No.

In the Supreme Court of the United States

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

APPENDIX

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UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 20-1178

JOHN E. REARDON, Appellant

V.

ST A TE OF NEW JERSEY; JUDGE FREEMAN, of Camden County; JUDGE PUGLIESE, of Camden County; JUDGE HAYDEN, of the State Appellate Court; JUDGE PAYNE, of the State Appellate Court; JUDGE SHARAFI, of the State Appellate Court; U.S. GOVERNMENT

On Appeal from the United States District Court for the District of New Jersey 0(D.C. Civil Action No. 1-l 3-cv-05363) District Judge: Honorable Noel L. Hillman

I

Submitted Pursuant to Third Circuit LAR 34.1 (a) July 14, 2020

Before: AMBRO, GREENAWAY, Jr., and PORTER, Circuit Judges

JUDGMENT

This cause came to be considered on the record from the United States District Court for the District of New Jersey and was submitted pursuant to Third Circuit LAR 34.l(a) on July 14, 2020. On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the judgment of the District Court entered January 2, 2020, be and the same is hereby affirmed; in all other respects, the appeal is dismissed. Costs taxed against the appellant. All of the above in accordance with the opinion of this Court.

ATTEST:

s/ Patricia S. Dodszuweit
Clerk

Dated: August 11, 2020

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 20-1178

JOHN E. REARDON, Appellant

V.

ST A TE OF NEW JERSEY; JUDGE FREEMAN, of Camden County; JUDGE PUGLIESE, of Camden County; JUDGE HAYDEN, cf the State Appellate Court; JUDGE PAYNE, of the State Appellate Court; JUDGE SHARAFI, of the State Appellate Court; U.S. GOVERNMENT

On Appeal from the United States District Court
for the District of New Jersey·

(D.C. Civil Action No. l-13-cv-05363)
District Judge: Honorable Noel L. Hillman

Submitted Pursuant to Third Circuit LAR 34. l(a)
July 14, 2020

Before: AMBRO, GREENAWAY, Jr., and PORTER, Circuit Judges

(Opinion filed: August 11, 2020)

OPINION*

PERCURIAM

* This disposition is not an opinion of the full Court and pursuant to I. 0 .P. 5. 7 does not constitute binding precedent.

John Reardon appeals an order denying post-judgment motions that he filed years after the dismissal of his complaint. For the following reasons, we will affirm in part and will dismiss the appeal in part for lack of appellate jurisdiction.

On September 9, 2013, Reardon filed suit against the State of New Jersey, several state court judges (collectively "State Defendants"), and the U.S. Government. Reardon sought to challenge as unconstitutional a 1992 state criminal conviction and the subsequent denial of his post-conviction relief.

After various amendments to the complaint, the District Court granted the State Defendants' motion to dismiss on June 27, 2014. The District Court determined that Reardon's claims were barred by the doctrines of sovereign and judicial immunity, as well as the Rooker-Feldman[1] and Heck[2] doctrines. The Court also denied Reardon's request to file another amended complaint, finding that it would be futile. On July 7, 2014, Reardon timely filed a motion for reconsideration, which was ultimately denied on January 7, 2015. Reardon did not appeal, electing instead to file various requests for further relief in the District Court. The case was re-opened briefly on July 2, 2015, so that the District Court could deny the various requests , and then the case was marked terminated.

Nearly four years later, on June 4, 2019, Reardon filed a motion "to set aside

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1 Rooker v. Fid. Tr. Co., 263 U.S. 413 (1923); D.C. Comi of Appeals v. Feldman, 460 U.S. 462 (1983).

2 Heck v. Humphrey, 512 U.S. 477 (1994).

dismissal and for leave to Amend." Dkt. #42. Subsequently, Reardon submitted a flurry of twenty-four additional filings, which included a motion "for an order of compliance." Dkt. #53. Within a single order entered January 2, 2020, the District Court re-opened the case, denied both motions, and ordered the case terminated ,once again.3 Reardon filed a notice of appeal on January 24, 2020.

Initially, we must note the scope of our jurisdiction. On appeal, Reardon seeks to revisit the District Court's June 27, 2014 opinion, which granted the State Defendants' motion to dismiss, and the District Court's subsequent denials of his post-judgment motions on January 7 and July 2, 2015. We lack appellate jurisdiction to do so. Reardon's notice of appeal was filed January 24, 2020, which is well outside the time that would allow us to review any of those decisions by the District Court-even when considering any tolling of the time to appeal by Reardon's post-judgment motions. See Fed. R. App. P. 4(a)(l)(B)(i) (providing for a 60-day appeal period when the United States is a party); Fed. R. App. P. 4(a)(4)(A) (noting if a party timely files a motion for reconsideration under Rule 59(e) in the district court, the time to file an appeal runs from the entry of the order disposing of that motion). However, we have jurisdiction under 28 U.S.C. § 1291 to consider the District Court's order denying Reardon's motion "to set

3 Treating the motion to "set aside dismissal for leave to Amend" as another motion for reconsideration, the District Court pointed to its previous January 7, 2015 opinion and order, and noted that Reardon's motion was essentially a repeat of his previous motions. The District Court denied the motion "for an order of compliance" because it contained discovery-related requests, and the court did not have any pending litigation over which it had jurisdiction.

aside dismissal and for leave to Amend" and his motion "for an order of compliance." See Fed. R. App. 4(a)(l); Long v. At!. City Police Dep't, 670 F.3d 436,446 n.19 (3d Cir. 2012) (stating that this Court has "jurisdiction to review a timely appealed order disposing of an untimely motion for reconsideration"); Ohntrup v. Firearms Ctr., Inc., 802 F.2d 676, 678 (3d Cir. 1986) (per curiam).

Reardon's motion "to set aside dismissal and for leave to Amend" is, as best as we can tell, a motion for reconsideration pursuant to Federal Rule of Civil Procedure 59(e) and/or for relief pursuant to Rule 60(b).4 We review denials of such motions for an abuse of discretion. Long, 670 F.3d at 446 (stating that "our review of the order denying reconsideration is subject to a more deferential and circumscrib -ed standard of review than would apply if we also were to have jurisdiction to consider the underlying dismissal order"); Reform Patiy of Allegheny Cty. v. Allegheny Ctv. Dep't of Elections, 174 F.3d 305, 311 (3d Cir. 1999) (Rule 60(b) standard). Likewise, we review the denial of Reardon's motion "for an order of compliance"-which seeks relief on discovery-related matters-for an abuse of discre- tion. See Gallas v. Supreme Court of Pa., 211 F.3d 760, 778 (3d Cir. 2000). "To demonstrate an abuse of discretion, [Reardon] must show that the District Court's decision was arbitrary, fanciful or clearly unreasonable." Hart v. Elec. Alis, Inc.

4 The District Court treated the filing as a motion for reconsideration under Rule 59(e). However, the motion does ask the court to re-open the complaint because of "fraud upon the court." See Fed. R. Civ. P. 60(b)(3); see also Ahmed v. Dragovich, 297 F.3d 201, 208 (3d Cir. 2002) (noting an appellate court is free to recharacterize a motion to match the substance of the relief sought). Regardless of how we characterize Reardon's motion, our conclusion is the same.

717 F.3d 141, 148 (3d Cir. 2013) (internal quotation marks omitted).

Here, the District Court did not abuse its discretion in denying either motion. First, Reardon's motion pursuant to Rule 59(e) and/or Rule 60(b) was filed far past the time allowed for such a post-judgment motion. See Fed. R.' Civ. P. 59(e); 60(c). Second, as noted by the District Court, Reardon's motion was essentially a repeat of his prior motions, and thus was an improper attempt to relitigate matters the District Court had already previously determined. See Exxon Shipping Co. v. Baker, 554 U.S. 471,485 n.5 (2008) (noting "Rule 59(e) permits a court to alter or amend a judgment, but it may not be used to relitigate old matters, or to raise arguments or present evidence that could have been raised prior to the entry of judgment" (intern -al quotation marks omitted)). Quite simply, Reardon failed to present to the District Court any of the grounds that would allow a judgment to be altered, amended, or set aside. Fed. R. Civ. P. 60(b)(l)(6); United States ex rel. Schumann v. AstraZeneca Pharm. L.P., 769 F.3d 837, 848-49 (3d Cir. 2014) (noting a judgment "may be altered or amended if the party seeking reconsideration shows at least one of the following grounds: (1) an intervening change in the controlling law; (2) the availability of new evidence that was not available when the court granted the motion for summary judgment; or (3) the need to correct a clear error of law or fact or to prevent manifest injustice" (internal quotation marks omitted)). Likewise, the District Court did not abuse its discretion in denying Reardori's motion "for an order of compliance," as the case was marked terminated on July 2, 2015, and thus the court had no pending action before it when Reardon sought his relief four years

later.

Consequently, for the foregoing reasons, we will affirm the judgment of the District Court entered January 2, 2020. In all other respects, we will dismiss the appeal for lack of appellate jurisdiction.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JOHN E. REARDON,	:	
	:	Civ. No. 13-5363 (NLH)
Plaintiff,	:	
	:	
v.	:	OPINION
	:	
State of New Jersey, et al	:	
	:	
	:	
Defendants.	:	

Appearances:

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Attorney for Defendants State of New Jersey, the Hon. Victor Ashrafi, J.A.D., the Hon. Margaret M. Hayden, J.A.D., the Hon. Edith K. Payne, J.S.C., the Hon. Anthony M. Pugliese, J.S.C. and the Hon. Ronald J. Freeman, J.S.C. (retired)

HILLMAN, District Judge

Before the Court is a motion to dismiss filed by defendants the State of New Jersey, the Hon. Victor Ashrafi, J.A.D., the Hon. Margaret M. Hayden, J.A.D., the Hon. Edith K. Payne, J.S.C., the Hon. Anthony M. Pugliese, J.S.C. and the Hon.Ronald J. Freeman, J.S.C. (retired) (collectively "State defendants"). Also before the Court is plaintiff's motion for leave to amend his complaint. For the reasons that follow, the defendants' motion will be granted and the plaintiff's motion will be denied.

I. FACUTUAL AND PROCEDURAL BACKGROUND

Plaintiff was convicted in 1992 in the State of New Jersey for (1) third-degree possession of a destructive device in violation of N.J. STAT. ANN. 2C:39-3(a); (2) second-degree possession of explosive material with intent to use it against another in violation of N.J. STAT. ANN. 2C:39-4(b); and (3) second-degree possession of a destructive device with the intent to use it against another in violation of N.J. STAT. ANN. 2C:39-4(c).

Following his 1992 conviction, plaintiff appealed and Judges Payne and Hayden of the Superior Court of New Jersey, Appellate Division, affirmed. See State v. Reardon, 2012 WL 10800, at *1-2 (N.J.Super.Ct. App. Div. Jan. 4, 2012). On October 1, 2009, plaintiff filed a petition for post-conviction relief in the New Jersey Superior Court. Id. By Order dated August 20, 2010, Judge Pugliese denied plaintiff's motion. Id. On January 4, 2012, the Superior Court, Appellate Division, affirmed, on grounds that plaintiff's petition was untimely, that his arguments were barred because they were previously litigated and that his arguments lacked merit. Id. at *3-4.

