

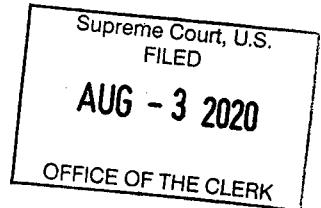
No. 20-151

Supreme Court of the United
States

JOE BLESSETT, PETITIONER

v.

BEVERLY A GARCIA, RESPONDENT



*ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF
APPEALS
FOR THE FIFTH CIRCUIT*

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

1. Has the Court decision denied Blessett's U.S. Constitution protected right not to contract into Title IV-D services?
2. Did the 5th Appellate Court and the District Court final judgment and opinions make a valid argument to overturn state court judgments in June of 2015 and June of 2016 for lack of procedural due process in the enforcement of a federal contract without due process protections?
3. Does the Petitioner lose the right to sue in U.S. Federal Courts, his 7th amendment right and U.S. Supreme Court Stare Decisis to see the legal instruments of a financial, contractual obligation between the Petitioner, the Respondent, and the federal contractor?
4. Does the Petitioner have U.S. Constitution right to see the legal instruments proving the loss of his Texas homestead exempt status for his property seized?
5. Did the federal Court deprive Mr. Blessett of his U.S. Constitution rights on inconclusive presumptions?
6. Can the Respondent escape liability in a civil action for the deprivation of rights of the Petitioner as a silent co-conspirator to fraud?
7. Can the Petitioner be defaulted into any contract without due process and proof of service to attend a judicial hearing to defend his rights?
8. Does the judgment preserve the Federal Statutes, the U.S. Constitution, and the Petitioner's rights if that judgment avoids federal compliance with Title IV-D of the Social Security Act and the Petitioner's civil right protections?
9. Are biological heterosexual males denied in

the U.S. judicial system their birthright and U.S. Constitution protections to abort the consequence of unwanted pregnancy from recreational sex?

10. Did the decision in Roe v Wade provide an equal remedy for heterosexual male's mental health and privacy rights for the consequences of an unwanted pregnancy?

11. What U.S. Constitution right gives a woman rights to a heterosexual male's property, financial earnings, and wages for the consequences of her choices in childbirth without a contract?

PARTIES TO THE PROCEEDING

1. The Petitioner is Joe Blessett.
2. Respondent is Beverly A. Garcia

COUNSEL FOR THE RESPONDENT

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CORPORATE DISCLOSURE STATEMENT

1. The Respondent Beverly A Garcia entered into a contractual agreement on October 22, 1999 with the Texas Office Of Attorney General Child Support Enforcement Division (OAG) third party collection agency under 42 U.S.C. 654(3), a federal Government contracted entity under the

Department of Health and Human Services.

Address:

Mr. Barry McBee
First Assistant Attorney General
for the State of Texas
P.O. Box 12548
Austin, TX 78711

2. U.S. Department of Health and Human Services (HHS).

Office of Inspector General
P.O. Box 23489
Washington, DC 2002

3. City of Galveston (Texas Office of Attorney General Galveston County Child Support Enforcement Division) is an OAG subcontractor under 45 CFR 302.34 that serviced the contract between the Respondent and the OAG.

Address:

Galveston County Legal Department
City of Galveston
722 Moody, 5th Floor
Galveston, TX 77550
(409) 770-5562

4. The City of Galveston (located in Galveston County, Texas) the contracted municipality that provides the 45 C.F.R. 302.34 contracted entity to fulfill the services for OAG the 42 U.S.C. 654 (3) contractor.

Address:

Galveston County Legal Department

City of Galveston
722 Moody, 5th Floor
Galveston, TX 77550
(409) 770-5562

5. La Marque Child Support & Social Service Office (located in Galveston County Texas), a 45 C.F.R. 302.34 contracted service provider for OAG the 42 U.S.C. 654 (3) contractor.

Address:

La Marque Child Support & Social Service Office
5300 FM 2004
La Marque, TX 77568-2402

6. Representing the United States interest as per 28 U.S.C. 2403(a).

Ms. Charlene Goodwin
Legal Administrative
Officer Office of the Solicitor General,
Rm. 5614 United States Department of Justice
950 Pennsylvania Ave.,
NW Washington, DC 20530-0001

7. Steven A Sinkin of Sinkin Law Firm agent and officer of Sinkin and Barretto P.L.L.C.

Address:

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105 W Woodlawn Ave
San Antonio, TX 78212

"Since every government is an artificial person, an abstraction, and a creature of the mind only, a

government can interface only with other artificial persons. The imaginary, having neither actuality nor substance, is foreclosed from creating and attaining parity with the tangible. The legal manifestation of this is that no government, as well as any law, agency, aspect, court, etc. can concern itself with anything other than corporate, artificial persons and the contracts between them." **U.S. v Minker, 350 US 179 at 187(1956) JOSEPH CRAIG BLESSETT**, Joe Blessett's artificial person has not entered into a Title IV-D financial obligation contract with any of the corporate and artificial parties listed above.

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The opinions of the Court of appeals:

1. BLESSETT v. Garcia, Court of Appeals, 5th Circuit (2020) No. 19-40966
2. On Petition For Rehearing(2020) No. 19-40966
3. Blessett v Texas Office of Attorney General Galveston County Child Support Enforcement Division U.S. 5th Cir. Court (2019) No. 18-40142
4. The opinions of the Texas SD Court:
BLESSETT v. Garcia, Dist. Court, SD Texas (2019) Civil Action No. 3:18-CV-00137

JURISDICTION

The judgment of the Court of appeals was entered on June 8, 2020. A petition for rehearing was denied on July 20, 2020, and Texas Galveston County Family Court #2 June 13, 2015. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1) and 28 U.S. Code § 2403 presentation of the facts and law relating to the question of constitutionality.

