

20-309  
No.

In the Supreme Court of the United States

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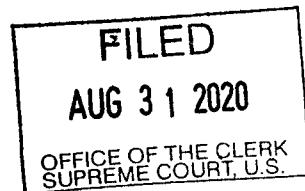
John E. Reardon, Petitioner, Pro Se

v

Officer Leason & Simon of Runnemede, Andrew Rossetti, Karen Caplan,  
Kevin Walshe, James Farmer and Frank Soltis, Howard Gilfert, Warren Faulk,  
Judges Joseph Greene and Isaiah Steinberg, James Mulvihill, D.Sgt. Bruce  
Dawson, Appellate Judges Gaukin, Kestin, Hayden, Payne and Ashrafi, Judges  
Wells, Freeman, Pugliese and Ragonese and Ms. Martha Shaw.

On Petition for a Writ of Certiorari  
To the United States Cour of Appeals  
For the Third Circuit

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**Questions/Issues for Review**

Whether Judges, Prosecutors and other officials can be held liable for either  
Equity and/or Legal relief for any of the following reasons.

1. Their actions were as a result of lack of, loss of or usurpation of Jurisdiction and/or Discretion.
2. They have Common Law Mandates placed upon them that barred them from not complying with the Common Law under 7 such rights.
3. Whether another court can validate a claim of lack of, usurpation of or loss of Jurisdiction and/or Discretion which is always open to inquiry; is entitled to relief from void orders even before the proceedings are declared void; whether such issues are for the Jury and not the Judge; Whether the fraud of failure to recuse, failure to comply with Common Law mandates or trying and sentencing an alleged felon on alleged crimes when the indictment of said crimes were not procured properly and thus if these frauds occur, is the jury the proper venue to determine the frauds in accordance with the case of *State v Zisa*, N.J. App. Court, 2015 and whether such law and facts allows for a dismissal of a lawsuit under Rule 12(b) issues or is the plaintiff at least entitled to discovery or a plenary hearing?
4. Given this court's decision in *U.S. v Beggerly*, 524 U.S. 38, 42-45, 1998, since the State Courts have ruled the PCR Motions were untimely, the only process available to rectify the void proceedings is by way of a Collateral attack and the lower courts have denied this right. And
5. Are Police officers and public defenders liable for conspiring with judges and/or prosecutors, and if yes, should a lawsuit be dismissed in its entirety?

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**On Petition for a Writ of Certiorari  
To the United States Cour of Appeals  
For the Third Circuit**

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**John E. Reardon, Pro Se, respectfully petitions for a writ of Certiorari  
to review the judgment of the Court of Appeals for the Third Circuit in this case.**

**Opinions Below**

**The opinion of the United Stated District court for the District of New Jersey, the Hon. Judge Noel Hillman, was entered on January 2,2020 denying the right to open and amend this lawsuit as to new facts, parties or defects in the law. The lawsuit alleged that Judges Steinberg and Greene Lacked, Lost or Usurped**

their Jurisdiction and/or Discretion to hear any matter involving the petitioner. This new motion took issue with void proceedings due to jurisdictional defects for which there is no time period to bring to the court's attention.

The Third Circuit ruled on August 11, 2020 that the order and opinion of Judge Hillman was affirmed. The defendants were alleged to lack jurisdiction on a valid factual foundation. A24-28, 32-33, 36-40, 43-84, 88-125.

#### **Statement of Jurisdiction**

The judgment of the court of appeals was entered on August 11, 2020.

A1-7.

This courts jurisdiction is brought under 28 U.S.C. 2101.

#### **Constitutional and Statutory provisions involved.**

##### **Amendment 6:**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

##### **Amendment 9:**

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

##### **Amendment 14:**

1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

42 U.S.C. 1983:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.

### Statement

This lawsuit was sought to be amended to include New Facts, New Law, New Claims/Issues and New Parties.

This lawsuit was originally filed in 2013 under docket 1:13-cv-05363.

This case involves exceptionally Important Legal Issues that this court needs to resolve. These issues involve Immunity and/or Liability of Officials that have

mandates placed upon them by the Common Law, By State Appellate and other court decisions that strips jurisdiction from officials for failure to carry out or comply with specific functions. These functions are:

A. That the Common law places on all judges a mandate that they cannot rule contrary to the Common law as it is not in the breast of any such Judge to do so. **Blackstone's Commentaries, Introduction to Laws of England, Page 69** and **Joseph Story's Commentaries, Volume 1, Pages 308-309.**

B. The Accused is guaranteed the right to a probable cause Hearing to test the veracity of the charges lodged against him and for setting of reasonable bail, which I was denied of. **Book 4, Chapter 22, Page 293;**

C. To an indictment that is clear and certain which I was denied of. **Book 3,, Chapter 23, Page 303;**

D. To proof by at least 2 honest and reputable witnesses which was not complied with. **Book 3, Chapter 23, Pages 371-372** and **Book 4, Chapter 27, Pages 346, 351;**

E. To adequate Counsel which was not provided. **Book 4, Chapter 27,Page 351;**

F. To bar evidence that is not adduced before the Grand Jury which the court allowed into the trial. **Book 4, Chapter 27, Page 351-352;**

G. To a speedy trial that cannot go beyond 1 year from the filing of the charges which I was denied of. **Book, Chapter 23, Page 308** and **Chapter 27, Page 346; and**

H. To allow the admittance of evidence that would be helpful to the Jury which I was denied of. **Book 4, Chapter 27, Page 353.**

The court and prosecutor are barred from not complying with the above mandates and since they are mandates, they are ministerial acts and as this court has said, Officials are not immune from violating ministerial acts. That is it is not a proper function of the official which the lower courts ignored.

This court needs to resolve these issues so that all Judges, all plaintiffs, and all defendants know if these common law mandates, and Court decisions that appear to be mandates, as to whether the officials involved are in fact Liable or are in fact Immune, and is fully aware of said law and mandates.