Plaintiff then filed a complaint[1] before this Court alleging that his 1992 conviction and subsequent denial of his post-conviction relief (PCR) petition were unconstitutional. Plaintiff states that he is not asking this Court "to set aside his conviction" but rather he asks the Court to find his conviction unconstitutional and enjoin the enforcement of the conviction.

The State defendants move to dismiss plaintiff's complaint. In response, plaintiff moves to amend his complaint.

II. STANDARDS FOR MOTION TO DISMISS PURSUANT TO FED. R.CIV. P. 12(b)(1) and (6)

The State defendants argue that plaintiff's claims are absolutely barred by the doctrine of Eleventh Amendment sovereign immunity. As plead, Eleventh Amendment immunity is a challenge to this Court's subject matter jurisdiction and, therefore, is determined pursuant to Fed. R. Civ. P. 12(b)(1). Gould Elecs., Inc. v. United States, 220 F.3d 169, 178 (3d Cir. 2000). Rule 12(b)(1) motions are either facial or factual challenges. CNA v.United States, 535 F.3d 132, 140 (3d Cir. 2008). A facial attack concerns the sufficiency of the pleadings, whereas a factual

1 Plaintiff filed his original complaint on September 9, 2013, and served it on the State defendants on September 26, 2013. He filed an "amended complaint" as a matter of course on October 8,2013, pursuant to Fed. R Civ. P. 15(a)(1)(A). The amended complaint is not a fully amended complaint, but rather, is a recitation of some additional allegations. The Court will treat the complaint and amended complaint as one complaint and will refer to both as simply the complaint.

In deciding a motion that attacks the complaint on its face, the court must accept Elecs., 220 F.3d at 176 ("In reviewing a facial attack, the court must only consider the allegations of the complaint and documents referenced therein and attached thereto, in the light most favorable to the plaintiff.")

If the motion attacks the facts supporting jurisdiction, "no presumptive truthfulness attaches to plaintiff's allegations, and the existence of disputed material facts will not preclude the trial court from evaluating for itself the merits of jurisdictional claims." Mortensen v. First Federal Sav. and Loan Ass'n, 549 F.2d 884, 891 (3d Cir. 1977). The plaintiff will have the burden of proof that jurisdiction does in fact exist. Id. [Comment: even assuming this is the valid procedure, where is the plaintiff allowed to gather evidence to support his claim.The defendants are required to prove they are immune under the circumstances and the court never made them do that and I was denied the right to question the judges for proof of the allegations but was denied a hearing to do so.]

Here, the State defendants are making a facial attack that plaintiff's claims are barred by sovereign immunity and, therefore, the Court accepts the allegations in plaintiff's complaint as true.

Alternatively, the State defendants argue that plaintiff's claims are barred under the doctrine of judicial immunity pursuant to Fed. R. Civ. P. 12(b)(6). See Melo v. Hafer,13 F.3d 736, 744 (3d Cir. 1994) (If a defendant believes facts alleged entitle him to absolute judicial immunity, he may file a motion to dismiss pursuant to Fed.R.Civ. P. 12(b)(6)).

When considering a motion to dismiss a complaint for failure to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6), a court must accept all well-pleaded allegations in the complaint as true and view them in the light most favorable to the plaintiff. Evancho v. Fisher, 423 F.3d 347, 351 (3d Cir. 2005). It is well settled that a pleading is sufficient if it contains "a short and plain statement of the claim showing that the pleader is entitled to relief. " Fed. R.Civ. P. 8(a)(2). Under the liberal feder -al pleading rules, it is not necessary to plead evidence, and it is not necessary to plead all the facts that serve as a basis for the claim. Bogosian v.Gulf Oil Corp., 562 F.2d 434, 446 (3d Cir. 1977). However, "[a]lthough the Federal Rules of Civil Procedure do not require a claimant to set forth an intricately detailed description of the asserted basis for relief, they do require that the pleadings give defendant fair notice of what the plaintiff's claim is and the grounds upon which it rests." Baldwin County Welcome Ctr. v.Brown, 466 U.S. 147, 149-50 n.3 (1984) (quotation and citation omitted).

A district court, in weighing a motion to dismiss, asks "'not whether a plaintiff will ultimately prevail but whether the claimant is entitled to offer evidence to support the claim.'" Bell Atlantic v. Twombly, 127 S.Ct. 1955, 1969 n.8

(2007) (quoting Scheuer v. Rhoades, 416 U.S. 232, 236 (1974)); see also Ashcroft v. Iqbal, 129 S. Ct. 1937, 1949 (2009) ("Our decision in Twombly expounded the pleading standard for 'all civil actions' .. . ."); Fowler v. UPMC Shadyside, 578 F.3d 203, 210 (3d Cir.2009) ("Iqbal . . . provides the final nail-in-the-coffin for the 'no set of facts' standard that applied to federal complaints before Twombly.").

Following the Twombly/Iqbal standard, the Third Circuit has instructed a two-part analysis in reviewing a complaint under Rule 12(b)(6). First, the factual and legal elements of a claim should be separated; a district court must accept all of the complaint's well-pleaded facts as true, but may disregard any legal conclusions. Fowler, 578 F.3d at 210 (citing Iqbal, 129 S.Ct. at 1950). Second, a district court must then determine whether the facts alleged in the complaint are sufficient to show that the plaintiff has a "'plausible claim for relief.'" Id.(quoting Iqbal, 129 S.Ct. at 1950). A complaint must do more than allege the plaintiff's entitlement to relief. Id.; see also Phillips v. County of Allegheny, 515 F.3d 224, 234 (3d Cir. 2008)(stating that the "Supreme Court's Twombly formulation of the pleading standard can be summed up thus: 'stating . . . a claim requires a complaint with enough factual matter (taken as true) to suggest' the required element. This 'does not impose a probability requirement at the pleading stage,' but instead 'simply calls for enough facts to raise a reasonable expectation that discovery will reveal evidence of' the necessary element"). A court need not credit either "bald assertions" or "legal conclusions" in a complaint when deciding a motion to dismiss. In re Burlington Coat Factory Sec. Litig., 114 F.3d 1410, 1429-30 (3dCir. 1997). The defendant bears the burden of showing that no claim has been presented. Hedges v. U.S., 404 F.3d 744, 750 (3d Cir. 2005) (citing Kehr Packages, Inc. v. Fidelcor, Inc., 926 F.2d1406, 1409 (3d Cir. 1991)).

III. DISCUSSION

Even though a pro se complaint must be construed liberally,[2] plaintiff's complaint must be dismissed on grounds of sovereign immunity and judicial Immun -ity. As defendants are immune from suit, amendment of plaintiff's complaint would be futile. [3]

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2 "[A] pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers." Estelle v. Gamble, 429 U.S. 97, 107 (1976).

3 Alternatively, the State defendants argue that plaintiff's claims are barred by the Heck and Rooker- Feldman doctrines, as well as res judicata and collateral estoppel. Also, the State defendants argue they are not persons amenable to suit under 42 Rooker-Feldman doctrine bars his claim. Prater v. City of Philadelphia Family Court, --- Fed.Appx. ----,2014 WL 2700095, at *3 (3d Cir. June 16, 2014); Taliaferro v.Darby Tp. Zoning Bd., 458 F.3d 181, 193 (3d Cir. 2006) (Once a state court proceeding has concluded, the Rooker–Feldman abstention doctrine applies when the relief requested in the federal court would effectively reverse a state court

A. Claims Against State of New Jersey Must be Dismissed.

The Eleventh Amendment to the United States Constitution provides that, "The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign State." U.S. Constitutional Amendment XI. "An unconsenting state also is immune from suits by its own citizens." Tennessee Student Assistance Corp. V Hood, 541 U.S. 440, 446, 124 S.Ct. 1905 (2004).

As a general proposition, a suit by private parties seeking to impose a liability which must be paid from public funds in a state treasury is barred from federal court by the Eleventh Amendment, unless Eleventh Amendment immunity is waived by the state itself or by federal statute. See, e.g., Edelman v Jordan , 415 U.S. 651, 663, 94 S.Ct. 1347, 39 L.Ed.2d 662 1974. The Eleventh Amendment protects states and their agencies and departments from suit in federal court regardless of the type of relief sought. See Pennhurst State School and Hospital v Halderman, 465 U.S. 89, 100, 104 S.Ct. 900, 79 L.Ed.2d 67 (1984). (citing Missouri v. Fiske, 290 U.S. 18, 27, 54 S.Ct. 18, 21, 78 L.Ed. 145 (1933)); Accord Quern v. Jordan, 440 U.S. 332, 342, 99 S.Ct. 1139, 1146, 59 L.Ed.2d 358 (1979) (holding that 42 U.S.C. § 1983 does not override States' Eleventh Amendment immunity).

The State of New Jersey has not waived its immunity and this Court lacks subject matter jurisdiction over plaintiff's claims. Accordingly, the State of New

B. Claims Against State Court Judges Must be Dismissed.

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decision or void its ruling); see also, Exxon Mobil Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280, 284 (2005) (The application of the Rooker–Feldman doctrine is necessarily limited to "cases brought by state-court losers complaining of injuries caused by state court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments."). In addition, plaintiff's § 1983 claims would also be barred by the Heck doctrine. Heck v. Humphrey, 512 U.S. 477, 486–87, 114 S.Ct. 2364, 129 L.Ed.2d 383 (1994) ("when a state prisoner seeks damages in a § 1983 suit, the district court must consider whether a judgment in favor of the plaintiff would necessarily imply the invalidity of his conviction or sentence; if it would, the complaint must be dismissed unless the plaintiff can demonstrate the conviction or sentence has already been invalidated."). Plaintiff has not demonstrated that his conviction has been invalidated. To the contrary, it was affirmed on appeal and his post-conviction relief petition was denied in the state court proceedings. Because plaintiff's claims are barred by the doctrines of sovereign immunity and judicial immunity, and alternatively by the Rooker-Feldman and Heck doctrines, the Court will not address the remainder of defendants' alternative arguments.

Plaintiff's claims against defendants the Hon. Victor Ashrafi, J.A.D., the Hon. Margaret M. Hayden, J.A.D., the Hon. Edith K. Payne, J.S.C., the Hon. Anthony M. Pugliese, J.S.C. and the Hon. Ronald J. Freeman, J.S.C. (retired) ("State court judges") are also barred under the doctrines of sovereign immunity and judicial Subject matter jurisdiction over plaintiff's claims. Accordingly, the State of New Jersey is immune from suit and will be dismissed.
immunity.

As officers of the State of New Jersey, the State court judges enjoy sovereign immunity. See Betts v. New Castle Youth Development Center, 621 F.3d 249, 254 (3d Cir. 2010) ("Individual state employees sued in their official capacity are also entitled to Eleventh Amendment immunity because 'official-capacity suits generally represent only another way of pleading an action' against the state.") (citing Hafer v. Melo, 502 U.S. 21, 25, 112 S.Ct. 358, 116 L.Ed.2d 301 (1991)).