STATUTORY PROVISIONS INVOLVED

Pertinent provisions of Part D of the Social Security Act, Part A of the Social Security Act, and the Driver Privacy Protection Act 18 U.S.C. 2721.

Petitioner, Joe Blessett ("Blessett"),

Respondent, Beverly A Garcia ("Garcia")

STATEMENT

Is it a legal possibility for an invalid administrative action under the color in law to have legal standing to influence any judgment without violating the U.S. Constitution and the rights of the individuals. Can the Respondent escape legal liability for facilitating a nondisclosed contract that the deprived Mr. Blessett of his rights? The Appellate Court's judgment relied on state substantive law for diversity jurisdiction to address state issues. Still, the U.S. Constitution must be upheld as supreme to all public law state or federal. The deprivation of Blessett rights using an act of the U.S. Congress invalidates any argument under Texas substantive law for fraud and requires the federal courts to protect the U.S. Constitution in the interest of the general public welfare and their jurisdictional obligation.

On July 23, 1999, Blessett and Garcia agreed to the terms for support. Garcia is charged with the omission of the terms of the July 23, 1999, contract with Blessett and the nondisclosure of October 22, 1999, the contract she signed with the Office of the Attorney General Texas Child Support Division's ("OAG."). Garcia's action ignores Blessett's private rights, and deceptively moves to enforce nondisclosed terms of a federal contract. Garcia's action on October 22, 1999, initiates the deprivation of Blessett's rights. The average person can see and accept Garcia's omission of the controlling contract and ratified support order, as a party with knowledge of an existing contract. The evidence presented of Garcia's agreement to July 23, 1999, "Final Divorce Decree" support order is knowledge

of acceptance of the terms of the contract. Garcia had a legal duty to remove the restriction of the original contract with Blessett before honoring a new contract without Blessett's consent. The Court's decision denies fraud intertwined with deprivation of Blessett's civil rights. The Court opinion contradicts its ruling for Joe Blessett v Texas Office of the Attorney General Galveston County Child Support Enforcement Division No 18-40142.

Blessett also attacks the unequal privilege granted in Roe v Wade for natural biological women and denied biological natural heterosexual males for the consequences of an unwanted pregnancy. Under equal protection and immunities in private matters, heterosexual males may not be denied their birthright and U.S. Constitution protections from the consequences of unwanted pregnancy through recreational sex. It is judicial order acting as legislated public law that is a government infringement on private rights without a contract that is repugnant to the U.S. Constitution rights granted to free individuals. The government has chosen to protect the rights of women while denying the rights of biological heterosexual male's mental health protections. Roe v Wade is not public law. It is a "Judicial Order" that prevents infringement on women's privacy rights and falls short of extending those rights to heterosexual males in the judicial order. For the order to be equal, Roe v Wade must be revised or this court must create new order written for public acceptance and societal changes of the present times to extend the public sanctioning of the rights of natural biological men for the consequences of unwanted pregnancy.

REASON FOR GRANTING THE PETITION

A. Blessett charges Garcia with the deprivation of rights as a silent co-conspirator to fraud in the omission of the July 23, 1999 support order as an interstate contract. Garcia is accountable along with the OAG. in the noncompliance with Title IV-D contract due process protections and the omission of the terms of the Final Divorce Decree under 28 U.S.C. 1343(3). Blessett disagrees with the Court's opinion that the Garcia can breach one contract and impose another concealed contract that injures Blessett without consent and without being liable for his injuries. It is unequal protection under the law and an example of implicit bias in family law. The loss of Blessett U.S. Passport privilege in 2005 destroyed his international maritime career and his means of making a living. The loss of his driver's license on September 22, 2014, without a judicial procedural law process, destroyed other financial opportunities and is a DPPA 18 U.S.C. 2721(e) prohibition on the conditions with 18 U.S.C. 2723 penalties. Without a legal instrument of authority and Blessett consent to Title IV-D contract, it is a crime under DPPA. The Court judgment ignores the chronological order of the injuries and judgment dates. The Court's decision held Blessett accountable to Title IV-D enforcement without a valid legal instrument to support their presumptions. Under contract law and U.S. Constitutional questions, legal instruments are required to answer to settle the dispute to preserve the rule of law. Can the American public depend on the state and federal Judicial System to uphold public law protections and legal private law

contracts? It is a pivoting point in the Family Law industry corruption; this case presents deprivation of rights, corruption, and implicit bias at every level against noncustodial parents.

The Court's own intervening opinion and the 42 U.S.C. 1983 issue "*inextricably intertwined claims*" in *Blessett v. Texas Office of Attorney General Galveston County Child Support Enforcement Division U.S. 5th Cir. Court 2019* and *Blessett v. Tex. Office of the A.G. Galveston Cty. Child Support Enft Div., No. 3:17-cv-00164, 2018 U.S. Dist. LEXIS 22972, 2018 WL 836058 (S.D. Tex. Feb. 12, 2018)* civil rights issues requiring less stringent fraud application that align with U.S. Supreme Court rulings. The use of FRCP 9(b) heightened pleading conflict with the U.S. Constitution in the denial of Blessett rights.

At least two intermediate courts of appeals in Texas have recognized a subcategory of fraud—fraud by omission. This subcategory of claims stems from the basic recognition that an "omission or nondisclosure may be as misleading as a positive misrepresentation of fact where a party must disclose. In contract law, it is fraud when Garcia's *omission of the terms of contract* injures the Petitioner. As in all contract law, it is fraud for Garcia *nondisclosure of the terms of the Title IV-D contract* to Blessett.