This court has for over 200 years found the common law grants immunity and Mr. Reardon does believe that this same common law takes away immunity for the reasons stated under the law which is that Failure to comply with a mandate, or of the Appellate Court, or the fact that the law strips jurisdiction from officials if they do not recuse themselves when required or try indictments that are defective or improperly procured. Under all the conditions stated in this petition does the official lose jurisdiction and immunity?

#### **A. Background**

Where the Statute law and Common law differ, the Common Law gives place to the Statute Law. **Blackstone's Commentaries, Introduction to the laws of England, Page 89.**

Rights that are secured by the U.S. Constitution cannot be surrendered or

transferred by any means. Joseph Story's **Commentaries**, Volume 1, Pages 308-309.

This court found that the law must comply with the Common Law. **United States v. Wong Kim Ark**, 169 U. S. 649, 654.

This court found that **Blackstone's Commentaries** are accepted as the most satisfactory exposition of the Common Law. **Schick v U.S.** 195 U.S. @ 69; **Chisholm v Georgia**, 2 U.S. (Dall) 419, 435; **Solemn v Helm**, 463 U.S. 277, 286; **Joseph Story's Constitutional Commentaries**, Page 65 (1833).

This court held in **Liteky v U.S.**, 501 U.S. 540, 541, 544-546, 548-555, 557-559, 1994, that extra Judicial, and thus adverse, contact with a party before him requires recusal from said proceedings and **Judges Steinberg and Greene** were required to so recuse themselves for the appearances of Justice and they failed to so do. **State v Tucker**, 264 N.J. Super. 549, 554-545, 1993; **State v Booker**, N.J. App. 2015; **Pantich v Pantich**, 770 A.2d 1237, 1239, N.J. App. 2001 and **State v Plummer**, N.J. App. 2016.

The State Courts have held that it is the duty of the judge to recuse himself on his own motion if even the appearance of bias exists. **State v Utsch**, 184 N.J. Super. 575, 581, 1983.

The law is that failure to recuse, when required, strips jurisdiction from the Judge; His proceedings/judgements can't be upheld and he must recuse himself on his own motion and **Judge Steinberg and Greene** failed to do this; They failed to carry out a ministerial act. **The Queen v The Justices of Suffolk**, 18 Q.B. 416, 1852; **The Queen v The Justices of London**, 18 Q.B. 421, 1852; **Regina v O'Grady**, 7 Cox C.C. 247, 1857; **Elliot v Piersol**, 1 Pet. 328, 340, 1828; **State v Utsch**, 184 N.J. Super. 575, 581, 1982; **State v Booker**, N.J., App. 2015; **State v Hanna**, N.J. App.

2012 and **State v Balisteri**, 779 F.2d 1191, 1202, 7<sup>th</sup> Cir. 1985.

The Courts have found If the average man on the street would harbor doubts about the Judge's impartiality the Judge must recuse himself, and I presented the affidavits of 5 such citizens on this issue, and the courts ignored this law and facts. **State v McCabe**, 987 A.2d 567,572, N.J, Supreme Court 2010 and **U.S. v Polludniack**, 657 F.2d 948, Cert. Den. 102 S.Ct. 1431, 9<sup>th</sup> Cir. 1982. A85-125.

The courts have held if a judge is required to recuse himself and he doesn't he violates Due Process of law. **U.S. v Sciuto**, 521 F.2d 842, 845, 7<sup>th</sup> Cir. 1976 and **Caperton v Massey Coal Co.**,129 S.Ct. 2252, 2254-2255, 2259-2260 and 2263, 2009.

The courts have found if a Judge is required to recuse himself and he doesn't his orders and judgments are void. **State v American Can Co.**, 42 N.J. 32, 38, N.J. Supreme Court 1964; **State v Presley**, 94 A.3d 921, 925, N.J. App. 2014; **State v Gieo**, 950 A.2d 930, 936, N.J. App. 2008 and **State v Booker**, N.J. App. 2015.

The courts held Failure to recuse is official misconduct under N.J.S.A. 2C:30-2(b). **State v Thompson**, 953 A.2d 491, 496, N.J.,App. 2008.

This court has made clear that Judges and prosecutors are not immune if they fail to comply with a mandatory duty to do or refrain from doing some act and these respondents have failed to abide by this law and this court has said that mandatory acts are ministerial and the official is not immune from liability for so failing to comply with said act(s). **Judge Hillman** has simply found that he can rule on the claims of the validity of the state proceedings, and void and controvert the right to inquire into the void proceedings in the State and it pertains to all state officials; judges only immune for official acts; that court orders create ministerial acts the official can be liable for not complying with; and that Ministerial acts are not official acts warranting immunity or if the official carries out an official act without jurisdiction the official is liable according to: **Bogan v Scott-Harris**, 523 US

44, 51-52, 1998; **Antoine v Byers & Anderson Inc.**, 508 U.S. 429, 435, 1993; **In re Charter Commun ications, Inc.**, 393 F.3d 771, 784, 8th Circuit 2005; **Hafer v Melo**, 13 F.3d 736, 744, 3<sup>rd</sup> Cir. 1991; **Thompson v Whitman**, 85 U.S. 457, 466-468, 1873 and **Simmons v Saul**, 138 U.S. 439, 448, 1891. The opinion of the lower courts is such that they believe that unless I have a case directly finding in my favor on these issues that I have no standing to so challenge and allege such conduct and law.

The Courts have held officials who disregard a mandate upon them as to recusal, or failing to carry out a ministerial act causes loss of jurisdiction which was that all judges were informed that all proceedings before any judge no matter where it occurs the Judge must transcribe, record or memorialize the said proceedings and Judge Steinberg did fail to do this on 6/20/90 and 6/29/90. **M.P. v S.P.**, 169 N.J. Super. 425, 441-443, 1979 and **Muller v. Muller**, NJ: Appellate Div. 2011, **Antoine Supra** and **Bogan Supra**. Which caused the denial of barring evidence from such searches. **A45-52.**

That the hearing and trial of a person on a defective indictment strips jurisdiction from the Judges and Prosecutors. **Russell v. United States**, 369 U.S. 749, 763-764, 1962; **US v. Omer**, 429 F. 3d 835, 836 9th Cir. 2005, **US v. Weaver**, Dist. Court, SD West Virginia 2010; **US v. Lopez**, 2 F. 3d 1342, 1368, 5th Cir. 1993 and **US v Prentiss**, 256 F. 3d 971, 994, 10th Cir. 2001.