The Eleventh Amendment, however, does permit suits for prospective injunctive relief against state officials. See Ex parte Young, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908). Plaintiffs may bring suit against state officers, but their remedies are limited to those that are "designed to end a continuing violation of federal law." Green v. Mansour, 474 U.S. 64, 68, 106 S.Ct. 423, 88 L.Ed.2d 371 (1985). Plaintiffs may not be awarded damages or other forms of retroactive relief. Pennhurst, 465 U.S. at 103.

In his complaint, plaintiff asks this Court to issue a "declaratory order that the state [] violated his rights" and to "issue an injunction barring the State and Federal Governments from using these convictions against him for any right, privilege or immunity that the plaintiff would be entitled to absent the conviction." Plaintiff's request for declaratory or injunctive relief is not the kind that is permitted under the Eleventh Amendment exception. Plaintiff is not asking for prospective relief, but for this Court to overturn his state court conviction as unconstitutional. Accordingly, the remedy plaintiff seeks against the State defendants cannot properly be characterized as a claim for prospective relief "designed to end a continuing violation of federal law." Green, 474 U.S. at 68, 106 S.Ct. 423. Accordingly, Plaintiff's request for injunctive relief shall also be dismissed.[4]

Additionally, under the doctrine of judicial immunity, a judge is entitled to absolute immunity from civil suits for actions arising from his or her judicial actions. See Mireles v. Waco, 502 U.S. 9, 10-11, 112 S.Ct. 286, 116 L.Ed.2d 9 (1991)

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4 The Federal Courts Improvement Act of 1996 amended 42 U.S.C. §1983 to provide 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." 42 U.S.C. § 1983; see also Azubuko v. Royal, 443 F.3d 302, 303–04 (3d Cir. 2006).

(explaining that "judicial immunity is an immunity from suit, not just from ultimate assessment of damages,"); Pierson v. Ray, 386 U.S. 547, 553–554, 87 S.Ct. 1213, 18 L.Ed.2d 288 (1967) ("Few doctrines were more solidly established at common law than the immunity of judges from liability for damages for acts cannot be overcome by allegations of bad faith or malice. See id. at 11. There are two exceptions for judicial immunity: (1) for non-judicial actions (actions not taken in the judge's judicial capacity); and (2) for actions, though judicial in nature, which are taken in the complete absence of jurisdiction. See id. at 11-12.

Whether an act by a judge is a judicial one relates "to the nature of the act itself, i.e., whether it is a function normally performed by a judge, and to the expectations of the parties, i.e., Whether they dealt with the judge in his judicial capacity." Stump v. Sparkman, 435 U.S. 349, 362 (1978); see also Gallas v. Supreme Court of Pa., 211 F.3d 760 (3d Cir. 2000).

Plaintiff's allegations are based on his state court criminal proceeding and conviction. Plaintiff alleges that his conviction, and the denial of his PCR petition, violated his constitutional rights. Plaintiff's claims against the State court judges all arise from their judicial actions and, therefore, the State court judges are entitled to absolute judicial immunity.

Moreover, plaintiff fails to raise any allegation that would provide an exception to the State court judges' judicial immunity. Plaintiff makes no claim regarding any acts by the State court judges that could plausibly be construed as "nonjudicial" acts. Likewise, plaintiff has not alleged any acts that could be construed to be "in complete absence of all jurisdiction."

Therefore, the State court judges are immune from suit. Plaintiff's claims against the State court judge defendants will be dismissed.

C. U.S. Government Must be Dismissed

The Court notes that plaintiff also named the U.S. Government as a defendant. Plaintiff makes no allegations against the U.S. Government in his complaint or proposed amended complaint. Accordingly, this defendant must be dismissed. See Salesky v. Balicki, No. 10-5158, 2013 WL 3200722, at *2 (D.N.J. June 24, 2013) (finding no allegations of any wrongful conduct with respect to defendant and dismissing § 1983 claims). Further, even though plaintiff filed a proof of service stating that he served the summons on Eric Holder, he does not specify the date it was allegedly served. Thus, plaintiff has not presented sufficient proof of service that he complied with Fed.R.Civ.P.4(i) or (m). The U.S. Government has not filed an appearance or responsive pleading. Since plaintiff has not prosecuted his case against the U.S. Government, the U.S. Government is also subject to dismissal pursuant to Local Rule 41.1(a).

D. Amendment to the Complaint Would be Futile

Generally, the Federal Rules of Civil Procedure encourage and provide for a liberal policy with regard to the amendment of pleadings. Pursuant to Federal Rule of Civil Procedure 15(a) (2), "a party may amend its pleading only with the opposing party's written consent or the court's leave." Fed. R.Civ. P. 15(a)(2). Rule 15(a)(2) further "requires that leave to amend the pleadings be granted freely 'when justice so requires.'" Long v Wilson, 393 F.3d 390, 400 (3d Cir. 2004) (citing Fed. R.Civ.P. 15(a)) ("We have held that motions to amend pleadings should be liberally granted. "). In Foman v. Davis, 371 U.S. 178, 182 (1962), the Supreme Court articulated the policy of "freely" granting leave to amend. See also Shane v. Fauver, 113 F.3d 113, 115 (3d Cir. 2000).

"[A]bsent undue or substantial prejudice, an amendment should be allowed under Rule 15(a) unless denial [can] be grounded in bad faith or dilatory motive, truly undue or unexplained delay, repeated failure to cure deficiency by amendments previously allowed or futility of amendment." Long v. Wilson, 393 F.3d 390, 400 (3d Cir. 2004) (internal quotations, citations, and emphasis omitted); see also Haynes v. Moore, 405 F. App'x 562, 564 (3d Cir.2011) (noting that even though leave to amend under Rule 15 should be freely given, "a district court may exercise its discretion and deny leave to amend on the basis of undue delay, bad faith, dilatory motive, prejudice, or futility.").

"The standard for assessing futility [of amendment] is the 'same standard of legal sufficiency as applies under [Federal] Rule [of Civil Procedure] 12(b)(6).'"Great W. Mining & Mineral (citing Shane v. Fauver, 213 F.3d 113, 115 (3d. Cir. 2000)); see also Alvin v. Suzuki, 227 F.3d 107, 121 (3d Cir. 2000) ("An amendment is futile if the amended complaint would not survive a motion to dismiss for failure to state a claim upon which relief could be granted.").

Plaintiff alleges in his proposed amended complaint that Judge Steinberg erroneously granted a search warrant; that Judges Steinberg and Greene failed to recuse themselves; that Judge Pugliese denied his PCR motion for lack jurisdiction; that Judge Freeman entered a "false" order; that Judges Sharafi, Payne and Hayden accepted the "false" lower state court record and denied his appeal; and that the Judges entered "false" orders denying plaintiff's relief. Plaintiff's allegations all concern the State court judges' judicial acts. As such, they are entitled to immunity. Allowing plaintiff to amend the allegations in his complaint against the State defendants would be futile. See Shearin v. Delaware, No. 02-276, 2003 WL 1697540, at *7 (D.Del. Mar. 21, 2003) ("[I]t is clear that allowing Plaintiff to amend her complaint in this manner would be futile because judges and judicial officers are entitled to absolute immunity from suit for damages under 42 U.S.C. § 1983) (citations omitted).

Additionally, plaintiff does not make any specific allegations against the U.S. Government in his amended complaint.

Therefore, allowing plaintiff to file the amended complaint would be futile because there are no allegations that could support a claim against this defendant. Jablonski v. Pan American World Airways, Inc., 863 F.2d 289, 292 (3d Cir. 1988) (An amendment to a complaint is futile "if the amended complaint cannot withstand a motion to dismiss."). In addition, plaintiff has presented no claim in his amended complaint that could overcome the federal government's sovereign immunity. See Azubuko v. Saris, 167 Fed.Appx. 317, 319 (3d Cir. 2006) ("Absent a waiver,sovereign immunity shields the Federal Government ... from suit.") (citing

FDIC v. Meyer, 510 U.S. 471, 475, 114 S.Ct. 996, 127 L.Ed.2d 308 (1994)).

Therefore, any amendment to plaintiff's complaint against the U.S. Government would be futile.

IV. CONCLUSION

The State defendants' motion to dismiss will be granted and the State defendants shall be dismissed. The U.S. Government shall be dismissed as a defendant. Plaintiff's motion for leave to amend his complaint shall be denied on grounds of futility. [Mr. Reardon does admit the lawsuit did not state specifics. See Amendments sought on pages App. 26-32 below.]

s/Noel L. Hillman
At Camden, New Jersey NOEL L. HILLMAN, U.S.D.J.

Dated: June 27, 2014

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JOHN E. REARDON,	:	
	:	Civ. No.13-5363 (NLH)
Plaintiff,	:	
	:	
v.	:	OPINION
	:	
State of N.J., et al.,	:	
	:	
Defendants.	:	

Appearances:

JOHN E. REARDON
1 JOANS LANE
BERLIN, NJ 08009
Pro Se Plaintiff
BRIAN P. WILSON
STATE OF NEW JERSEY
OFFICE OF THE ATTORNEY GENERAL
DIVISION OF LAW
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TRENTON, NJ 08625

Attorney for Defendants State of New Jersey, the Hon.Victor Ashrafi, J.A.D., the Hon. Margaret M. Hayden, J.A.D., the Hon. Edith K. Payne, J.S.C., the Hon. Anthony M. Pugliese, J.S.C. and the Hon. Ronald J. Freeman, J.S.C. (retired)

HILLMAN, District Judge

Presently pending before the Court is the motion of plaintiff for reconsideration of the Court's June 27, 2014 Opinion dismissing his complaint and denying his motion for leave to file an amended complaint. Also pending is plaintiff's renewed request to file an amended complaint.

Briefly, by way of background, plaintiff filed suit against defendants the State of New Jersey, the Hon. Victor Ashrafi, J.A.D., the Hon. Margaret M. Hayden, J.A.D., the Hon. Edith K. Payne, J.S.C., the Hon. Anthony M. Pugliese, J.S.C. and the Hon. Ronald J. Freeman, J.S.C. (retired) (collectively "State defendants"),asking that this Court deem unconstitutional his state criminal conviction and to enjoin the enforcement of his criminal conviction. In the Court's June 27, 2014 Opinion,

the Court dismissed plaintiff's complaint with prejudice, finding that plaintiff's claims were barred by the doctrines of sovereign immunity and absolute judicial immunity, and the Rooker-Feldman and Heck doctrines. The Court also denied plaintiff's request to file an amended complaint, finding that it would be futile to grant plaintiff's request.

