matter. It doesn't take judicial discretion or the education of a judge to assert this progression of orders was a trap/scheme to impose undeserving harm to Petitioner.

*See Forrester v. White*, 484 U.S. at 228-30. The lack of practical purpose for this

entrapment of contempt is demonstrative of extrajudicial motivations that precipitated Roach's actions and cannot be covered by judicial immunity, *Harper v. Merckle*, 638 F.2d 848, 859; *Krueger v. Miller*, 489 F. Supp. at 330. Roach had never met the Petitioner up to this point. To issue an order where it is impossible to comply, then issue an order to incarcerate for not achieving the impossibility are actions of a judge that is a deviation without legal authority, *Gregory v. Thompson*, 500 F.2d 59 (9th Cir. 1982).

3. Roach's Order to Appear for incarceration did not arise out of any hearing. No hearing took place to assert Petitioner was in contempt which would make the action non judicial to order such an appearance for jail if the determination did not take place in the courtroom or in front of the Judge in his official capacity per factors (2) and (4) of *McAlester v. Brown*, 469 F.2d 1280. The order is prosecutorial for which there is no judicial immunity, *Lopez v. Vanderwater*, 620 F.2d 1229, 1235 (7th Cir. 1980). Roach simply made his own determinations. To lawlessly threaten Bowling's freedom for non-jailable offenses AND fabricate reasons under color of law violates 18 U.S Code § 242 for which there is no immunity.

4. Roach's actions of awarding attorney's fees of \$125,000.00 for one hearing does not take discretion or education to assert the award is not mathematically possible which questions it's judicious nature, *Forrester v. White*, 484 U.S. at 228-30 and must have a motive around this action which cannot be defended by judicial immunity, *Harper v. Merckle*, 638 F.2d 848, 859; *Krueger v. Miller*, 489 F. Supp. at 330. Ultimately, this award was used to unlawfully take more of Petitioners

property. The outrageous \$125,000.00 award against Bowling appears on its face to be beyond the point of egregious and fit the aberrational definition applying *Gregory v. Thompson*, 500 F.2d 59 (9th Cir. 1982). This unlawful seizure and theft by taking is a violation of 18 U.S Code § 242, for which there is no immunity.

5. Thereafter, forcing Petitioner to sign a false confession or be incarcerated, without a hearing, is not an action that is immune applying *McAlester v. Brown*, 469 F.2d 1280, 1282 of factor(3) no controversy before the court, further (2) and (4) being there was no hearing or action in a court or judges chambers. Roach's actions appear beyond the point of egregious and fit the deviation of "expected" applying *Gregory v. Thompson*, 500 F.2d 59 (9th Cir. 1982). The forcing of a false confession is Roach's attempt to conceal that he used his official capacity as a weapon, Texas Penal Code Sec. 32.47 fraudulent concealment. Extrajudicial motives precipitated Roach using his official capacity as a weapon and coverup applying *Harper v. Merckle*, 638 F.2d 848, 859; *Krueger v. Miller*, 489 F. Supp. at 330; *King v. Love*, 766 F.2d 962, 968 (6th Cir. 1985). The threat to incarcerate Petitioner if she doesn't sign a false confession is a violation of 18 U.S Code § 242.

6. Bowling's previously awarded Real Estate property interests, though only half, by the Divorce Decree(2016) was never disputed, or mentioned in any motion before any judge, and no hearing to dispute it ever occurred. Roach declared it to be awarded to Dahlheimer and unlawfully seized it. Roach's unlawful seizure would not be covered by Judicial immunity since the property was not a subject matter in controversy pending before the court applying *McAlester v. Brown*, 469

F.2d 1280, 1282 factor (3) no controversy before the court, (2) and (4) being there was no hearing to dispute the property interest. Roach just acted on his own. It would seem extrajudicial influences precipitated Roach's declaration of "re-award" in direct conflict with the Divorce Decree. *Harper v. Merckle*, 638 F.2d at 859. See also *Krueger v. Miller*, 489 F. Supp. at 330. This is a violation of a declaratory decree.