It is a valid presumption that Garcia did agree to the terms the Final Divorce Decree and the Title IV-D program of her own free will as an adult of legal age of maturity. It is the deprivation of rights under the color of law assisted by the Garcia weaponizing Title IV-D services against Blessett.

Blessett request for the legal instrument with a *valid contractual financial obligation in*

unambiguous language with Blessett agreeing to the terms of Title IV-D of the Social Security Act is a required document that protects all parties' rights is a valid argument.

The Title IV-D spending clause compliance statute 42 U.S.C. 654(12) is designed by law to assure valid legal proof of standing of all parties to perform with Blessett's rights protected.

Where this Court has noted that *federal courts and litigants must rely on summary judgment and control of discovery to weed out unmeritorious claims*, *Leatherman v. Tarrant County Narcotics Intelligence and Coordination Unit, 507 US 163 - Supreme Court 1993* The District court obstruction of "Production of Documents" in this civil action denied a U.S. Constitution question to be answered and contract evidence to refute the July 23, 1999 contract.

In July of 1999, Garcia entered into an agreement with Blessett with a contract clause restricting changes to the contract.

In October of 1999, the Appellee entered an agreement with the Texas Office of Attorney General Galveston County Child Support Enforcement Division for Title IV-D enforcement and benefits.

In 2004 Blessett sued for modification to the Final Divorce Decree. Garcia declined the offer, and the state court granted her order to decline the offer.

In 2005 Blessett lost his U.S. Passport privileges and means of income. Mr. Blessett has not been employed since 2005 and unable to pay the support order.

The Federal Courts dismissed this civil action

without addressing the root cause of the deprivation of rights. It is the fraud in the omission of the private contract between Blessett and Garcia. It is fraud in the nondisclosure of the terms of the Title IV-D contract to Blessett that Garcia moved to enforce. The Court's decision violates the U.S. Constitution as the law of the land above all other public law to protect individual rights.

This Court has the final authority to overturn invalid state court judgments. The lower courts make a valid argument for the overturning of the state court judgments while staying within the mandate of their federal jurisdiction. At the same time, the production of documents would have exposed insufficient process service and other absent legal instruments as absolute physical proof of deprivation of rights.

Blessett has the 5th, 10th, 14th, and 9th amendment right to enjoy his "Final Divorce Decree" and "Immunities Clause" protections "that are in their nature are fundamental individual rights." The U.S. Supreme Court decisively held that incorporated Due Process Clause and Equal Protection Clause protections are all to be enforced against the States under the Fifth and Fourteenth Amendment according to the same standards that protect those individuals' rights against federal encroachment." Blessett's right to enjoy his Final Divorce Decree from unlawful government infringement initiated by Garcia is a "liberty under the Due Process Clause that is defined in a most circumscribed manner, with central reference to specific historical practices" of contract law and commerce. Quoting Washington v. Glucksberg, 521 U. S. 702, 721 (1997)

"A district court, by definition, abuses its

discretion when it makes an error of law." Koon v. United States, 518 U.S. 81, 100 (1996).

B. The Federal Court had valid diversity jurisdiction over the claims and **28 U.S.C. 1333** for a civil action entwined in the deprivation of rights.

If Blessett did not have a valid claim under subject matter jurisdiction, a Court could not dismiss with prejudice. If the Blessett has diversity jurisdiction, the Blessett was entitled to supplemental jurisdiction.

Garcia had a duty to modify the original judicial order or reach an agreement with the Blessett before applying Title IV-D contract enforcement action not listed in the private contract. Garcia's actions were willful physical action that deprived Blessett of his rights and weaponizing the Title IV-D services for her benefit. The implicit bias against Deadbeat parents and the financial growth of the Family Law Industry have created an obstacle for good affordable legal representation in the courts. If the noncustodial parent has you have enough money to pay an invalid debt, they pay it to make it go away. Noncustodial parents do not have waste five to six figures on legal costs. It is extortion, using coercion to elicit monetary gain in the form of money or property with the Family Law Industry profiting .

As for the reasoning for the dismissal, there is no way an invalid Title IV-D administrative enforcement "*Executive Branch*" action can be intertwined with a valid judicial judgment. It is a legal impossibility for an invalid action in law to have standing. The noncompliance under 42 U.S.C. 654(12) is evidence that Garcia lacks standing to pursue Title IV-D enforcement and is a breach of

the private contract ratified in the "*Judicial Branch*." There is an obvious distinction in the "Separation of Power," the timeline of the judgments and Executive branch administrative actions versus Judicial Branch. The executive branch's actions stand outside of the law, in its "*invidiously discriminatory animus*," and *disparate* treatment of Blessett's private contract. The Appellate Court's opinion and judgment is the abrogation of Blessett's 14th amendment immunities and privileges and the Title IV-D spending clause requirements. As well as being repugnant to the U.S. Constitution, it is an action that goes against the needs of the greater public welfare protections. It is the illegal use and noncompliance of Title IV-D of the Social Security Act by the OAG. and Garcia that grant civil remedy under statutory law. Blessett legal rights were invaded, and the federal courts could use any available remedy to make good the wrong done. A collateral attack on a state court judgment is impossible if the judgment is made invalid by the lack of procedural due process exposed by the Court's arguments of a collateral attack.

Blessett lost his U.S. Passport and Texas driver license through invalid administrative action. Blessett and Garcia agreed to the terms of the state court support and the penalties. Blessett Final Divorce Decree is a valid legal instrument with equitable value and as protected private property. Blessett 10th amendment right to private legal contract was infringe upon by Garcia, his 5th right to equitable legal instrument denied, and 14th amendment right by Garcia action.