A judgment may be altered or amended only if the party seeking reconsideration shows: (1) an intervening change in the controlling law; (2) the availability of new evidence that was not available when the court granted the motion for summary judgment; or (3) the need to correct a clear error of law or fact or to prevent manifest injustice. Max's Seafood Cafe ex rel. Lou-Ann,Inc. v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999). A motion for reconsideration may not be used to re-litigate old matters or argue new matters that could have been raised before the original decision was reached, P. Schoenfeld Asset Mgmt., L.L.C. v. Cendant Corp., 161 F. Supp. 2d 349, 352 (D.N.J. 2001), and mere disagreement with the Court will not suffice to show that the Court overlooked relevant facts or controlling law, United States v. Compaction Sys. Corp., 88 F.Supp. 2d 339, 345 (D.N.J. 1999), and should be dealt with through the normal appellate process,S.C. ex rel. C.C. v. Deptford Twp Bd. of Educ., 248 F. Supp. 2d 368, 381 (D.N.J. 2003).

Amendments to pleadings are governed by Federal Civil Procedure Rule 15, which provides that the Court "should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). Even though the Third Circuit has shown a strong liberality in allowing amendments under Rule 15 in order to ensure that claims will be decided on the merits rather than on technicalities, Dole v. Arco Chemical Co., 921 F.2d 484, 487 (3d Cir. 1990); Bechtel v. Robinson, 886 F.2d 644, 652 (3d Cir. 1989), an amendment must be permitted only in the absence of undue delay, bad faith, dilatory motive, unfair prejudice, or futility of amendment, Grayson v. Mayview State Hosp., 293 F.3d 103, 108 (3d Cir. 2002) (citing Foman v. Davis, 371 U.S. 178, 182 (1962)). Amendment of the complaint is futile if the amendment will not cure the deficiency in the original complaint or if the amended complaint cannot withstand a renewed motion to dismiss. Jablonski v. Pan American World Airways, Inc., 863 F.2d 289, 292 (3d Cir. 1988); see also Fletcher-Harlee Corp. v. Pote Concrete Contractors, Inc., 482 F.3d 247, 251 (3d Cir. 2007) (explaining that Third Circuit precedent "supports the notion that in civil rights cases district courts must offer amendment--irrespective of whether it is requested--when dismissing a case for failure to state a claim unless doing so would be inequitable or futile"). [Comment: This motion to amend is not governed by Rules 59and as the prior order is final and the Third Circuit has held that once a final order is entered, the reques to open and amend is governed by Rule 60 and Judge Hillman has applied the wrong law and has also not held to the law on loss of jurisdiction and void proceedings for which Judge Hillam made a clear error of the law and facts as per his reasons top set asiode such proceedings on page A17 above and for which under U.S. v Beggerly he has the right to so allow re-opening and amending of the lawsuit.]

Plaintiff's current motions do not meet the standards for granting plaintiff's request for reconsideration and for filing an amended complaint. Plaintiff has not presented to the Court any change in law or the discovery of any new evidence since the entry of the Court's Order, and plaintiff has not demonstrated the need to correct a clear error of law or fact or to prevent manifest injustice. Moreover, plaintiff's proposed amended complaint, which appears to retain all the same claims against the same defendants, fails for the same reasons explained by the Court in the June 27, 2014 Opinion.

Consequently, plaintiff's motion for reconsideration and plaintiff's motion for leave to file an amended complaint must be denied. An appropriate Order will be entered.

Date: January 7, 2015

s/ Noel L. Hillman
At Camden, New Jersey NOEL L. HILLMAN, U.S.D.J.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JOHN E. REARDON,		:
		:
		: Civ. No. 13-5363
		: (NLH)(AMD)
	Plaintiff,	:
		:
v.		: MEMORANDUM
		: OPINION & ORDER
		:
State of New Jersey, et al.,		:
		:
		:
	Defendants.	:

Appearances:

JOHN E. REARDON
1 JOANS LANE
BERLIN, NJ 08009

Pro Se Plaintiff

BRIAN P. WILSON
STATE OF NEW JERSEY
OFFICE OF THE ATTORNEY GENERAL
DIVISION OF LAW
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TRENTON, NJ 08625

Attorney for Defendants State of New Jersey, the Hon. Victor Ashrafi, J.A.D., the Hon. Margaret M. Hayden, J.A.D., the Hon. Edith K. Payne, J.S.C., the Hon. Anthony M. Pugliese, J.S.C. and the Hon. Ronald J. Freeman, J.S.C. (retired)

HILLMAN, District Judge

WHEREAS, on January 7, 2015, this Court having denied plaintiff's second motion for leave to file an amended complaint [26] and plaintiff's motion for reconsideration of the Court's June 27, 2014 Opinion dismissing his complaint and denying his first motion for leave to file an amended complaint [22]; and

On February 6, 2015, plaintiff having filed two motions, which were docketed on February 9, 2015:

(1) "MOTION to Set Aside the Order of Dismissal of this Case and for Leave to Amend" [36], and

(2) "MOTION for Relief Under F.R.Civ.Proc. 60(b)(1)" [37]; and On February 20, 2015, plaintiff having sent the Clerk of the Court a letter, in which he states, in relevant part, "[T]he plaintiff does ask this court to dismiss and ignore the motion of reconsideration of 2/6/15 and papers recently sent in on 2/16/15 and not consider such motion so that the plaintiff may proceed on the new lawsuit based upon the rights denied by the state as set out in Statements 6 and 8 of the recent motion." (Docket No. 40); and

The Clerk of the Court having terminated plaintiff's "MOTION for Relief Under F.R.Civ.Proc. 60(b)(1)" [37]; but Remaining pending is plaintiff's "MOTION to Set Aside the Order of Dismissal of this Case and for Leave to Amend" [36]; and

Even though plaintiff's letter is unclear, the Court construing plaintiff's February 20, 2015 letter to ask that both of his pending motions be withdrawn; but to the extent that plaintiff intended to only withdraw the "MOTION for Relief Under F.R.Civ.Proc. 60(b)(1)" [37] and leave his "MOTION to Set Aside the Order of Dismissal of this Case and for Leave to Amend" [36] pending, the Court finding that it fails for the same reasons as his prior motions, as expressed in the Court's January 7, 2015 Opinion;

Accordingly,

IT IS on this 2nd day of July , 2015

ORDERED that the Clerk shall reopen the case and shall make a new and separate docket entry
reading "CIVIL CASE REOPENED"; and it is further ORDERED that plaintiff's "MOTION to Set Aside the Order of Dismissal of this Case and for Leave to Amend" [36] be, and the same hereby is, DENIED; and it is further

ORDERED that the Clerk shall reclose the file and make a new and separate docket entry reading "CIVIL CASE TERMINATED."

s/ Noel L. Hillman
At Camden, New Jersey NOEL L. HILLMAN, U.S.D.J.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JOHN E. REARDON,

Civ. No. 13-5363 (NLH) (AMO)

Plaintiff,

v

MEMORANDUM OPINION & ORDER

STATE OF NEW JERSEY, et al.,

Defendants.

APPEARANCES:

JOHN E. REARDON
1 JOANS LANE
BERLIN, NJ 08009
Plaintiff appearing prose

BRIAN P. WILSON STATE OF NEW JERSEY
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Attorney for Defendants State of New Jersey, the Hon. Victor Ashrafi/ J.A.D. / the Hon. Margaret M. Hayden/ J.A.D./ the Hon. Edith K. Payne/ J.S.C./ the Hon. Anthony M. Pugliese/ J.S.C. and the Hon. Ronald J. Freeman/ J.S.C. (retired)

HILLMAN, District Judge

WHEREAS, on January 7, 2015, this Court denied Plaintiff's second motion for leave to file an amended complaint [26] and Plaintiff's motion for reconsideration of the Court's June 27, 2014 Opinion dismissing his complaint and denying his first motion for leave to file an amended complaint [22]; and

WHEREAS, on July 2, 2015, this Court denied Plaintiff's "MOTION to Set Aside the Order of Dismissal of this Case and for Leave to Amend" [36] ; and

WHEREAS, currently pending before the Court is Plaintiff's "MOTION to set aside dismissal and for leave to Arnend/Correct" [42] and "MOTION for an order of compliance" [53); and [1]

WHEREAS, with regard to Plaintiff's "MOTION to set aside dismissal and for leave to Amend/Correct" [42], the Court adopts its January 7, 2015 Opinion and

Order (Docket No. 29, 30) because Plaintiff's instant motion is essentially a repeat of his motions seeking the same relief, and the bases for the denial of those motions apply equally to his current motion; and

WHEREAS, with regard to Plaintiff's "MOTION for an order of compliance" [53], Plaintiff requests that the Court order the Camden County Public Defender's Office and the Attorney General's Office to provide him with the addresses of thirteen individuals, several of whom had been named as defendants in Plaintiff's original complaint, or provide him with the name of an individual authorized to accept service of process for them; and

WHEREAS, the Court cannot provide the relief Plaintiff seeks because there is no pending action over which this Court has jurisdiction to issue any orders regarding service of process or other discovery-related requests; Accordingly,'

IT IS on this 2nd day of January, 2020

ORDERED that the Clerk shall reopen the case and shall make a new and separate docket entry

reading "CIVIL CASE REOPENED"; and it is further

ORDERED that Plaintiff's "MOTION to set

aside dismissal and for leave to Amend/Correct" [42] and "MOTION for an order of compliance" [53] be, and

the same hereby are, DENIED; and it is further

The Court notes that on October 16, 2019,

Robert B. Kugler, U.S.D.J., issued a litigation preclusion order against Plaintiff in__

ORDERED that the Clerk shall re-close the file

and make a new and separate docket entry reading "CIVIL CASE TERMINATED."

---

1 The Court's last docket entry was the July 2, 2015 Memorandum Opinion and Order denying Plaintiff's "MOTION to Set Aside the Order of Dismissal of this Case and for Leave to Amend" [36]. Plaintiff filed his "MOTION to set aside dismissal and for leave to Amend/Correct" [42) almost four years later on June 4, 2019. Since then, Plaintiff has sent for docketing 24 additional submissions in this case.

1:18-cv-11372- RBK-AMD that provides:

"ORDERED that.John E. Reardon shall be, and is hereby, ENJOINED from filing any further complaint, lawsuit, or petition in the United States District Court for the District of New Jersey without prior authorization of the Court; and it is further

ORDERED that in the event that John E. Reardon desires to file any further complaint, lawsuit, or petition in the United States District Court for the District of New Jersey, he shall file an appropriate motion for leave to file such complaint, lawsuit, or petition under the present docket number." (1:18-cv-11372, Docket No. 74.) Since Judge Kugler issued the litigation preclusion order, Plaintiff has filed 39 submissions in that action.

s/ Noel L. Hillman

NOELL. HILLMAN, U.S.D.J.

At Camden, New Jersey

United State District Court for
The District of New Jersey

John E. Reardon	
	Civil Case No. 1-13-cv-05363
Plaintiff,	
	[1/10/15 additional Amendments]
v	
	1st attempt to Amend. Clearly States
Judges Steinberg & Greene of Camden	Appropriate case law and facts for liability
County, Sgt.Simon,Sgt.Dawson, Karen Kaplan And Andrew Rossetti of of the Camden Camden County Prosecutor's Office & Judges Gaukin and Kestin Appellate Court	Complaint with Jury Trial Demand
Defendants.	