The Courts have found that an accused is entitled to a **Bill of Particulars** and I was never provided with one prior to trial as required. **U.S. v Torres**, 901 F.2d 205, 214 , 2nd Cir. 1996; **U.S. v Addonizio**, 451 F.2d 40, 63, 64, 3rd Cir. 1971; **U.S. v Moyer**, 624 F.3d 192, 198-199, 202-204, 3rd Cir. 2012; **Statev Salter**, 42 A.3d 196, 202, 2012; **State v RH**, NJ.App. 2015; **U.S. v Moyer**, 624 F.2d 193, 198-199, 3rd Cir. 2012 and **United States v. Addonizio**, 451 F. 2d 49, 63, 64, 3rd Cir. 1971.

The Third Circuit has held that if a judge lacks jurisdiction, when he carries out such a function, he is not immune. **Melo v Hafer**, 13 F.3d 736, 744, 3<sup>rd</sup> Cir. 1991

and **Hafer v Melo**, 502 U.S. 21, 27, 1991.

The Common Law has been held, by the authority of this court, to be required to be complied with and the State respondents and the Lower courts have not so complied with the common law as per **Blackstone's Commentaries** as stated herein.

This court has held that Officials are amenable to equity type relief and to damages as per **Melo v Hafer**, 502 U.S. 21, 27, 1991; **Antoine v Byers Supra**; **Bogan v Scott-Harris Supra**; **Bradley v Fisher**, 80 U.S. 335, 351, 352, 1872 and **Mireles v Waco**, 502 US 9, 11, 12, 1991.

This court has held that raising of independent claims for the State proceedings, even If they involve issues addressed in the state, is not subject to **Rooker-Feldman bars**, **Skinner v Switzer**, 131 S. Ct. 1289, 2011 and That issues of jurisdiction are always open to inquiry, not subject to preclusion defenses or are not seeking to set aside the Court Judgement under **Heck v Humphrey** and that the courts cannot rely on anything from the challenged proceedings to controvert the jurisdictional challenge, **Thompsn v Whitman Supra.**, and all law cited in this petition. The lower courts have not complied with these requirements.

Is the request to set aside void orders or proceedings for jurisdictional and/or Discretionary defects barred by **Heck v Humphrey**? The voiding of proceedings seems to appear to say that this is not the same as setting aside proceedings based upon the facts or merits of the facts as to a conviction being set aside for such. The declaration of proceedings being void only allows the finding that the proceedings are void and thus the right to get a certificate of correction allowing the injured party the right to then go back to the state with new law and facts to set aside his prior conviction which is what Mr. Reardon sought as to equity type relief and then for damages for denying Mr. Reardon of his constitutional rights.

The courts have held that no court can validate or uphold void orders or proceedings.



The courts held that when jurisdictional defects are alleged the court is to grant a plenary hearing to test the immunity of the official(s), and thus whether the State or the official is the actual party, which was denied. **Scheuer v Rhodes**, 416 U.S. 232, 236-237, 1974; **Laskaris v Thornburgh**, 661 F.2d 23, 26, 3<sup>rd</sup> Cir. 1981 and **Richardson v. New Jersey**, Section III. a., Dist. Court, D. New Jersey 2019.

The courts have held that issues of immunity are required to be proven by the official which was not done here. **Buckley v Fitzsimmons**, 509 U.S. 259, 269, 1993 and **Hughes v Long**, 242 F.3d 121, 125, 3<sup>rd</sup> Cir. 2001; A28-32, 34, 37, 40-42, 47, 49-59.

The courts have held that loss of jurisdiction occurs from (1) Failure to recuse when required; (2) for failure to comply with Common Law Mandates or Appellate, or other Court, mandates and (3) prosecution of a criminal charge when the indictment is not properly procured or defective.

#### **B. Facts and Procedural History**

This lawsuit was originally filed in 2013 after being denied Post Conviction Relief in the State Court challenging the denial of relief under 42 U.S.C. 1983. Mr. Reardon was not aware of the **Heck v Humphry** or **Rooker-Feldman** Criteria and the Court did dismiss the suit properly based on the facts then alleged.

In 2017 and 2018 Mr. Reardon did file PCR Motions to set aside my conviction due to the mentioned Judges violating numerous Constitutional Rights.

In 2018 I Did discover the facts that Judges Greene and Steinberg lacked, lost or usurped their Jurisdiction and/or Discretion to hear and try Mr. Reardon for the crimes he was charged with for failure to recuse and defective Indictment, common Law mandates, or a Ministerial act(s) that was not performed by Judge Steinberg, and that all other judges were barred from validating said void proceedings. They were liable as per **Bradley v Fisher**, 80 U.S. 335, 351, 352, 1872 and **Elliot v Piersol**, 1 Peters 328, 340, 1828.

The lawsuit sought relief against all the State PCR Judges and Appellate Court Judges for validating, giving credibility or credence to, the void proceedings and orders of **Judges Steinberg and Greene** which cannot be controverted by the court and to deny the right to inquire into the validity of the State Proceedings.

**Compare A1-23 to 24-125.**

These motions were denied and the First PCR Motion was appealed and denied.

**Mr. Reardon** did then file a Motion in the U.S. District Court under 1:13-cv-05363 to set aside the order of dismissal and to Amend the lawsuit to include new facts, new defendants, missed/ignored law and new grounds involving the jurisdictional defects of all parties named in this petition. The motion was brought under 60(b) and (d)(3) and that void proceedings, orders, etc. are always open to inquiry and these void proceedings in the state were never addressed or known prior to this motion.

The motion to re-open and to amend was denied by **Judge Hillman** on January 2, 2020. A22-23.

On February 10, 2020 **Mr. Reardon's** Appeal was docketed in the third Circuit court of appeals.