The judgment is an unequal application of the law and Blessett's Fundamental Rights to equal

treatment for his property, the commerce clause, and contract clause protections. There are no explicit legal reasons Blessett's injuries caused by Garcia's act of providing illegal access to Blessett that he may not recover money damages or another remedy, equally effective for his injuries.

The opinions of the Court are in contradiction to its requirements under 28 U.S.C. 1738B Full Faith and Credit for Child Support Orders Act for July 23, 1999, judicial child support order and 42 U.S.C. 654(12) Title IV-D spending clause compliance. We ask this panel to recognize that this Court has cleared the path for Title IV-D spending clause noncompliance violation and individual injury relief under 42 U.S.C. 1983 to run parallel in the federal courts. *The Supreme Court repeatedly has held that administrative enforcement schemes must be presumed to parallel the private § 1983 enforcement remedy, rather than to "occupy the same ground" as the State contends.* Rosado v. Wyman, 397 U.S. 397, 420, 90 S.Ct. 1207, 1222, 25 L.Ed.2d 442 (1970) Garcia and OAG. failed to comply with the contractual obligations of 42 U.S.C. 654 of "*their contract*," therefore, are liable for the damages against the Blessett as a "*Private Individual*." We ask this panel to recognize that the Blessett's 28 U.S.C. 1738B federal protections for Blessett's property, the Final Divorce Decree support order, and its value as an equitable instrument with 5th and 14th amendment protections.

C. Under any state substantive law, Garcia has an obligation under the Procedural Law Process to get a judicial order to modify the existing judicial support order. Blessett is entitled to due process, a copy of this judicial order, and the Court must see

it upon opposition to the presumption of its existence.

FRCP 9 (b) allows for the Conditions of mind in alleging fraud or mistake; a party must state with particularity the circumstances constituting fraud or mistake. Malice, intent, knowledge, and other conditions of a person's mind may be alleged generally. Garcia knew of the July 23, 1999 contract with the intent to enforce her contract with the OAG. signed on October 22, 1999.

FRCP 9(d) Allows an official Document or Act in pleading an official document or official act. It suffices to allege that the document was legally issued, or the act legally is done. There were no objections to Blessett us of FRCP 9 (d) in this civil action by Garcia.

Blessett presented physical evidence with the request for "Judicial Notice" of the publicly available recorded document proving the private contract ratified by judicial order for support and Blessett's exempt status homestead before the summary judgment. Under the rule of law and logic, unsubstantiated testimony is inferior to physical evidence, and Blessett's firsthand witness testimonial. It is not the judgment at the center of attention; it is the documented behavior before judgment establishing scienter. The physical evidence and the request for Judicial Notice to verify publicly available recorded documents proved Garcia *requesting Title IV-D services in 1999 and continued pursuant of those services.* There was no publicly verifiable evidence of Garcia declining the OAG. services. The publicly recorded physical evidence verifiable by Judicial Notice of the documented request for Title IV-D services and the Final Divorce Decree court

support order is valid private contractual agreements as legal documented acts are presented under FRCP 9(d). *It is all presented as "context-specific" verifiable physical documented evidence that are the facts that shifted the circumstances for Grubbs, 565 F.3d at 188 (quoting Williams v. W.M.X. Techs., Inc., 112 F.3d 175, 178 (5th Cir. 1997) and the context-specific particularity request by the District Court.* Blessett, as a firsthand witness and the verifiable documented physical evidence, is superior to unsubstantiated opinion and testimonies. The presentation of physical evidence to support Blessett's claims shifted the burden of proof to Garcia to support her defense. *The inference that the defendant acted with scienter need not be irrefutable, i.e., of the "smoking-gun" genre, or even the "most plausible of competing inferences," Fidel, 392 F.3d, at 227 (quoting Helwig v. Vencor, Inc., 251 F.3d 540, 553 (C.A.6 2001) (en banc)), Tellabs, Inc. v. Makor Issues & Rights, Ltd., 551 US 308 - Supreme Court 2007* The panel can easily conclude from the pleadings and the physical evidence, a legal conclusion favoring Blessett. The lower Court's ruling is in conflict with the U.S. Supreme court for establishing scienter. Blessett presented conclusive presumptions to support the allegations in his complaint.

To maintain uniformity of the Court's decisions the panel should have considered the effects on the 42 U.S.C 1983 appeal No. 20-40135 against Galveston County municipality, a Texas Office of Attorney General Child Support Division as a 45 CFR 302.34 contractor listed in the amended complaint in regards to 42 U.S.C 1983 liabilities as an obstacle under FRCP 9(b) particularity in

pleadings. The Federal Rules do address in Rule 9(b) the question of the need for greater particularity in pleading certain actions **but do not include among the enumerated actions any reference to complaints alleging deprivation of civil rights. A court may not apply a heightened pleading standard more stringent than the usual pleading requirements of Rule 8 in civil rights cases alleging liability under § 1983** *Quoting Leatherman v. Tarrant County Narcotics Intelligence and Coordination Unit, 507 US 163- Supreme Court 1993* The ruling comes into conflict again with the U.S. Supreme Court for liabilities that are in the same class with 28 U.S.C. 1343 pleadings requirements under Rule 8 in civil rights cases. The District Court following the intervening opinion of this Court and the 42 U.S.C. 1983 issue "inextricably intertwined claims" withdrew its opinion to dismiss, is judicial admission of valid 42 U.S.C. 1983 issues attached to this civil action.

The production of documents would have supported or denied Blessett's claims with absolute certainty. The Court actions denied answers that would have solved unanswered U.S. Constitution question.

Blessett applied FRCP 9(e), to plead the judgments without showing jurisdiction to render it. The particularity of the circumstances constituting fraud, malice, intent, knowledge, and other conditions of the Garcia state of mind may be alleged generally. The judgments are off-limit, but as evidence of Garcia's state of mind, it is valid evidence to support a history of fraud, malice, knowledge with the intent to harm the Blessett instead of receiving payment.