Facts

1. Judges Greene and Steinberg in fact lost jurisdiction, did usurp jurisdiction, over the plaintiff's criminal proceedings back between June 20, 1990 and February 20, 1992 due to the lawsuits the plaintiff had against these Judges based upon the Common Law of England, in particular Regina v O'Grady, 7 Cox C.C. 247, The Queen v The Justices of Suffolk, 18 Q.8. 416, Q. B. EASTER TERM.; April 29th , 1852 and The Queen v the Justices of London, London, 18 Q.B. 421, April 29th, 1852 which holds that when a Judge should recuse himself and he doesn't the proceedings are Invalid or in other words Void.

2. The Plaintiff had the following lawsuits pending prior to or during the actions and involvement of Judges Steinberg and Greene.

A. 85-0097; A24

B. 89-00223;
C. 89-01870;
D. 90-04551; and
E. 91-0557.

3. The Defendants Steinberg and Greene had a very strong and personal interest in the Plaintiff which was consistent with the necessity for them to recuse themselves sua sponte as per N.J.S.A. 2A:15- 49(e) and Regina v O'Grady, 7 Cox C.C. 247; The Queen v The Justices of Suffolk, 18 Q.B. 416; Q. B. EASTER TERM., April 29th , 1852 and The Queen v the Justices of London, London. 18 Q.B. 421, April 29th, 1852 and their failure to so do requires the finding of all orders, decrees, judgments and decisions are null and void or invalid and being contrary to the law. They did Obstruct Justice contrary to N.J.S.A. 2C:29-2 and did commit Official Misconduct contrary to N.J. S.A. 2C:30-2.

4. The Defendants Steinberg and Sgt. Simon were being sued at the time of Sgt. Simon's warrantless search of the plaintiff's Apartment and Sgt. Simon knew that Judge Steinberg was looking to get even with the plaintiff and Judge Steinberg Would not only give Sgt. Simon his search warrant but would protect him from a lawsuit should he be sued by the plaintiff.

5. These Judges Did lose or usurp their jurisdiction as follows: Bouvier's Dictionary, Third Revision, 8th Edition, 1984 Reprint, Page 3387, Valid: Having force or binding force; Legally sufficient or efficacious; authorized by law. Page 1680, Invalid: Not valid; of no binding force. Page 2384, Null: Properly, that which does not exist; that which is not in the nature of things. In a figurative sense it

signifies that which has no more effect than if it did not exist. 8 Toullier, n. 320. Page 3406, Void: that which has no force or effect.New World Dictionary, Second College Edition, 1972 Copyright; Page 445, Efficacious: to bring to pass, accomplish, producing or capable of producing the desired effect; having the intended result; effective.

These Judges did sit on the Plaintiff's criminal proceedings when they were required by law to recuse themselves and they did not so do which in turn made all proceedings before these Judges Invalid or Void and that being such, they did lack or usurp their Jurisdiction and the Plaintiff's criminal proceedings are in fact invalid or void and these Judges are liable for usurping their jurisdiction. See Case Law cited in Statements 1 & 3 above, the Legal Definitions in this Statement and the following other Case laws. See United Student Aid Funds, Inc. v. Espinosa, 130 S. Ct. 1367, 2010; Bradey v Fisher, 80 U.S. (13 Wall) @351; Elliot v Piersol, 1 Pet 328, 340; State v utsch, J 84 N.J. Super. 575, 581; Pierson v Roy, 386 U.S. 547, 567, 1967; Briscoe v LaHue, 103 S.Ct. 1108, 1155; 460 U.S. 325,359, 1983 and Congressional Globe, 1866 @ page 1778 (Senator Johnson).

6. Sgt. Simon and Judge Steinberg had a covert meeting of the minds to injure the plaintiff by filing false charges against the plaintiff due to the unconstitutional search conducted by Sgt. Simon and is the reason why Sgt. Simon, who had at least 10 other uninterested/unbiased Judges to seek a search warrant from but Sgt. Simon specifically sought Judge Steinbeig because they both were being sued by the Plaintiff in Cases 85-0097, 89-00223 and 89-01870 this gave them the oppor-

tunity to get even with the plaintiff and Judge Steinberg was required to recuse himself Sua Sponte. State v Utsch. 184 N.J.Super. 575, 581. N.S.App. Court and N.J.S.A. 2A:15-49(e) but failed and refused to do that for the Appearances of Justice as per the case law in Statements 1 & 3 Above. He did Obstruct Justice Contrary to N.J.S.A. 2C;29-2 and commit Official Misconduct contrary to N.J.S.A. 2C:30-2 & made a False record. N.J.S.A. 2C:21-4 & 2C:28-7.

7. The conduct of Judge Steinberg and Sgt. Simon as stated in statement 6 above was such that they did create a false and Fraudulent record contrary to N.J.A.C. 2C:21-4 and 2C:28-7; that said Conduct also violated N.J.S.A. 2C:29-2 which is they obstructed Justice and they did also commit official Misconduct contrary to N.J.S.A. 2C;30-2 to injure the Plaintiff in his person, by false charges and jail, in his property, the eventual loss of his job and over $ 1,000,000.00 in benefits from his job, $295.00 in attorney fees and $30.00 for a VCCB Penalty and in his rights to Due Process to fair and impartial hearings and tribunals and did commit Theft by deception contrary to N.J.S.A. 2C:20-4.

8. In October 1991, Judge Stenberg did in fact commit perjury contrary to N.J.S.A. 2C:28-1 and 2C:28-2 by coming into court and testifying as to his belief as to the facts of the 6/29 /90 Search Warrant application of Sgt. Dawson and he did have a covert meeting of the minds with Sgt. Dawson and Judge Greene to cover up his foul up of the 6/29/90 Search warrant in that in 20 years of his approving Search Warrants, and which amounted to his so approving over 15,000 such warrants, that he expected the appearances of justice would be satisfied by his claim that he made

a mere error in his routine and procedure, and in this case where the Plaintiff had lawsuits pending against this Judge by this Plaintiff. He did also make a False Record contrary to N.J.S.A. 2C:21-4 and 2C:28-7, did obstruct Justice contrary to N.J.S.A. 2C:29-2 and did commit Official Misconduct contrary to N.J.S.A. 2C:30-2. He was denied the right to testify as to what he believed happened on the 6/29 /90 Search Warrant in that the law of this state, M.P. v S.P. 169 N.J.Super. @ 434-435 & 441-443, 1979, Appellate Division, and R 1 :3-2, Which required Judge Steinberg to record the Search Warrant application to avoid such appearances of Bias, and he failed to do that.

10. Sgt. Simon and Judge Steinberg did commit and make a false record contrary to N.J.S.A. 2C:21-4 and 2C:28-7, did Obstruct Justice Contrary to N.J.S.A. 2C: 29-2 and did commit Official Misconduct contrary to N.J.S.A. 2C:30-2.

16. The defendants Steinberg, Greene, Rossetti and Kaplan did all have a covert meeting of the minds to continue to allow Judges Steinberg and Greene to sit on plaintiff's criminal trial as they knew that Judges Steinberg and Greene would make sure that the Plaintiff would be found guilty of the false charges and so that they could get back at the plaintiff, vent their spleen on the plaintiff and show him who has the power. They did in fact make a false record contrary to N.J.S. A. 2C:21-4 and 2C:28-7, did Obstruct Justice contrary to N.J.S.A. 2C:29-2 and did Commit Official Misconduct contrary to N.J.S.A. 2C:30-2. Mayberry v. Pennsylvania, 400 US 455, 465, 1971, can't vent spleen.

18. The defendants Kaplan and Greene did have a covert meeting of the

minds by allowing Ms. Kaplan to enter into evidence specific claims that were not contained in the indictment contrary to the well known and established law that both she and judge Greene Knew or should have known since it is at least 235 years old. They did create a false record contrary to N.J.S.A. 2C:21-4 and 2C:28-7, did obstruct Justice contrary to N.J.S.A. 2C:29-2 and did commit Official Misconduct contrary to N.J.S.A 2C:30-2. Mayberry v. Pennsylvania Supra.

19. The defendants Rossetti and Kaplan did have a meeting of the minds with Judge Greene to allow the Plaintiff to be arrested and detained for a prolonged period of time without Mr. Reardon's right to a Probable Cause hearing and thus to know the evidence and basis for Plaintiff's arrest and incarceration contrary to the well settled law of Blackstone's Commentaries, Book IV, Chapter 22, Page 293 for which these defendants knew or should have known that the Plaintiff was being unconstitutionally detained and thereby made a false record contrary to N.J.S.A. 2C:21-4 and 2C:28-7, did obstruct Justice contrary to N.J.S.A. 2C:29-2 and did commit Official Misconduct contrary to N.J.S.A. 2C:30-2. This law is at least 235 years old.

20. To the best of Plaintiff's Memory, the Defendant Steinberg was the assignment judge of the criminal division back in 1990 when He assigned Judge Greene to try the Plaintiff and knowing that this Defendant had a beef against the Plaintiff and these 2 Defendants did have a meeting of the minds to put the screws to the Plaintiff for having dared to sue them and knowing the Defendant Greene would make sure the Plaintiff was convicted on the false charges. The 2 Defendants did thus Obstruct Justice contrary to N.J. S.A. 2C:29-2 and commit

Official Misconduct contrary to N.J.S.A. 2C:30-2 and Make False records contrary to N.J.S.A. 2C:21-4 and 2C:28-7.

23. Given the case law cited in Statements 1 & 3 Above, and given the case of Peretz v U.S. 501 U.S. 923, 953, 1991 the Defendants Steinberg and Greene lacked jurisdiction as set out in the mentioned law and their orders are in fact null and void and should be set aside. See Thompson v Whitman, 85 U.S. 457, 466-468, 1873.

24. The Defendants did deny the Plaintiff of the following rights:

A. Due Process to Fair and Impartial Hearings and tribunals due to Judges that were Biased and did no comply with the Appearance of Justice;

B. To a Probable cause hearing where the State had to proffer its proof as to the charges, especially when the Specifics of the 2nd Degree Charges were not listed in the Indictment and were unknown to the Plaintiff till around November 1, 1991. See United States v Cruikshank, 92 U.S. 542, 556-557, 1876 and Blackstone's Commentaries, Book 4, Chapter 22, Page 293.

C. The plaintiff was indicted on the mere parroting of the Statutes Contrary to the well Settled law and it did not transcend to specifics contrary to the well settled law. Gerstein v Pugh, 420 U.S. 103. 113-116, 1975 and Blackstone's Commentaries. Book 4, Chapter 27, Pages 351-352.

D. The Plaintiff was thus denied of Adequate Notice/Notice, in violation of Due Process of Law, to the specifics of the charges prior to trial. See In re Gault, 387 U.S. 1, 25, 29 and 53, 1967.

The defendants did create a False Record contrary to N.J.S.A. 2C:21-4 and 2C:28-7, did Obstruct Justice contrary to N.J.S.A. 2C:29-2 and did commit official

Misconduct contrary to N.J.S.A. 2C:30-2.