On August 11, 2020 the court of Appeals did affirm the order of **Judge Hillman**.

This petition is brought due to liability for violations of Ministerial or Non-discretionary acts and for loss of, lack of or usurpation of Jurisdiction and/or Discretion by judges who were required to recuse themselves, and they failed and refused to do so, and thus would be liable for such non-discretionary act or for actions when the indictment is procured improperly and for loss of, lack of or usurpation of Discretion and/or Jurisdiction for such defects. The Common Law Mandates strips a Judge of his discretion under 7 areas of the Common Law. Blackstone's

Commentaries and thus create ministerial and mandatory acts for which the State Officials were charged with.

The State Officials basis of the court to denial of my Constitutional rights was not directly to the alleged violations of said rights, but was directed to the following independent claims of:

A. Relief sought and available:

a. Abuse of Process;

b. Loss of, lack of or usurpation of Jurisdiction and/or Discretion.

c. For void orders as to Issue b above.

d. to seek equity relief as follows:

i. A certificate of correction to the state proceedings being void so that Mr. Reardon could then return to the state courts and demand a new trial and

ii a new hearing on the claimed validity to the warrantless search of Mr. Reardon's apartment and seizure of all items from the 6/20/90 Search and the fruit of the **poisonous tree search on 6/29/90**.

B. For an injunction against the state judges not only based on immunity and Equity type relief when the official lacks, loses or usurps his jurisdiction and/or discretion, but for validating, giving credibility to or credence to void proceedings by motions I brought in the State Courts involving their validating, giving credence to or credibility to the void orders of **Judges Steinberg and Greene**. They should also be enjoined from barring any present or future accused from being denied their rights under the law and this lawsuit.

C. For declaratory relief that the State's Rules of court are either directly unconstitutional or for the manner they were enforced which denies an accused of raising issue with Void proceedings in the state without time to so challenge and thus whether there is a time period in which to raise jurisdictional defects in any lawsuit or under 42 U.S.C. 1983.

D. For legal relief if the court finds the State officials violated the law and their duty to it.

E. For costs relief as per **Pulliam v. Allen**, 466 US 522, 524, 525, 527, 544, 545, 1984. And

F. To show a basis for a conspiracy or for accomplice or accessory involvement by the Respondents.

This petition is brought due to the liability for violations of Ministerial or non-discretionary acts; That one act alleged was a ministerial act; and for loss of, lack of or usurpation of Jurisdiction and/or Discretion by judges that are required to recuse themselves and they fail or refuse to so do and thus liability for such non-discretionary act; or for actions when the indictment is procured improperly or is defective and for loss of, lack of or usurpation of Jurisdiction and/or Discretion for such defects and the Official would be liable for this reason as well as for failure to comply with Common Law Mandates that strips a Judge of his discretion under 7 areas of the Common Law and create ministerial and mandatory acts that the officials can be sued for if violated or for all the other stated reasons for liability.

The lawsuit attacked the Jurisdiction and/or Discretion of the Judges for (1) failure to recuse themselves when required and in accordance with law in the State and Federal Courts or (2) for loss of jurisdiction over 2<sup>nd</sup> degree crimes when the indictment was defective and illegally procured; (3) for validating the void orders and proceedings of Judges Steinberg and Greene and thus against All Appellate Court Judges and PCR Trial Judges failing to void the proceedings by Judges Steinberg and Greene; (4) For the judges failures to comply with the mandates of the Common Law; (5) by all the other Judges' validation of all preceding judges; (6) for Judge Steinberg's failure to transcribe, record or memorialize the Search Warrants on 6/20/90 and 6/29/90 contrary to the mandate of the Appellate Court. If the lawsuit was originally defective as to the factual basis for said liability for all

the judges, my Amended complaint resolved these disputes. A24-84, 88-125 and Elliot v Piersol @ 340 and (7) for liability for all non Judge or Prosecutorial defendants.

This lawsuit sought relief in the form of an order of correction, declaratory, injunctive and costs relief from the State Judges and to legal relief as well. The lawsuit took issue with the fact that the Common Law placed a mandate upon all the state court judges and prosecutors that they could not deny Mr. Reardon of his Common Law Rights listed herein and that since it was a mandate upon the judges to not so rule contrary to the common law that Judges Greene and Steinberg's orders and proceeding were such that they lost, lacked or usurped their Jurisdiction and/or Discretion.

The lawsuit challenged Judges Greene's and Steinberg's duty to recuse them selves from the state proceedings and to also transfer my charges to a different county for appearance of justice sake. This was premised on the law that holds a judge loses jurisdiction if he is required to recuse himself and he doesn't and on an order of fellow judge Rudolph Rossetti's *sua sponte* order in January of 1990 where he transferred a civil Suit of Mr. Reardon, for appearances of justice, since a party to the suit was a Camden County Court Clerk and for which 2 alleged parties/targets of my alleged criminal conduct were named in my will, and there was a Court Clerk and Judge involved in the charges when I was attempting to commit suicide prior to my arrest on 6/20/90. A104-105.

I sought and claimed the orders and judgments of Judges Steinberg and Greene are void for failing and refusing to comply with said issues for all the reasons stated in this petition.

All Appellate court judges and all PCR Judges were sued on the premise that under the law no judge can validate, or give credibility or credence to the void judgments or proceedings of Judges Steinberg and Greene. Elliot v Piersol @340.

The lawsuit sought damages for jurisdictional and/or discretionary defects and for acting as a **Trespasser of the law** and all the other reason listed in this petition.

**Mr. Reardon** did allege that the violation conditions under **Antoine v Byers Supra, Bogan v Scott-Harris Supra and Elliot v Piersol @340**, was valid law that based upon the factual allegations in the lawsuit would hold the State Officials liable and the court disagreed and simply held that as **Judges and Prosecutors** they are immune under any statement of facts and from all relief. **A1-57, 85-125.**

The lower courts say I must state specific facts to the issue of immunity for which **Mr. Reardon** did. The specific facts As to **Judges Steinberg and Greene** are: **A24-57, 85-125.** The above facts, were directly stated and were such that the state officials would be liable for and under and were ignored by the lower courts anyway.