It is an unrefuted, presumption that both judgments were received without following the "Procedural Law Process," and it is presumptive evidence protected under FRCP 9(e) in the omission of information. On the subject of judgment without due process, Garcia never refuted this allegation establishing it as a fact. As an invalid state, court judgments Blessett ask this Court to overturn the state court judgments. Garcia had the opportunity in the trial court to challenge Blessett's allegations with physical evidence of Procedural Due Process performed under FRCP 8(b)(6) and FRCP 8(C) to provide an affirmative defense.

In 2016 Garcia opted for a private attorney instead of a mediate settlement with Blessett. The private attorney massaged truth and persuade part-time Title IV-D 45 CFR 302.34 contractor/state court judge to look the other way on a document proving exempt property status before the summary judgment. Law Firm takes control of the property with fraudulent affidavit, auctions property for \$65,000.00, gives the Appellee \$50,000.00, keeps \$15,000.00 for legal fees, and the \$120,000.00 of equity left in the property. The Law Firm bought the property at auction with Garcia. But the icing on the cake is that the Law Firm did not submit the \$65,000.00 to Title IV-D program to give the Blessett credit and the rental of the property by Garcia and her counsel. It is a white-collar crime no one wants to prosecute; the Texas Attorney General is compromised as the state-designated person to head the Title IV-D program, it is beyond the scope of local police, and the U.S. Attorneys have yet to act on it. It is evidence of implicit bias child support

debtors and a broken judicial system.

D. State and local subdivision recorded documents are affidavits of voluntary declarations of facts written down and sworn to by the declarant filed by an authorized officer under penalties. State record public documents are based on entirely neutral facts that are non-accusatory as clear and convincing evidence beyond a reasonable doubt. The presented physical evidence with the textual contents of the recorded documents tips the burden of persuasion standard in favor of Blessett as proof for a preponderance of the evidence. Garcia had the burden of proof to refute the physical evidence presented by Blessett. Any unrefuted allegation must be treated as facts supporting Blessett under FRCP 8(b)(6) and FRCP 8(C). *It was Garcia's obligation and duty to refute the allegations with facts and law for a jury to form a conclusive presumption.* The use of opinions around circumstances and events *"to create presumptions is not a means of escape from constitutional restrictions."* *Bailey v. Alabama, 219 U.S. 219, 238, et seq., 31 S.Ct. 145; Manley v. Georgia, 279 U.S. 1, 5-6, 49 S.Ct. 215* A presumption is not evidence. A presumption is either conclusive or rebuttable; the opinions and judgments outlined in this civil action rely on inconclusive presumptions. As a note to the panel, the Garcia never objected on the record to the opposing documented physical evidence or the claims presented on the record.

Federal Rules of Evidence *Rule 201. Judicial Notice of Adjudicative Facts (c) Taking Notice. The Court :(2) must take Judicial Notice if a party requests it, and the Court is supplied with the necessary information. Rule 901. Authenticating or Identifying Evidence (7) Evidence About Public*

Records. Evidence that: (A) a document was recorded or filed in a public office as authorized by law, or (B) a purported public record or statement is from the office where items of this kind are kept.

E. In Private Law, the Constitution takes a back seat to legal private contract terms, and there must be an acknowledgment of the agreement between all parties concerned to enforce a contract to avoid "**Public Law**" problems. Individual citizens are not required to act in the public interest. Private law gives them the legal tools to act in their own interest.

Public Law "*The Constitution and the Laws of the United States are made in Pursuance of all Treaties made, under the Authority of the United States, the supreme Law of the Land; and the Judges in every State are bound by, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.*" **Article VI**

A blanket FRCP 12(b)(6) motion against Blessett claims are supported with unrefuted allegations, verifiable physical evidence, with Blessett as a firsthand witness, and statutory right to relief is a contradiction to the rule of law. A collateral attack on a judicial order from an invalid executive branch administrative order is a contradiction of the law. Relief from injuries for invalid acts of law *is a relief for wrongs that cannot exist in law* and cannot harm a judgment granted by law *if the act is not permitted by law*.

This Court decision does not dispute the legal requirements under 28 U.S.C. 1343 giving the Blessett standing to support his claims for relief. The Court's opinion does not provide a reference to physical evidence of an equitable instrument to replace the Final Divorce Decree support order.

The opinion of the Court promotes implicit bias against Blessett's failure to pay child support without evidence to disprove the inability to pay or intentional avoidance of the terms of the order. It is a prejudicial defense and invalid as evidence or legal standing to support a judgment.

Under Title IV-D of the Social Security Act, the disclosure of the terms of the federal contract before applying Title IV-D enforcement penalties is a contractual requirement to preserve the State's 10th amendment right and Blessett civil rights.

To affirm the District Court's opinion, a valid instrument of authority of equal, equitable value to offset the value of the Final Divorce Decree must be present. The Final Divorce Decree is Blessett's equitable property deprived under the color of law. The acknowledgment of the contract is evidence of knowing the equitable instrument able to prevent injury through disclosure of the facts. It is evidence of a lack of procedural due process that supports the argument for invalid state court judgments to be overturned by the Supreme Court to protect the U.S. Constitution.