25. The Plaintiff has not raised issue with the following rights violations in any court. These Issues are:

A. Lack of Jurisdiction of Judges Steinberg and Greene as to the orders being null and void as per the case law in Statements 1 & 3 Above and Peretz Supra.

B. That the plaintiff was denied of his right to a Probable cause hearing in which the State was required to proffer its proofs as to the charges prior to prolonged incarceration.

C. The Plaintiff was indicted on defective process in that the Indictment did not transcend to the particulars.

D. The Plaintiff was denied his right to adequate notice of the specifics of the charges prior to trial.

E. The Plaintiff was denied of a fair trial due to the State being permitted to raise particulars of the alleged charges that were not contained in the indictment.

F. The Plaintiff was denied his Due Process rights to Fair and impartial hear -ings and tribunals due to Judges Steinberg and Greene having a beef against the Plaintiff and their not having recused themselves Sua Sponte as required by law or for the defendants Rossetti and Kaplan's failure to so put this before the court.

They created a false record contrary to N.J.S.A. 2C:21-4 and 2C:28-7, they Obstructed Justice contrary to N.J.S.A. 2C: 29-2 and committed Official Misconduct contrary to N.J.S.A. 2C:30-2.

28. As per this court's right of Pendent jurisdiction, given the court so has

such jurisdiction, and given that the following rights and issues allowing for relief, the plaintiff's conviction is unconstitutional for the following reasons.

A. Based upon the Common law of England dating back to 1852, see Exhibits 1 & 2, All orders, judgments, decrees and findings of Judges Steinberg and Greene are null and void and must be set aside. That is, any prior contact with or knowledge about a party whose case is before the Instant Judge requires the Judge to recuse himself and if He/She fails to so do, the findings and conviction of the party are declared Invalid or in other words Void.

B. The indictment against the plaintiff is defective since it did not transcend to the specifics of the charges. That is, the indictment merely stated that the plaintiff did possess a Bomb for an Unlawful purpose, It did not say it was a parcel bomb and it did not list, if such was the case, who it was meant for.

C. Due to Number B above, the indictment failed to give the plaintiff adequate notice of the charges.

D. Due to # A above, the plaintiff was denied his right of Due Process to fair and impartial hearings, tribunals and trial.

E. The plaintiff was denied his right to a probable cause hearing which required the state to produce it's evidence before prolonged incarceration and for which the state failed to proffer any basis for the 2nd Degree Charges till around November 1, 1991 and for which they had no proof of the 2nd degree charges.

F. The plaintiff, since there was no basis for the 2nd Degree charges, was held on excessive bail of $100,000.00 full cash for a 3rd degree crime. And

G. The plaintiff's trial was tainted and violated Due Process given that the State was permitted to present evidence of a specific nature that was not contained in the indictment.

Under the State Laws, their equivalent for N.J.R.C. 3:22-4, allows the setting aside of the conviction and proceedings if the defendant's rights under the State or U.S. Constitution were violated which under this court's Pendent Jurisdiction, this court can hold a plenary hearing, in accordance with State law, to determine if the plaintiff's rights were so violated.

31. The Defendants Galken and Kestin did lack jurisdiction as per Freytag v Comm. Of Internal Revenue, 501 U.S. 868, 896, 1991 and the fact that Judges Greene and Steinberg lost or usurped their jurisdiction as per the Common Law of England and they in fact made a false record contrary to N.J.S.A. 2C:21-4, 2C:28-7, did obstruct Justice contrary to N.J.S.A. 2C:29-2 and Did commit Official Misconduct contrary to N.J.S. A. 2C:30-2.

32. All the defendants did act under color of law, custom or usage to conspire to injure the plaintiff by violating the Plaintiff's U.S. and State Constitutional rights contrary to N.J.C.R. 3:22-4 and for which there is no time limit to bring a motion to court when such is the case and the plaintiff invokes this court's Pendent Jurisdiction to hear and settle these violations and to allow this case to go to trial.

[Comment: All of the above actions are in fact frauds by and/or on the court and the State Appellate Court held in State v Zisa, 2015 that Issues of fraud for a motion before the court but are questions of facts for a jury and I was denied this right by Judge Hillman.]

Count 4

The plaintiff incorporates the allegations above as though recited herein and asks for any other relief the Court or jury deems appropriate. See Thompson v Whitman @ 466-468. [This implies I was asking for a certificate of Correction finding that the State's jurisdiction in the criminal charges are void so that I could then go back to the State and ask for a new trial and a new 4th Amendment Probable Cause hearing which I was denied of by Judge Hillman. See appendix page 1-4 above.]

Exhibits Submitted with the Lawsuit

7. Five other people of varying educations and background have agreed with the appellant's understanding of the law and limits of the law as to what is required of the official and the citizens. Appendix pages A89-128 of this appendix.

9. The police, prosecution and the court have acted upon one interpretation of the law, while the appellant and all other citizens understand the law to mean something else, and to extend the definitions and intent and limits of the law for the first time in this case that has not ever been done in the past to give the citizens guidance in such law.

11. The appellant could not have reasonably arrived at the conclusion that the Black powder was automatically considered to be a crime or presumption of criminal activity covered by N.J.S.A. 2C:39-3 and 2C:39-4 based upon statutes themselves or any case law that he has been able to find at this point, especially when (a) Three other citizens/persons do not understand the law to imply such; (b) Mr. Tarpy, the seller of the black powder does not understand the law to say such; (c) The police have admitted to the papers the law does not imply such; (d) Prosecution before the grand jury admitted the law does not imply such; (e) The state never proved the black powder purchased and possessed by the appellant was not excluded by the law under the U.S. Pharmacoepoeis; and (f) Both Mr. Dawson and Mr. Dentino testified that black powder is not, per se, and explosive. N.J.S.A. 2C:2-4(c)(2)(d), 2A:158-4, 153:2-1, and Art. 5, Sec. 1, Par.s 11-12 of the New Jersey Constitution of 1947.

United State District Court for
The District of New Jersey

John E. Reardon,

Plaintiff — Civil Case No. 1-13-cv-05363

v

Judges Steinberg & Greene of Camden County, Sgt. Simon, Sgt. Dawson, Karen Kaplan And Andrew Rossetti of the Camden County Prosecutor's Office & Judges Gaukin and Kestin--Appellate Court — Complaint with A Jury Trial Demand

Defendants.

1. Judges Greene and Steinberg in fact lost jurisdiction, did usurp jurisdiction, over the plaintiff's criminal proceedings back between June 20, 1990 and February 20, 1992 due to the lawsuits the plaintiff had against these Judges based upon the Common Law of England, in particular Regina v O'Grady, 7 Cox C.C. 247, The Queen v The Justices of Suffolk, 18 Q.8. 416, Q. 8. EASTER TERM., April 29th, 1852 and The Queen v the Justices of London, 18 Q.8. 421. April 29th, 1852 which holds that when a Judge should recuse himself and he doesn't the proceedings are Invalid or in other words Void.

2. The Plaintiff had the following lawsuits pending prior to or during the actions and involvement of Judges Steinberg and Greene.

A. 85-0097;
B. 89-00223;
C. 89-01870;
D. 90-04551; and
E. 91-0557.

3. The Defendants Steinberg and Greene had a very strong and personal interest in the Plaintiff which was consistent with the necessity for them to recuse themselves sua sponte as per N.J.S.A. 2A:15-49(e) and Regina v O'Grady, 7 Cox C.C. 247; The Queen v The Justices of Suffolk, 18 Q.8. 416; Q. B. EASTER TERM., April 29th, 1852 and The Queen v the Justices of London, London. 18 Q.8. 421, April 29th, 1852 and their failure to so do requires the finding of all orders, decrees, judgments and decisions are null and void or invalid and being contrary to the law. They did Obstruct Justice contrary to N.J.S.A. 2C:29-2 and did commit Official Misconduct contrary to N.J.S.A. 2C:30-2. See Exhibit 2.

4. The Defendants Steinberg and Sgt. Simon were being sued at the time of Sgt. Simon's warrantless search of the plaintiff's Apartment and Sgt. Simon knew that Judge Steinberg was looking to get even with the plaintiff and Judge Steinberg would not only give Sgt. Simon his search warrant but would protect him from a lawsuit should he be sued by the plaintiff.

5. These Judges Did lose or usurp their jurisdiction as follows: Bouvier's Dictionary, Third Revision, 8th Edition, 1984 Reprint, Page 3387, Valid: Having force or binding force; Legally sufficient or efficacious; authorized by law.Page 1680, Invalid: Not valid; of no binding force. Page 2384, Null: Properly, that which does not exist; that which is not in the nature of things. In a figurative sense it signifies that which has no more effect than if it did not exist. 8 Toullier, n. 320. Page 3406, Void: that which has no force or effect. New World Dictionary, Second College Edition, 1972 Copyright; Page 445, Efficacious: to bring to pass, accomplish, produc-

ing or capable of producing the desired effect; having the intended result; effective.

These Judges did sit on the Plaintiff's criminal proceedings when they were required by law to recuse themselves and they did not so do which in turn made all proceedings before these Judges Invalid or Void and that being such, they did lack or usurp their Jurisdiction and the Plaintiff's criminal proceedings are in fact invalid or void and these Judges are liable for usurping their jurisdiction. See Case law cited in Statements 1 & 3 above, the Legal Definitions in this Statement and the following other Case laws. See United Student Aid Funds, Inc.v. Espinosa, 130 S. Ct. 1367, 2010; Bradey v Fisher, 80 U.S. (13 Wall) @351; Elliot v Piersol, 1 Pet 328, 340; State v utsch, J 84 N.J. Super. 575, 581; Pierson v Roy, 386 U.S. 547, 567, 1967; Briscoe v LaHue, 103 S.Ct. 1108, 1155, 1983 and Congressional Globe, 1866 @ page 1778 (Senator Johnson).

6. Sgt. Simon and Judge Steinberg had a covert meeting of the minds to injure the plaintiff by filing false charges against the plaintiff due to the unconsti tutional search conducted by Sgt. Simon and is the reason why Sgt. Simon, who had at least 10 other uninterested/unbiased Judges to seek a search warrant from but Sgt. Simon specifically sought Judge Steinberg because they both were being sued by the Plaintiff in Cases 85-0097, 89-00223 and 89-01870 this gave them the opportunity to get even with the plaintiff and Judge Steinberg was required to recuse himself sua Sponte. State v Utsch. 184 N.J.Super. 575, 581. N.S. App. Court and N.J.S.A. 2A:15-49(e) but failed and refused to do that for the Appearances of Justice as per the case law in Statements 1 & 3 Above. He did Obstruct Justice Contrary to

N.J.S.A. 2C:29-2 and commit Official Misconduct contrary to N.J.S.A. 2C:30- 2 & made a False record. N.J.S.A. 2C:21-4 & 2C:28-7.