**A.1. Judge Steinberg** failed to recuse himself on his own motion which caused him to lose jurisdiction when **Mr. Reardon** had lawsuits against him prior to becoming involved in the criminal charges against me. **A24-57 and 85-125.**

**2.** He failed to carry out a mandatory or ministerial act to transcribe, record or memorialize the Search warrant proceedings on 6/20/90 and 6/29/90. **A39-42, 49-57.**

**3.** He further carried out the ministerial act of appointing a Camden County Judge to hear and try the charges against **Mr. Reardon** when he was required, for appearances of Justice, to transfer the case to another County which he failed to do.

**B.1. Judge Greene** did lose jurisdiction by his administrative decision to accept the trial of the charges against **Mr. Reardon**, that was assigned to him, when he knew, or should have known, it was defective under the law.

**2.** He failed to carry out 7 mandatory Common Law procedures that stripped him of jurisdiction/discretion.

3. He failed to recuse himself.
4. He tried/prosecuted, convicted and sentenced me on a defective indictment.

C. All other Judges and all prosecutors were stripped of jurisdiction and/or discretion to so uphold the actions of these 2 Judges and all judges.

#### **Reasons to Grant the Petition**

A. These Issues and Question cannot be more important than is by the Issues Themselves. The law, as premised by Mr. Reardon is clear, but not so to the courts. These Issues raise the immunity or liability of State Official who are normally entitled to immunity but for which the petition and the Common Law sets out mandates that no Official can ignore or not comply with. These mandates are such that what per se might normally be consider as possibly entitled to immunity but for which BlackStone's Commentaries makes 7 such legal parameters that all officials must comply with and can't ignore.

Since these are mandated by the Common Law, the most logical legal conclusion must be that the failure to so comply with these Mandatory acts would make such official(s) liable under this courts decisions of **Antoine v Byers** and **Bogan v Scott-Harris** but was not complied with by the lower courts for which this court needs to determine if the facts stated in this lawsuit and petition requires compliance with this law so that all parties and Judges/Courts know if the Common law does strip immunity from officials.

This Court has for more than 2 Centuries held that the Common Law allows immunity for all Executive, Judicial, Legislative and Prosecutorial Officials for which this case seeks this court to settle whether the Common Law also takes such immunity from such Officials.

It is these Common Law mandates that this court is asked to settle and resolve as to all Courts, all Plaintiff's and all Defendants as to when they are specif-

ically held immune under the Common Law and all other reasons cited in this petition, which is not clear at this point in time as per the decisions of the lower courts, as to this case and this pro se petitioner.

**Mr. Lawrence, 39<sup>th</sup> Congress, 1<sup>st</sup> Session, April 7, 1866, Congressional Globe, @ 1837** said: a judge who even conscientiously denies a citizen of a right is subject to fine and imprisonment; and if a judge knowingly denies a citizen of his rights he is guilty of willful wrong and is deserving of punishment. I have claimed the courts have willfully denied me of my rights and this issue has never been addressed by this court, or any court, and the judges have also maliciously denied me my rights and protections of them and therefore, our Common Law rights, as found By Blackstone's Commentaries, are affirmed in that they could not be denied for any reason by any Judge. **Joseph Story's Commentaries, Volume 1, Pages 308-309.**

At Common Law, **Blackstone's Commentaries**, the official who has a mandate placed upon him that he is barred from refusing to comply with or uphold, which begs the question, under what pretense the court's and defendants can claim immunity for such a violation of said mandate, is in fact immune. This petitioner and all parties to any lawsuit and all courts need to know for a fact whether these issues are binding on everyone concerned and this court needs to resolve these claims which have never been addressed by this court or any court.

This case seeks to force the lower courts to be bound by Stare Decisis, to the Common Law and its mandates and to the following issues:

1. The Liability of officials for Equity type relief that is long held to be proper against All Officials who deny, or infringe upon, Constitutional Rights. Said relief is outlined above for which the Third Circuit and this court have both held is viable relief but for which they denied this pro se plaintiff of the benefit of said relief.

2. Whether the Common Law actually creates ministerial acts that is mandat

ed to be complied with by all Officials and thus if violated is equity and/or legal relief available against said officials?

3. Whether a Judge or Prosecutor can be held liable for failure to abide by, or comply with, said Common Law Mandates?

4. Whether the failure to comply with a ministerial act can hold the official liable, for which while Mr. Reardon did so raise and cite such ministerial acts, that the party is liable and the petitioner is entitled to relief, but was denied?

5. Whether the refusal to recuse, when required, causes a loss of jurisdiction and thus liability for Legal and/or Equity Relief?

6. Whether the trying of an indictment that is not properly procured or is defective causes a loss of jurisdiction and thus liability?

7. The clear Case Law and Common Law stripped jurisdiction and/or discretion from the Judges and as such they usurped their jurisdiction and discretion given the law is over 200 years old for the most part and well into at least 14 or more decades as to case laws on such rulings and as this court held in **Bradley v Fisher, 80 U.S. 335, 1872** that *if a Judge usurps his jurisdiction he is liable*. Here, the defendant lacked jurisdiction for a violation of mandatory acts of which 7 were at common law, one that was the failure to carry out a mandatory act issued by the N.J. Appellate court, one for failing to comply with a mandate on recusal, one on defective indictments, and for which this court should address these disagreements of the Lower courts as to these positions in the Law.

Should the issues raised in this petition be resolved by the Court or the Jury?

The dissenting opinion of the court under **Pierson v Ray, 386 U.S. 547, 566, 567, 1967**, should control under the circumstances here, immunity should not be granted to these State Officials. These are wilful violations of rights never before addressed by this court or any other Court.

This court has held that relief is available from void proceedings even before

the proceedings are decided. This case sought that such proceedings would indicate that the jury should decide said fraud. **Elliott v Piersol, @340 and State v Zisa, N.J. App. 2015.**

The court found in **U.S. v Beggerly @ 45**, that if time has run out for a motion the party has a right to file a collateral lawsuit and this lawsuit sought such relief, but was denied and should the court have indicated clearly that the only option was to file a collateral lawsuit or that I am free to so do.