It is not whether Garcia had direct involvement in all the information or actions taken. It is Garcia's direct involvement in facilitating access to Blessett through the omission of one contract and the nondisclosure of another contract. It is the benefits enjoyed by Garcia, and the harm is done to Blessett through indirect involvement. Equal application of law requires the Court to treat the Garcia under 28 U.S.C. 1343(3) statute or show good cause for denying the Blessett equal application of the law. There are no justifiable reasons in law to support Garcia's defense. *Garcia brought the public into a private matter without*

consideration of Blessett's Private law rights and Public law protections. Garcia weaponized an Act of Congress to deprive the Blessett of his rights. In this civil case, everybody got caught with their hands in the cookie jar. Garcia opted for the stricter tools of the Title IV-D program without suing to modify her private contract with Blessett and breaching her private contract with Blessett in October of 1999. The OAG. got caught enforcing the Title IV-D program tools against a private individual under the color of law, breaching the contract with the United States Government. Title IV-D tools are for the Title IV-D program voluntary participants that agree to the contractual terms.

The Office of Attorney General (OAG.) is the designated Title IV-D agency in Texas. It has the power to enforce Title IV-D *established* child support orders for the collection and distribution of support payments. *TEX. F.A.M.CODE §§ 231.001, .101(a)(5)-(6). Among its powers is the ability to seek a court order to withhold income from a child support obligor's disposable earnings. TEX. F.A.M.CODE §§ 102.007 (authorizing Title IV-D agencies to file suits for modification or motions to enforce child support orders), 158.006 (a court or a Title IV-D agency "shall order that income be withheld from [obligor's] disposable earnings"); see also id. §§ 231.001, .002, .101 (describing the powers, services, and duties of a Title IV-D agency, including enforcement, collection, and distribution of child support payments). Office of Atty. Gen. of Texas v. Scholer, 403 SW 3d 859 - Tex: Supreme Court 2013*

The OAG. never followed the judicial "Procedural Law Process" against Blessett and,

therefore, unable to produce the required valid judicial order. *TEX. F.A.M.CODE § 231.104(b)* ("An application for child support services is an assignment of support rights to enable the Title IV-D agency to establish and enforce child support and medical support obligations....").

Office of Atty. Gen. of Texas v. Scholer

The OAG.'s right to establish Title IV-D services is not an established right to enforce Title IV-D child support services against the Blessett. The OAG. is required to follow the federal statutes, which are located in Part D of Title IV of the federal Social Security Act. 42 U.S.C. § 654 et seq. *Under the program's guidelines, Texas "at a minimum" must establish a state registry consisting of "[e]very IV-D case receiving child support enforcement services under an approved State plan; and ... [e]very support order established or modified in the State on or after October 1, 1998." 45 C.F.R. §§ 307.11; 307.11(e)(2)(i)-(ii). The state case registry also must contain certain "[s]tandardized data elements" for every program participant. Id. § 307.11(e)(3). These standardized elements "shall include . . . Names . . . Social security numbers . . . Dates of birth . . . Case identification numbers . . . Other uniform identification numbers . . . [and] Data elements required under paragraph (f)(1) of this section necessary for the operation of the Federal case registry." Id. § 307.11(e)(3)(i)-(vi) (emphasis added).*

Office of the Atty. Gen. of Texas, 456 SW3d 153 - Tex: Supreme Court 2015, See 42 U.S.C. 654a(e)

Every day, folks with commonsense can see the Title IV-D program as corrupt with systemic problems affecting noncustodial parents. They are

burning their non-profitable clients and moving onto the fresh meat, and it is no different from the drug game or predatory payday loans. It is a direct example of the transfer of wealth from a poor community to a more affluent community using an Act of Congress to feed the Family Law Industry. When time and history reveals the truth is about today's family law system, it will draw comparisons with the redlining of black communities. Instead of geographical, racial lines, the lines are drawn against across lines of economic access. **It is an overreach of the public into the private domain to transfer wealth.**

The federal statute, **42 U.S.C. 603 (5)(c)(iii)(III)** unambiguously states, "*In the case of a noncustodial parent who becomes enrolled in the project*" while **42 U.S.C. 601(b)** unambiguously states, "*This part shall not be interpreted to entitle any individual or family to assistance under any State program funded under this part*" and **42 U.S.C. 654(12)** unambiguously states "*require the State to provide individuals who are applying for or receiving services under the State plan, or who are parties to cases in which services are being provided under the State plan with a copy of any order establishing or modifying a child support obligation.*"

As a firsthand witness and the absence of the required documentation, the burden of proof shifted to Garcia and discrediting any support for any inconclusive presumptions. *Invalid Executive branch Title IV-D administrative order will never grow up to be valid Judicial Branch court orders without committing fraud or a correctable mistake of law by applying mandatory public law and the U.S. Constitution restrictions against Garcia.*

Counts one, two, and three are Title IV-D administrative orders, and it is the fraud, the smoke, and mirrors under the color of law. The theft of the property and the loss of privileges are the catalysts that exposed the truth. The evidence shows Garcia, the OAG and Private Attorney knew about the private contract and failed to disclose the terms of the contract being enforced and follow procedural law. Blessett's Decreed Divorce Contract is the legal instrument of authority with the terms and agreed upon conditions with a contract clause stating, *"It is ordered and Decreed that all relief requested in this case and not expressly granted is denied."* 28 U.S.C. 1738B, Contract Clause Article I, section 10, clause 1, Commerce Clause, 5th and 14th amendment protections

The Appellate Court's judgment exposes invalid state court judgment while correctly protecting its jurisdictional authority. The Federal Court's judgments deflect the U.S. Constitutional violations against Blessett in favor of technicality under FRCP 9 (b) without addressing their obligation under federal jurisdiction to protect Individual rights granted under the U.S. Constitution as the law of the land superior to all public law. The Respondent's argument does not, at any point, reference physical evidence throughout the proceedings to discredits the facts and physical evidence presented by the Petitioner.