7. To conceal his unlawful seizure Roach falsely stated to a federal court that Bowling's remaining property interest "was awarded to Dahlheimer". The Divorce Decree clearly says differently and there has never been a dispute over it. Roach does not appear to have earned judicial immunity by covering up this unlawful seizure applying *Harper v. Merckle*, 638 F.2d at 859. See also *Krueger v. Miller*, 489 F. Supp. at 330, and *McAlester v. Brown*, 469 F.2d 1280, 1282 absent of all factors(1)(2)(3), and (4). Also, the court should apply the misleading of court officials applying *King v. Love*, 766 F.2d 962, 968 (6th Cir. 1985). The court should also consider Texas Penal Code Sec. 32.47 fraudulent concealment and [fraud on the court](#).

8. Roach's actions to deny Petitioner access/view and participation in the sales/financials of the forced sale of her home served no purpose unless there needed to be some sort of concealment. Petitioner's attorney specifically directed viewing of the absent financials. Roach denied. If Petitioner owned the property, Petitioner's financial security is at stake especially since Roach knowingly was aware of the forgeries by Dahlheimer that caused Petitioner's initial losses. Roach

facilitated the threats, forgeries, and theft of the Defendants who are currently accused of criminal fraud and TPC 32.47 fraudulent concealment and 18 U.S Code § 241 and 242. Roach is a participant in these acts. The concealment is not discretionary if he is innocent. The denial of review is administrative and cannot be covered by judicial immunity, *Forrester v. White*, 484 U.S. at 229; *Ex Parte Virginia*, 100 U.S. at 348. If there were extrajudicial purposes to deny revealing financials then there is no judicial immunity *Harper v. Merckle*, 638 F.2d at 859. See also *Krueger v. Miller*, 489 F. Supp. at 330

9. Judge Roach's actions of telling his court reporter to delay producing court transcripts to cripple Petitioners ability to timely appeal and is not a judicial act. This is obstruction of justice for which cannot be immune. This is an administrative act applying *Forrester v. White*, 484 U.S. at 228-30. There are hearings today that Petitioner has paid for transcripts and never received them. It has been four and five months. These were less than 1 hour hearings. Roach stated this was a judicial act in his pleadings.

10. Immediately right after Petitioner's complaint against Roach was dismissed, partially for claiming there is "adequate remedy in a state court", Roach promptly closed that opportunity by deeming Petitioner a Vexatious Litigant with a high price of forcing her to pay \$35,000.00 if she desires to appeal his lawless Vexatious Litigant order or unlawfully distributing Petitioner's equity to others. All of this violates Texas statutes and is a grave obstruction of justice. The obstruction to appeal and extortion of money are both actions with a motive that is not relative to

subject matters before the judge. The actions must not be defended by judicial immunity *Harper v. Merckle*, 638 F.2d at 859. See also *Krueger v. Miller*, 489 F. Supp. at 330. Clearly Judge Roach misled the federal court knowing his plan to breach the state remedy defense, *King v. Love*, 766 F.2d 962, 968 (6th Cir. 1985)

11. Judicial immunity does not bar injunctive relief. *Pulliam v. Allen*, 104 S. Ct. 1970, 1981, 1982 (1984). Roach inflicted an incredible amount of damage after Petitioner requested a Temporary Preliminary Injunction in 9/2018 from the Federal court. The District Court Magistrate Judge wrongly DENIED it. In the very least Petitioner deserves to be placed back at *status quo* and damaged reversed from the point of 9/2018.

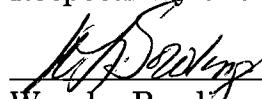
## CONCLUSION:

Petitioner prays this court grant review of dismissing Petitioner's complaints against Judge Roach(19-41003) and remand to a fair tribunal allowing Petitioner to present her case for restoration(for the first time). In the least it is requested the court award retroactive injunctive relief from the point of 9/2018 where Petitioner requested a preliminary injunction in the U.S. Eastern District court to prevent Roach from further damages, yet it was wrongly denied.

Petitioner further requests this court grant review of the interlocutory appeal of Vexatious Litigant (19-40914) (unanswered for nine months)

Petitioner humbly bows to the overall decision of whether the entire case requires review including the ongoing violations after Roach was dismissed not reviewed by any court.

Respectfully submitted,

  
\_\_\_\_\_  
Wanda Bowling  
Petitioner, Pro Se  
2024 W. 15th St. STE. F-138  
Plano, Texas 75075  
(770) 335-2539  
wldahleimer@gmail.com