If the decisions of this court is that **Judges and Prosecutors are immune**, are the other parties liable for conspiracy, complicity or as an accessory?

This court has said that the upholding of a void proceeding, the actor is a **Trespasser at law**. **Mr. Reardon** made such a challenge and statements of facts.

The lower courts ignored and did not comply with the following law and duty to said law.

This court said that void proceedings are not entitled to respect in any other court. **Sabariego v Maverick, 124 US 261, 293, 31 L Ed 430, 8 S.Ct. 461, 1886.**

There is no estoppel defenses for void proceedings. **HALL ET AL. v. LANNING ET AL., 91 US 160, 165, 1875.**

Void proceedings for lack of jurisdiction are always open to inquiry. **Grover & Baker Sewing Machine Co. v. Radcliffe, 137 US 287,294,295, 1890; US v. One Toshiba Color Television, 213 F. 3d 147, 150, 3<sup>rd</sup> Cir. 2000.**

A proceeding challenging the jurisdiction of a court prohibits such precluding of such challenges. **Simmons v. Saul, 138 US 439, 448, 1891. A1-7.**

There is no res judicata defense to an attack on the jurisdiction of a court. **Morell v Mock, 270 F. 3d 1090, 1096, 7<sup>th</sup> Cir. 2001**, which cites 3 U.S. Supreme court decisions.

A judgment that is void always remains void. **Pennoyer v Neff, 95 U.S. 714, 728, 1877.**

The exception to Federal-State Comity comes into play when a proceeding(s) or order(s) is/are void and without legal effect. **Raymark Industries, Inc. v Lai**, 973 F. 2d 1125, 1132, 3<sup>rd</sup> Cir. 1992.

#### **B. Decisions Below are Erroneous**

**Judge Hillman** showed an intentional bias against **Mr. Reardon** by relying on the mere claim of Judicial immunity when the judges were alleged to lack, lose or usurp their Jurisdiction and/or Discretion due to (1) failure to recuse; (2) due to an improperly procured and defective indictment; (3) for validating and giving credibility and credence to void orders and proceedings; (4) for failure to comply with Common Law Mandates on all Judges that prevents a judge from violating or not upholding and enforcing said Common Law Mandates; (5) for validating the void orders of Judges **Steinberg and Greene** and thus against All Appellate Court judges and PCR Trial Judges failing to void the proceedings by Judges **Steinberg and Greene** and then all the other Judges validation of all prior Judges; (6) for Judge **Steinberg's** failure to comply with a mandate placed upon him as to the process of validating Search warrants and (7) that these defects are also applicable to all prosecutors and the courts ignored this law.

**Judge Hillman** relied on the wrong law since **Mr. Reardon** did state the defendants did lack, lose or usurp their Jurisdiction and/or Discretion for which no judge or official is immune from, **Bogan v Scott-Harris** Supra and he cites the 3<sup>rd</sup> Cir. Case of **Hafer v Melo**, 13 F.3d 736, 744, 1994 and **Melo v Hafer**, 502 U.S. 21, 27, 1994 which admits it is only available if the act was done in his official capacity and he had discretion to so carry out the alleged act. The defendants did not have Discretion and/or Jurisdiction to do what **Mr. Reardon** charged them with doing based on Common Law Mandates, and decisions in the state and federal courts stripping jurisdiction from the officials.

**Mr. Reardon** claimed that even if the court is allowed to question immunity

defenses under Rule 12(b)(1) the bare claim of immunity by the officials would in effect void all the other law on Jurisdictional and/or Discretionary defects and liability under the cases of **Bradly v Fisher**; **Elliot v Piersol**; **Thompson v Whitman**; **Antoine v Byers**; **Bogan v Scott-Harris** and **Hafer v Melo**. The Courts have in effect, in their opinion, negated, voided and ignored this law and denied the absolute right to inquire into the jurisdiction of the State Officials for which the official claiming immunity must so prove this and the defendants never did and the Court never made them prove such. **Buckley v Fitzsimmons**, @269 and **Hughes v Long** @125.

The lower courts decisions are erroneous for all the reasons set out in this petition and this court should grant the petition to ensure the petitioner's rights have not been unjustly denied. The courts have misapplied the law, the law to the facts and misstated the facts or ignored them all together. These issues are exceptionally significant issues for all plaintiffs, all defendants and All Judges of all courts to know and comply with.

The lower courts have shifted the burden of proof to the plaintiff when he has stated that the judge carried out acts that were contrary to mandates under the common law and Appellate courts mandates, contrary to the prosecution of a person on a defective indictment that said accused was tried on, convicted and sentenced on and contrary to their right to claim they do not have to recuse themselves under the given circumstances in this case and thus are amenable to suit, or for violating mandates against the Prosecutors and Judges and the Common Law and case law for such mandates as per **Hafer v Melo** @ 744. A17-125.

The Lower courts' decisions are in err since the courts have stated the very reasons why this lawsuit is valid and viable and then said there is no right to claim the liability of the Judges or Prosecutors.