The case pivots on the documented evidence to answer Constitutional questions to preserve Blessett's rights. Did Garcia and the OAG, have a legal instrument dated before June 13, 2015, ratified by a judicial order to enforce a Title IV-D administrative orders? Did Garcia have proof of

sufficient process services before June 13, 2015? Did Garcia have documentary evidence as a creditor in Blessett and Maria Blessett exempt homestead property? Where established State substantive law, U.S. 5th Circuit Court established case law and the Constitution support Blessett arguments.

Custodial have parents weaponized child support, the state entities have monetized child support, and Bill Clinton's signing of the Deadbeat Parent act incentivized child support with cash bounties on noncustodial parents.

F. Blessett challenges the denial of the heterosexual male's biological birthright and U.S. Constitution rights to abort the consequences of recreational sex in intimate private relations.

This Court favors the individual's due process 14th amendment privacy rights. *Roe v Wade* established the judicial law doctrine for personal privacy rights that overturned public opinion of conformity and public religious belief for the individual's rights. But the doctrine falls short of equal rights for heterosexual male's rights. See Reva B. Siegel, She the People: The Nineteenth Amendment, Sex Equality, Federalism, and the Family, 115 Harv. L. Rev. 947, 949 (2002) (arguing that, in the constitutional context, "the Supreme Court developed the law of sex discrimination by means of an analogy between sex and race discrimination"). Accordingly, we find that *Loving's* insight—that policies that distinguish according to protected characteristics cannot be saved by equal application—extends to association based on sex. See also Loving v. Virginia, 388 U.S. 1, 87 S.Ct. 1817, 18 L.Ed.2d

1010 (1967)

Heterosexual males and potential fathers are not given equal protection for physical and mental health in United States courts. More specifically, in the direction of child-custody, parent-child relationships, and in the considerations of these cases. Equal co-parenting is all but ignored in the Family Law Industry. The system ignores child development issues, child mental health issues, and child suicide from parent-alienation, among others.

See *Divorce Poison New and Updated Edition: How to Protect Your Family from Bad-mouthing and Brainwashing* by Dr. Richard A. Warshak; Parental Alienation Syndrome in Court Spiral-bound – 2000 by Dr. Richard A. Warshak,

In a recent Psychological Bulletin article, **Parental Alienating Behaviors: An Unacknowledged Form of Family Violence** **Harman, Kruk, & Hines (2018)** clarified that alienation is child abuse with consequences potentially more damaging than from physical or sexual abuse: depression, anxiety, addictions, poor relationships, and suicide. **Roe v. Wade, 410 U.S. 113, 154, 93 S.Ct. 705, 35 L.Ed.2d 147 (1973)** (stating that a State may have compelling interests "in safeguarding health, [and] in maintaining medical standards")

State entities have discriminated against the U.S. Constitution in the lack of enforcement of the federal provisions, as an unused two-parent family values promotion 42 U.S.C § 601(a)(4), denial of equal parenting custody, and noncustodial parent considerations, favoring monetary rewards for performance 42 U.S.C § 658a and bonuses for enforcement collection efforts 42 U.S.C § 603(a)(4).

It is undeniable that the majority of the injured are heterosexual males, although the consequence is extended to all. The disparity cannot be denied by the number of men affected. Equality is offered on the surface and denied by implicit bias of the deadbeat moniker established in H.R. Deadbeat Parents Punishment Act of 1998 signed by Bill Clinton. Along with the Incentive rewards for performance, 42 U.S.C § 658a to the state agencies under administrative law on any account or definition is an inducement to create an illegal bounty to increase the number of noncustodial parents under the program by creative means. Those creative means that involve the denial of rights unchecked because of federal statutes structures and implicit bias as in this civil action.

As this Court has explained, "*if the constitutional conception of 'equal protection of the laws' means anything, it must at the very least mean that a bare congressional desire to harm a politically unpopular group cannot constitute a legitimate governmental interest.*" U.S. Dep't of Agric. v. Moreno, 413 U.S. 528, 534, 93 S.Ct. 2821, 37 L.Ed.2d 782 (1973); see also Bower v. Vill. of Mount Sterling, 44 Fed. Appx. 670, 675-78 (6th Cir.2002) (denial of appointment to village police chief in retaliation for plaintiffs' parents' political views states Equal Protection claim) In Loving, the Commonwealth of Virginia argued that anti-miscegenation statutes did not violate the Equal Protection Clause because such statutes applied equally to white and black citizens. The Supreme Court disagreed, holding that "*equal application*" could not save the statute because it was based "*upon distinctions drawn according to race.*" Bostic v. Schaefer 760 F.3d 352 (4th Cir.

2014). Constitutional cases like Loving "can provide helpful guidance in statutory context" for equality.

In the determination of rights, the "distinctions are drawn according to gender sex," and privacy rights for physical health and mental health of creates no barriers for extending equal rights to heterosexual men. A heterosexual man's right to create a life is a private personal and moral decision based personal religious belief, mental issues concerns about parent alienation, physical health, and mental stress of forced monetary needs for two households. There are no barriers to prevent gender equality rights for bodily integrity for heterosexual male's privacy interest in protecting their mental health in an unwanted pregnancy.