7. The conduct of Judge Steinberg and Sgt. Simon as stated in statement 6 above was such that they did create a false and Fraudulent record contrary to N.J. S.A. 2C:21-4 and 2C:28-7; that said conduct violated N.J.S.A. 2C:29-2 which is they obstructed Justice and they did also commit official Misconduct contrary to N.J.S.A. 2C:30-2 all to injure the Plaintiff in his person, by false charges and jail, in his property, the eventual loss of his job and over $1,000,000.00 in benefits from his job, $295.00 in attorney fees and $30.00 for a VCCB Penalty and in his rights to Due Process to fair and impartial hearings and tribunals and did commit Theft by deception contrary to N.J.S. A. 2C:20-4.

9. The defendant Sgt. Dawson knew of the Plaintiff's Lawsuits against this Judge and the obvious Bias against the Plaintiff and Sgt. Dawson did specifically seek out Judge Steinberg because he knew the Judge would be gunning for the Plaintiff and he would not have to worry about the Doctrine of Fruits of the Poisonous tree as the Judge would take care of that. He did thus Obstruct Justice contrary to N.J.S.A. 2C:29-2 and commit Official Misconduct contrary to N.J.S.A. 2C:30-2 and did make a false record conirary to N.J.S.A. 2C:21-4 and 2C:28-7.

10. Sgt. Simon and Judge Steinberg did commit and make a false record contrary to N.J.S.A. 2C:21-4 and 2C:28-7, did Obstruct Justice Contrary to N.J.S.A. 2C: 29-2 and did commit Official Misconduct contrary to N.J.S.A. 2C:30-2.

16. The defendants Steinberg, Greene, Rossetti and Kaplan did all have a

covert meeting of the minds to continue to allow Judges Steinberg and Greene to sit on plaintiff's criminal trial as they knew that Judges Steinberg and Greene would make sure that the Plaintiff would be found guilty of the false charges and so that they could get back at the plaintiff, vent their spleen on the plaintiff and show him who has the power. They did in fact make a false record contrary to N.J.S.A. 2C :21-4 and 2C:28-7, did Obstruct Justice contrary to N.J.S.A. 2C:29-2 and did Commit Official Misconduct contrary to N.J.S.A. 2C:30-2.

17. The Defendant Kaplan, did have a covert meeting of the minds with Sgt. Dawson by allowing him to commit perjury as to his belief of the plaintiff's State of mind when he had no legal basis for such contrary to N.J.S.A. 2C:28-1 and 2C:28-2 and they did make a false record contrary to N.J.S.A. 2C:21 -4 and 2C:28-7, did obstruct Justice contrary to N.J.S.A. 2C:29-2 and did commit official misconduct contrary to N.J.S.A. 2C:30-2.

18. The defendants Kaplan and Greene did have a covert meeting of the minds by allowing Ms. Kaplan to enter into evidence specific claims that were not contained in the indictment contrary to the well known and established law that both she and judge Greene Knew or should have known since it is at least 235 years old. They did create a false record contrary to N.J.S.A. 2C:21-4 and 2C:28-7, did obstruct Justice contrary to N.J.S.A. 2C:29-2 and did commit Official Misconduct contrary to N.J.S.A. 2C:30-2.

20. To the best of Plaintiff's Memory, the Defendant Steinberg was the assign -ment judge of the criminal division back in 1990 when He assigned Judge Greene

to try the Plaintiff and knowing that this Defendant had a beef against the Plaintiff and these 2 Defendants did have a meeting of the minds to put the screws to the Plaintiff for having dared to sue them and knowing the Defendant Greene would make sure the Plaintiff was convicted on the false charges. The 2 Defendants did thus Obstruct Justice contrary to N.J.S.A. 2C:29-2 and commit Official Misconduct contrary to N.J.S.A. 2C:30-2 and Make False records contrary to N.J.S.A. 2C:21-4 and 2C:28-7.

24. The Defendants did deny the Plaintiff of the following rights:

A. Due Process to Fair and Impartial Hearings and tribunals due to Judges that were Biased and did not comply with the Appearance of Justice:

B. To a Probable cause hearing where the State had to proffer its proof as to the charges, especially when the Specifics of the 2nd Degree Charges were not listed in the Indictment and were unknown to the Plaintiff till around November 1,1991. See United States v Cruikshank, 92 U,.S. 542, 556-557, 1876 and Blackstone's Commentaries, Book 4, Chapter 22, Page 293.

C. The plaintiff was indicted on the mere parroting of the Statutes Contrary to the well Settled law and it did not transcend to specifics contrary to the well settled law. Gerstein v Pugh, 420 U.S. 103. 113-116, 1975 and Blackstone's Commentaries, Book 4, Chapter 27, Pages 351-352.

D. The Plaintiff was thus denied of Adequate Notice/ Notice, in violation of Due Process of Law, to the specifics of the charges prior to trial. See In re Gault,387 U.S. 1, 25, 29 and 53, 1967.

The defendants did create a False Record contrary to N.J.S.A. 2C:21-4 and 2C:28-7, did Obstruct Justice contrary to N.J.S.A. 2C:29-2 and did commit official misconduct contrary to N.J.S.A. 2C:30-2.

25. The Plaintiff has not raised issue with the following rights violations in any court. These Issues are:

A. Lack of Jurisdiction of Judges Steinberg and Greene as to the orders being null and void as per the case law in Statements 1 & 3 Above and Peretz Supra.

B. That the plaintiff was denied of his right to a Probable cause hearing in which the State was required to proffer its proofs as to the charges prior to prolonged incarceration.

C. The Plaintiff was indicted on defective process in that the Indictment did not transcend to the particulars.

D. The Plaintiff was denied his right to adequate notice of the specifics of the charges prior to trial.

E. The Plaintiff was denied of a fair trial due to the State being permitted to raise particulars of the alleged charges that were not contained in the indictment.

F. The Plaintiff was denied his Due Process rights to Fair and impartial hearings and tribunals due to Judges Steinberg and Greene having a beef against the Plaintiff and their not having recused themselves Sua Sponte as required by law or for the defendants Rossetti and Kaplan's failure to so put this before the court.They created a false record contrary to N.J.S.A. 2C:21-4 and 2C:28-7, they Obstructed Justice contrary to N.J.S.A. 2C:29-2 and committed Official Misconduct

contrary to N.J.S.A. 2C:30-2.

28. As per this court's right of Pendent jurisdiction, given the court so has such jurisdiction, and given that the following rights and issues allowing for relief, the plaintiff's conviction is unconstitutional for the following reasons:

A. Based upon the Common law of England dating back to 1852, All orders, judgments, decrees and findings of Judges Steinberg and Greene are null and void and must be set aside. That is, any prior contact with or knowledge about a party whose case is before the Instant Judge requires the Judge to recuse himself and if He/She fails to so do, the findings and conviction of the party are declared Invalid or in other words Void.

B. The indictment against the plaintiff is defective since it did not transcend to the specifics of the charges. That is, the indictment merely stated that the plaintiff did possess a Bomb for an Unlawful purpose, It did not say it was a parcel Bomb and it did not list, if such was the case, who it was meant for.

C. Due to Number B above, the indictment failed to give the plaintiff adequate notice of the charges.

D. Due to # A above, the plaintiff was denied his right of Due Process to fair and impartial hearings, tribunals and trial.

E. The plaintiff was denied his right to a probable cause hearing which required the state to produce it's evidence before prolonged incarceration and for which the state failed to proffer any basis for the 2nd Degree Charges till around November 1, 1991 and for which they had no proof of the 2nd degree charges.

F. The plaintiff, since there was no basis for the 2nd Degree charges, was held on excessive bail of $100,000.00 full cash for a 3rd degree crimes. And

G. The plaintiff's trial was tainted and violated Due Process given that the State was permitted to present evidence of a specific nature that was not contained in the indictment.

32. All the defendants did act under color of Law, custom or usage to conspire to injure the plaintiff by violating the Plaintiff's U.S. and State Constitutional rights contrary to N.J.C.R. 3:22-4 and for which there is no time limit to bring a motion to court when such is the case and the plaintiff invokes this court's Pendent Jurisdiction to hear and settle these violations and to allow this case to go to trial.

33. The plaintiff had no way of knowing the law on the rights listed in State-ments 24, 25 and 28 and only learned of said rights by accident in April 2014.

United State District Court for
The District of New Jersey

John E. Reardon	:
	:
Plaintiff,	: [June 3, 2019]
vs	:
	: Civil Case No. 1:13-cv-05363
Judges Freeman, Pugliese, Steinbwerg:	
Greene, Wells & Ragonese, along with	: Amended Complaint (These
Appellate Judges Hayden, Ashraffi,	: Amendments now apprise
Payne, Gaukin and Kestin.	: Specifically how and why the
	: Judges are liable)
	:
Defendants.	:

This proposed amended complaint is intended to add to the original Lawsuit and not to replace it and to superceded the proposed amendment submitted on 5/30/19.

1.The Statutes and Court made rulings establishing the rights of the people to guide them as to what they can and cannot do are the "HARD FACTS" the people have the right to know and rely on. Juzwin v Asbestos Corp., 900 F.2d 686, 692, 3rd Cir. 1990.

2. The plaintiff above named seeks equity, prospective and injunctive relief that no official is immune from and for which if the court finds that damages is inappropriate, the plaintiff is still entitled to such relief. Laskaris v. Thornburgh, 661 F. 2d 23, 26, 3rd Cir. 1981.

3. The plaintiff relies on the affidavits of 5 persons to support his claim that Judges Steinberg and Greene, and indeed no Camden County Judge, under the claims that Judge Steinberg and Sgt. A. L. Simon of Runnemede Police department

should not have brought their search warrant to Judge Steinberg due to prior adverse contact with Mr. Reardon and that since Judge Steinberg was the criminal assignment Judge for Camden County at the time he was required to transfer the case to another county for trial and should have directed the police to another judge and he failed to do both. See This Appendix pages 10-16 below.

5. The New Jersey Appellate court found in the case of M.P. v S.P., 169 N.J. Super. @434-435, 441-443, 1979 that it is mandated that all proceedings before a judge no matter where they occur must be transcribed for meaningful Appellate Review and for Due Process and Judge Steinberg made no such summary or Transcript of the Search Warrant application by Sgt. Simon of Runnnemede. Judge Steinberg's failure to so do violated my Due Process rights to a fair hearing and review and is in fact a Non-Judicial, Non-Discretionary, Ministerial and Mandatory Act he failed to carry out and he is not immune for such failure and its consequences on Mr. Reardon. This is a mandate to all judges and thus amount to a denial of any discretion to not comply. See Antoine v Byers & Anderson Inc., 508 U.S. 429, 435, 1993 and Bogan v. Scott-Harris, 523 US 44, 51-52, 1998. That is that Court made mandates are non-discretionary mandates for the official.