This lawsuit has both a valid claim in fact and law and the court did simply claim, without granting Mr. Reardon the right to inquire into the basis for which

the defendants claim they do not have to comply with the Common Law, that they are immune from such inquiries and that the court can ignore the legal facts that are when the jurisdiction of a court is questioned the court can still rely on the bare claim the defendants don't have to comply with the Common Law and then say the defendants are therefore immune under the **11<sup>th</sup> Amendment and the principle of Judicial or Absolute immunity and the court lacks jurisdiction.**

The courts have continued to refuse to comply with all the law set out in this lawsuit and petition and then used the fact that the Courts' willful refusal to uphold the law can then be used against me as a basis for their assertion that my lawsuits are designed to harass and are frivolous and vexatious to injure Mr. Reardon for merely exercising his **1<sup>st</sup> and 5<sup>th</sup> Amendment Rights.**

The 3<sup>rd</sup> Cir. Held in US EX REL BOOKWATER v UPMC, 938 F.3d 397, 2019 that the court reviews such dismissal by the District Court *De Novo* and the 3<sup>rd</sup> Cir. Simply held to the claims of Judge Hillman without referring to the pleadings of Mr. Reardon which gave ample fact and case law stating a claim for relief but the court simply accepted Judge Hillman's Order to deny they have jurisdiction and that the appearances are the defendants are in fact immune from all forms of relief for even if legal relief was not allowed, the equity relief is but they have not give me *DeNovo* review. The Lower courts singled out facts they used to make their orders appear to be correct. A1-7, 24-26, 31-32, 36-37, 42, 45-54, 53, 60-63, 68-84, 88-126. **Sutton v Racine County Court, Racine Wisconsin, 353 F. Supp. 716, 1973.**

The lower courts have intentionally ruled contrary to the valid law and facts that are valid and triable to in effect attempt to bar Mr. Reardon from filing any more precedent setting lawsuits and to bar him from merely exercising his **1<sup>st</sup> and 5<sup>th</sup> Amendment Rights. A85-125.**

The 3<sup>rd</sup> Cir. Did not comply with the relevant law. It failed to admit that the basis of this lawsuit has no time period in which to bring a void order due to Juris-

dictional defects as stated in this petition and buy its own case of **US v. One Toshiba Color Television** @150. Given the challenge was to the jurisdiction of the state defendants, the court could not rely on anything from said proceedings when it did in that they held to the claim the respondents are immune from all forms of relief contrary to the law cited in this petition as to Jurisdiction, void orders or proceedings, that laches does not apply to this lawsuit and motion and that the courts simply said the defendants as judges and prosecutors were in fact complying with their legally accepted norms when the allegations stated that the defendants did usurp their jurisdiction and gave them the factual and legal basis for such and they ignored the pleading to the proof of such defects.

The decisions below are erroneous as they simply held that as judges, any matter brought before them is a judicially accepted thing that they are immune from. The lower courts have thus ruled on the position of the judge and not the function they are aware must be their guide. In this lawsuit, **Mr. Reardon** did allege the respondents lacked jurisdiction to try **Mr. Reardon** based on **Common Law Mandates** that stripped them of their jurisdiction, as well as citing a ministerial act of Judge Steinberg, and loss of jurisdiction by Various Court rulings dealing with the issue of jurisdiction of the judges for which if complied with the Judges lost, lacked or usurped their Jurisdiction and/or discretion which stripped them of all jurisdiction and the courts ignored these facts and law and basically held that they are judges and anything brought to them is a judicial act which grants immunity when the court's themselves admitted in **Hafer v Melo** @744 that if a judge lacks jurisdiction to carry out the alleged act they are liable but then they have said that you cannot challenge the proceedings, and thus their function, under any set of facts. This position in the law is totally contrary to all the law and legal claims in this petition/lawsuit and have completely controverted any right to try and prove a judge is in fact liable I have the absolute right to inquire into the lack of jurisdiction

tion of the respondents but was denied.

**B.1. Examples of these Abuses or Errors are:**

**A. Case 1:15-cv-08597 challenged the Jurisdiction of a Municipal Court Judge to try Common Law actions of debts upon a Statute summarily. This law-suit cited all the U.S. and State Court cases that Title 39 Offenses are such under the common law and for which the people enjoy the right to such process. Allstate Insurance Co. Of N.J. 117 A.3d 1221, N.J. Supreme Court 2015 relying on this courts decision in Curtis v Loether, 415 U.S. 189, 1974 and that the state right to such rights is the same as that in the U.S. Courts. Tull v U.S., 481 U.S. 412, 1987, and Judge Hillman refused to rule consistent with this law, rights and facts and did fail to take this law into his ruling which did deny me my right to INQUIRE into the jurisdiction of the court and the Third Circuit upheld Judge Hillman's error or abuse in the law.**

**B. Judge Hillman found that the Federal accrual law for a lawsuit is based on the case of State v Freeman, 347 N.J. Super 11, 32, 2002 when it is based on the federal law which holds that accrual does not begin till the party knows the injury and its cause. McDonough v. Smith, 139 S.Ct. 2149, 2152, 2155, 2019 and Mitchell v. Beard, 3<sup>rd</sup> Cir. 2012 and the third Circuit ruled in favor of Judge Hillman anyway and denied my appeal. Without knowledge of a Constitutional Violation, the Federal Court would not have jurisdiction and the lower courts were obviously wrong since the 9<sup>th</sup> and 14<sup>th</sup> Amendment rights raised have never been raised before in any court and there is and was no way to timely ascertain such rights. I did not discover a case on the fact that the 9<sup>th</sup> Amendment is enforceable in the Federal Courts and for which in all lawsuits filed between 2013 for which I raised by motions here, and 2015-2018 were premised on this law. The case on Common Law remedies was discovered in March 2016.**

**C. Judge Hillman admitted that he must take all statements as true and**

then ignored the facts that the lawsuit said Judge Zonies and Mr. Luongo did usurp their jurisdiction and/or discretion and stated the factual reasons why and the Third Circuit upheld Judge Hillman's order and opinion.

D. Judge Hillman did rely on the state proceedings that were under the right to challenge Jurisdiction and that he found that the Statute of limitations was from 1989 and not that there was no time to bring to the attention of the Court void proceedings and the Appellate Court upheld Judge Hillman's opinion and order.

E. In this case, the law and proceedings in this lawsuit and petition are of the same ilk as those of case 08597 in that they are not consistent with the law, facts and right of **Mr. Reardon**.

F. Judge Hillman did again claim he was bound to take all pleaded facts as true and then ignored them and the Third Circuit so upheld his order and opinion.

G. Mr. Reardon did in fact state the defendants usurped their jurisdiction and the legal basis for the facts and how they did usurp their jurisdiction and the lower courts did dismiss the lawsuit and the Third Circuit Affirmed the order and opinion of Judge Hillman.