The U.S. courts have long ignored the protected privacy rights of heterosexual males. This Court has looked beyond morality and public conformity to protect individual civil rights. At this time in American history, conformity for equal rights for women, gender-neutral, and gender-binary for protected privacy rights, with concerns about physical and mental health, is not an obstacle for the U.S. judicial system to honor. *Equal Protection Clause's prohibition of sex-based discrimination is "sufficiently important government purpose" gender conformity* is protected against sex discrimination in the 21st century. Glenn v. Brumby, No. 10-14833 (11th Cir. 2011)

It is not a hard stretch to extend the established protections for heterosexual males. The decision for the protected right to privacy without government infringement has been decided by the U.S. Supreme Court Law Doctrine and denied

disproportionally by the U.S. judicial system to heterosexual males. It is gender discrimination of heterosexual male's mental health, without consideration of equal gender rights for the consequence of intimate relations. Forced creation of life without consideration of heterosexual males right to avoid the consequences of recreational sex, creates public policy conflict, with government infringement on individual intimate rights without a legal contract. "The heterosexual male is immune from all government infringement and procedure, absent contract." see, **Dred Scott vs. Sanford, 60 U.S. (19 How.) 393** or as the Supreme Court has stated clearly, "...every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowmen without his consent." In reality, there is a valid difference between recreational sex and procreational sex under a marriage contract between individuals. If a woman decides to have recreational sex with undesirable heterosexual males, she maintains control of the fundamental privacy rights of her consequences to her physical and mental health. Roe v Wade protects her right to abort for an unwanted pregnancy. In Roe, a woman can choose to have intimacy and still have control over subsequent consequences. This Court must give a U.S. Constitution reason a heterosexual male is denied the same right over the consequences of recreational sex with an undesirable biological female. Sex is a private intimate act between individuals of all genders, and the consequences of those act sex must be equal from government infringement. Heterosexual males have their God-given birthright and U.S. Constitution right to be free of

all consequences of consensual recreational sex. The U.S. Congress may not create legal infringement into intimate private matters to create protected U.S. Government interest. The decision of the judicial branch must be guided by the U.S. Constitution, and the rights granted free heterosexual males not under contracts are clear in the U.S. Constitution. Under Federal, State, and God's law, it is a woman's body, her choice, and the consequence of her choices alone without a contract. Roe v Wade and strides made in gender equality for gender-neutral and biological gender choice rights requires equality for heterosexual males in the consequences of intimate relations. *In every equal protection case, we have to ask certain basic questions. What class is harmed by the legislation, and has it been subjected to a "tradition of disfavor" by our laws? What is the public purpose that is being served by the law? What is the characteristic of the disadvantaged class that justifies the disparate treatment? In most cases, the answer to these questions will tell us whether the statute has a "rational basis." The answers will result in the virtually automatic invalidation of racial classifications and in the validation of most economic classifications, but they will provide differing results in cases involving classifications based on alienage, gender, or illegitimacy.*

Cleburne v. Cleburne Living Center, Inc., 473 US 432 - Supreme Court 1985 The twenty-first century Law Doctrines and legislation have provided a legal path for multi-gender equality beyond male-female classifications. It is time to enforce gender-equal protected rights for heterosexual male's sexual consequence in noncontractual intimacy. Any law passed by

Congress or state law that goes against the U.S. Constitution is repugnant to the U.S. Constitution as an is invalid, unenforceable law.

The truth is that there are not any public laws to prevent free heterosexual males from exercising their birthrights and U.S. Constitution protection to abort the consequences of unwanted pregnancy without a contract. There is implicit bias in the federal and state judicial system and deceptive administrative law practices to deny civil rights in family law.

In January 1973, the Supreme Court 7-2 decision ruling that the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution provides a "right to privacy" that protects a pregnant woman's right to choose whether or not to abort the unwanted consequences of pregnancy. This Court cannot deny the rights of heterosexual males to be granted by the U.S. Constitution and the creator's biological preference to abort the consequence of an unwanted pregnancy. A woman's right to abort has become absolute, and no longer balanced against the government's interests in protecting women's health and protecting prenatal life. The right to any form of abortion is the removal of the consequences of an unwanted pregnancy. By birthright and the U.S. Constitution, heterosexual males are granted the right to deny or choose to accept an unwanted pregnancy, and it is deceptive government infringement that denies these rights. Women have fought for equality and won the right to choose, now they must live with the consequence of those equal rights. A woman is entitled to enjoy as much recreational sex as she wants and the consequences of her birthright as a natural biological woman

with U.S. Constitution protections equal to heterosexual males in her decisions. The consequence of a natural biological woman's actions are her rights alone by choice, and any government involvement on her decision would be an infringement on private matters of all the individuals involved. U.S. Congress may not legislate any government protected interest or public law that infringes on the individual's civil rights protected under the U.S. Constitution. It is the very reason Title IV-D of the Social Security Act is contractual and requires the consent of all the parties involved.

This Court has publicly protected the biological women's birthright and U.S. Constitution protection from avoiding the consequences of unwanted pregnancy as a private right. Blessett requests equal public protection on the judicial record for heterosexual biological male birthright and U.S. Constitution protections to avoid the consequences of unwanted pregnancy as a private right in recreational sex outside of a physical inked state-licensed matrimonial contract.

In providing equal public protection for heterosexual males on the judicial record, this Court will curtail judicial discrimination, deceptive administrative law practices, and the corruption of the Family Law Industry that violate the civil protections of the U.S. Constitution. This civil action is the vehicle for addressing the questions presented in gender bias in family law, the greater public welfare protections of the United States Constitution, and illegal Public law overreach into Private law Domain.

CONCLUSION

The Petitioner's request remedy for the deprivation of rights under the color of law assisted by the custodial parent weaponizing Title IV-D services and invalid state judgments obtained without sufficient service of process notice to defend from default.

Blessett advocates for equality in privacy rights for the mental health of heterosexual, the rights granted in the U.S. Constitution, and God-given birthright protections of free individuals. The petitioner request equal public judicial order for private birthrights and U.S. Constitution rights for biological heterosexual men and biological women free from all consequences of unwanted pregnancy outside of a private contract.

Blessett respectfully asks this judicial body to address U.S. Constitution conflicts, legal oversight, and neglected injuries against Blessett within the text of this petition.

Respectfully submitted,



Aug. 3, 2022
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