H. Judge Hillman did cite the case of **Hafer v Melo**, 13 F.3d. 736, 744, 3<sup>rd</sup> Cir. 1991 that holds that if the official performs a judicial or other related act related to his position, but acts without Jurisdiction, the Judge/Official is liable and Mr. Reardon did state the defendants usurped their jurisdiction and gave the factual and legal reasons for said same and Judge Hillman ignored the facts and the law and ruled that there is no set of facts that would hold said defendants liable and the Third Circuit upheld said order and opinion. A1-57 and 85-125.

I. The lower courts have discriminated against me, by failing to rule on the issues raised in this and the other lawsuits, and has left the injuries without a hearing or to redress said wrongs, **Lawrence v State Tax Commission**, 276 U.S. 282, 286, 1932 and **National Life Insurance Co. v United States**, 277 U.S. 508, 530,

1932.

**J. Mr. Reardon** did challenge the Constitutionality of the State's laws and procedures and **Judge Hillman** allowed the issue of the supremacy of the Federal Laws to go unredressed and unaddressed;

**K. Judge Hillman** has dismissed a case on a claim of Sovereign and Absolute or Judicial Immunity as to Declaratory, Prospective, Costs and other Equity type relief;

**L. The replete** of this lawsuit and motion papers alleged the respondents did intentionally, deliberately, willfully and knowingly deny Mr. Reardon of his rights and that such behavior is tantamount to fraud which tolls the accrual time. Fraud is:

**Fraud:**

A false representation of a matter of fact—whether by words or by conduct, by false or misleading allegations, or by concealment of what should have been disclosed—that deceives and is intended to deceive another so that the individual will act upon it to her or his legal injury.

The defendants failed, and were not required, to prove they had the right to, or not to, do the following:

1. That they are not bound by Common Law rights and mandates;
2. They have the right to choose if they have the responsibility to or not to recuse themselves when required and thereby lose jurisdiction if they don't;
3. They have the jurisdictional authority to try an accused on a crime in an indictment that was not properly procured or defective. And
4. The Judge Failed to comply with an Appellate, and other, Court Mandate directed to all Judges.

Failure to prove these issues, and the court not requiring the parties to so do, is tantamount to holding immunity of said officials based upon their position and not the functions in question;

**M. On page 9 of the Attempted Amendments I state the respondents did deny me my rights deliberately, etc.**

**N. I was challenging the state's procedures and Rules of Court and their**

intent and application which **Judge Hillman** did not Address;

**O.** Despite the clear Constitutional Challenges and immunities of the respondents **Judge Hillman** left these issues unaddressed and unredressed and denied me the right to discovery and/or a plenary hearing to require the production of proof the respondents could do as stated in this petition;

**P.** The court's failure to address and redress the Constitutional issues has in fact discriminated against me as per **Lawrence v State Tax Commission**, 276 U.S. 282, 286, 1932;

**Q.** I was denied the right to an answer of my claims as per **Skinner v Switzer**, 131 S.Ct. 1289, 2011;

**R.** All Mr. Reardon's Lawsuits from 2013 to 2018 have a valid basis in both law and fact but because of their explosive and volatile intent they are simply trying to make me look like a crack pot who sues for pleasure and not to assert and protect his rights and the District Court And Appellate courts have and continue to so do this. **Sutton v. County Court of Racine County, Wis., Branch IV**, 353 F. Supp. 716, 718, Dist. Court, ED Wisconsin, 1973.

**S.** Both **Judge Hillman** and the Third Circuit did deny Mr. Reardon of equity relief, when they admit it is available when they admit they are liable for Equity type relief but denied Mr. Reardon. Case 1:15-cv-08597; 1:13-cv-05363.

**T.** **Judge Kugler** just dismissed Equity relief against all state Judges in case 1:18-cv-11372 when he knows such relief is valid.

**U.** **Judge Kugler** showed a wilful bias against Mr. Reardon by dismissing the defendant judges and prosecutors from case No.1:18-cv-11372 for all relief sought which specifically spelled out that I was seeking relief as per **Thompson v Whitman** @ 466-468, declaratory relief as to the Constitutionality of the State's Title 39 Laws and for injunctive relief to bar the state judges from enforcing the State's title 39 laws as being unconstitutional since they deprive the citizens of their Common Law

rights and remedies. **A127.**

Mr. Reardon's Criminal charges in the state were so horrendous that they fall into the arena found by Justice Douglas in his dissent in **Pierson v Ray**, 386 U.S. 547, 566, 567, 1967.

The lower courts have failed to comply with Stare Decisis as to both the right to Equity and Legal Relief.

**B.2. The Relief is and was:**

A. A certificate of Correction as to the claim the state usurped, lacked or lost Subject matter and/or Personal Jurisdiction and that my conviction records be so corrected so that I can seek relief in the State Courts for a New Trial and new Suppression hearing on the Search Warrants. **A24-57.**

B. An injunction or declaration to bar the state from denying all criminal's of their Common Law rights as set out in this petition.

C. A declaration that the N.J. Rules of court are unconstitutional since they deprive a defendant the right to question jurisdictional and void defects in the State or an order that instructs the lower courts to allow civil suits for relief from state proceedings which are more than 2 years old of the same types of claims made in this lawsuit. **Beggerly v U.S. @ 45.**

D. For Costs to have to bring and defend my rights and this lawsuit. **Pulliam v Allen Supra.** If permissible.

E. Damages against the state Officials. And

F. An order that the courts failed to abide by relevant law that stripped jurisdiction from the defendants.

**Conclusion**

The lower courts have admitted Equity type relief is available, that the petitioner sought said relief and was denied of said same and for which Mr. Reardon did also state enough facts and law to sustain a claim for relief and the

court in fact had jurisdiction and the court found in *Jones v Bock*, 127 S.Ct. 910, 2007, that a complaint is not to be dismissed in its entirety if even 1 issue survives and the Petition for a Writ of Certiorari should be granted.

Respectfully submitted.

Dated: August 22, 2020

  
John E. Reardon, Petitioner, Pro Se