6. Mr. Reardon seeks any relief to correct the record in the state as to the following issues at Common Law that no Judge has the right to not uphold and comply with. See Blackstone's Commentaries, Introduction to the Laws of England, Chapter 1, Pages 69. Said failure are for Non-Discretionary, Minsterial, Mandatory and Non-Judicial Acts that they re liable for and have no immunity from. Said

Common Law Mandates are to the following issues that no court has any discretion o sanction and give credence to and thus the state has had at least 7 opportunities to so comply with the Common Law Mandates and my rights and they have repeatedly failed to so comply with them and all orders by the Judges, Judges Steinberg, Greene, Wells and Ragoniese are of no force or effect that can be upheld in any other court. The violations are for the following Rights, that even the State Supreme Court has held viable under the common Law which are: See U.S. v Jepson, 90 F.Supp. @987-989, 1950, and Allstate Insurance Co. Of New Jersey v Lajara, 117 A.3d 1221, 2015 and Thompson v Whitman, 85 U.S. 457, 467-468.

The Common Law Rights and Mandates violated are:

A. Failure to produce at least 2 credible witnesses to the 2nd Degree Crimes that the State Courts have refused to comply with. Both at trial and before the Grand Jury. Blackstone's Commentaries, Book 4, Chapter 27, Page 351.

B. The State admitted into evidence at the trial that supposedly supported the actual purpose of the possession of the explosive device by Mr. Reardon, that is that it was not testified to before the Gand Jury that the explosive device was meant to be a parcel bomb, directed and to be mailed to some Camden County Judge, my ex-wife, a Camden County Court clerk, or my ex-girl friend. This was barred as per Blackstone's Commentaries, Book 4, Chapter 27, Pages 351-352.

C. The state denied my right to a probable cause hearing to require the state to produce it's evidence as to the alleged crimes and they failed to do that. This is to test the veracity of the charges and for setting of reasonable bail. Blackstone's

Commentaries, Book 4, Chapter 22, Page 293.

D. The state failed to try me "immediately after my arraignment" and I was arraigned in July 1990 and not tried till December 1991. Blackstone's Commentaries, Book 4, Chapter 27, Page 346.

E. The state failed to grant me effective assistance of Counsel in that they failed to instruct me as to the types of questions to be asked of witnesses or to so ask them themselves. Blackstone's Commentaries, Book 4, Chapter 27, Page 350.

F. The indictment of the plaintiff was defective for the Following reasons:

(1) It did not descend to particulars.Blackstone's Commentaries, Book 4, Chapter 27, Page 303.

(2) It did not have the testimony of at least 2 credible witnesses to the 2nd degree charges.

(3) It was based on 3rd degree crime law only and the grand jury was never instructed as to the requirements of 2nd degree crimes and I was tried, found guilty and sentenced on 2nd degree and 3rd degree crimes.

(4) The indictment was never superceded by a new indictment as to the 2nd degree crimes and I was never so served with a superceding indictment that did correct the original indictment.

(5) The indictment served on the plaintiff was not signed by the foreman of the grand jury and was not dated.

(6) The indictment only stated and was tried on the mere wording of the statutes that I was charged under and this is not permitted.

(7) The plaintiff was not served with the indictment till After 10/31/91 and I asked for a Bill of Particulars in Late 1990 and the state failed to proffer or serve me with a valid indictment or a valid Bill of Particulars before trial and I was denied Due Process of notice and thus an inability to be heard which voids such proceedings and are not entitled to respect in any other court and voids the proceedings and no other court can grant validity or credence to said void proceedings and this court is barred from relying on anything in said proceedings. Thompson v Whitman, 85 U.S. 457, 467-468.

G. The State failed to give me a Bill of particulars as required by law since the indictment failed to descend to Particulars and though I asked for said Bill in late 1990 the state never provided me with such.

H. According to the English Common Law Cases of The Queen v The Justices of Suffolk, 18 Q.B. 416, 1852; The Queen v The Justices of London, 18 Q.B.421, 1852 and Regina v O'Grady, 7 Coxx C.C., 247, 1857 that if a judge is to recuse himself and he fails he either lost, lacked or usurped his jurisdiction and discretion or he commits a fraud and in either case the judgment is in fact Void. The clear law in this lawsuit required Judges Steinberg and Greene to recuse themselves, deny the Search warrant applications of Simon and Dawson since it was not granted by a neutral and detached judge and transfer by criminal charges to another County and they failed to so do that.

I. The other judges at the appellate and trial court levels usurped, lacked or lost jurisdiction due to the void actions of Judges Steinberg and Greene and they

failed to set aside the void orders they were required to do and their decisions can not have any validity in this court, which is another defect in this court's prior decision, and are also void. Mr. Reardon gave the state at least 6 chances to comply with their mandatory duty to set aside the void proceedings of Judges Greene and Steinberg and they refused and refuse to so do. A Judge Must recuse himself on his own motion when he has adverse extra-judicial contact with a person's matter before him and Mr. Reardon sued Judge Steinberg and had at least 2 such lawsuits pending in the federal courts at the time of My criminal charges. See A11-12 above.

(a) If a Judge is required to recuse himself, he loses Jurisdiction. English court cases and Elliot v Piersol, 1 Pet. 328, 340, 1828;

(b) He violates Due Process of law. U.S. v Sciuto, 521 F.2d 842, 845, 7th Cir. 1976;

(c) He commits Official Misconduct. State v Thompson, 953 A.2d 491,496, N.J. App. 2008; State v Thompson, 953 A.2d 491,496, N.J. App. 2008;

(d) The judgments of said judge are void. State v American Can Co., 42 N.J. 32, 38, N.J. Supreme Court 1964;

(e) If the average person would believe the Judge is required to recuse himself or harbors doubts about his impartiality, the judge must recuse himself. U.S. v Polludniak, 657 F.2d 948, Cert. Den. 102 S.Ct. 1431, 9th Cir. 1982 and State v McCabe, 987 A.2d 567, 572, N,J, Supreme Court 2010.

(f) A judge is required to recuse himself on his own motion if the judge has even the appearance of partiality. State v Utsch, 184 N.J. Super 575, 581, 1982;

State v Booker, N.J. App. 2015; State v Hanna, N.J. App. 2012; State v Balisteri, 779 F.2d 1191, 1202, 7th Cir. 1985;

(g) A judge that is required to recuse himself and does not so due is not a neutral and detached judge and the Search warrants are void by such judge. State v Presley, 94 A.3d 921, 925, N.J. App. 2014; State v Gieo, 950 A.2d 930, 936, N.J. APP. 2008.

(h) 28 U.S.C. 455 has application in the state. State v McCann, 919 A.2d 136,143,144,N.J.App. 2007;and

(i) 28 U.S.C. 455 is self executing and an affidavit is not needed. Taylor v O'Grady, 888 F.2d 1189, 1200, 1201, 7th Cir. 1989.

(J) It is the Duty of the prosecutor, and thus the Attorney General's office in defending state officials in civil suits, to see that Justice is done not that they get a favorable decision at any cost. State v Zisa, N.J. App. 2015. The Attorney General's office so presented erroneous facts and law that the judges named are and were immune when the clear facts and law is they are not. This failure to disclose the Common Law duties and thus liability of the defendants, is fraud upon the Court that has no time period to bring to the court such claims.

(K) Judge Steinberg's refusal to transfer Mr. Reardon's Criminal Case to another county for bias is supported by Judge Rudolph Rossetti's June 1989 decision to transfer a civil suit to another county due to one of the defendants being a court employee. It gave the appearance of bias. In Mr. Reardon's criminal charges there was 2 County employees that were alleged targets. These were (a) A Camden

County Judge and (b) A Camden County Court Clerk, my ex-wife, Ms. Reardon. The trial, conviction and sentence are illegal and unconstitutional due to this bias not accepted by Judges Steinberg and Greene and then for the failure of all the other Judges failure to set aside these void proceedings.

8. The plaintiffs indictment was clearly defective and was not served on me prior to trial as to the 2nd degree charges and I was thus denied my Due Process right to advanced notice and thus a proper right and ability to be heard which voids the trial and no court can give validity to void proceedings.

9. All trial court judges and all appellate court Judges lacked any discretion to validate and give credence and credibility to the void criminal proceedings against Mr. Reardon back between 1990 and 1992 and they have no discretion to so validate said proceedings. Thompson v Whitman Supra.

Count 1

The plaintiff incorporates the facts above into this count as though recited herein and asks for the following relief:

1. An order declaring the orders of these judges void and unenforceable and to be corrected to reflect that the plaintiff set out a valid basis to the relaxation of the time bar to such PCR Motions and an order to correct the record that the orders, judgments, decrees and proceedings of Judges Steinberg and Greene are in act void for (A) Refusal to recuse themselves; (B) that the approval of the Search Warrants of June 20, 1990 of Sgt. A. L. Simon and The June 29, 1990 Search Warrant of D. Sgt. Bruce Dawson are void since they were approved by a biased Judge and not a

Neutral and Detached Judge as required by law; (C) That the indictment of the plaintiff is fatally defective for the reasons stated above; (D) that the Plaintiff was denied of effective assistance of counsel as so claimed above; (E) That the Prosecutor's in fact committed Fraud upon the court as stated above; (F) That the sentence of the plaintiff was and is illegal; (G) That the state was required to produce 2 credible witnesses to the overt 2nd degree act and they failed to do so; (H) That the trial of the plaintiff is and was void since the state could not use the evidence seized in the 2 Searches; (I) that the state lacked subject matter and/or personal jurisdiction over the plaintiffs criminal charges and trial; (J) The State was barred from admitting evidence to the 2nd degree charges at trial since it was not so admitted to the Grand Jury; (K) That the state barred the right to have my Last Will and testament admitted into evidence for the reasons it was evidence of relevance to the charges at common law and New Jersey Supreme Court decision of State v Long Supra as stated above; (L) The fact that the indictment was defective for the reasons stated in this lawsuit; (M) That the plaintiff was denied a speedy trial at common law; (N) That the plaintiff was denied effective assistance of counsel; and (0) For all the other reasons stated in this lawsuit.

2. The plaintiff requests an order to require the state to correct it's actions, findings, decrees, judgments and proceedings as being void for lack of, loss of, or usurpation of Jurisdiction by Judges Steinberg and Greene and then by all the other Judges for the reasons stated above and as listed in request 1 above and for denial of Due Process as to notice and hearings before the various Trial Judges of

Camden County and the appellate Court judges.

3. An injunction directed at barring them from hearing and sitting on any matter, be it motion or lawsuit, by Mr. Reardon in the future.

4. That Camden County Courts be ordered to transfer all matters in my criminal case or any future matter, be it civil or criminal to another County.

5. Any other relief the jury or court finds and deems appropriate.

Count2

1. The plaintiff incorporates the facts above into this count as though recited herein and asks for the following relief:

Damages in the amount as follows:

A. For loss of wages and retirement benefits from the loss of my job at the U.S. Post Office caused by the illegal and unconstitutional violations and denials of my rights as follows:

(1) Actual wages and benefits lost: $2,858,836.94;

(2) Times 2 for theft of these benefits at common law, then times 2 under N.J.S.A. 2C:20-20;

(3) times 3 for the following relief: Compensatory, Punitive and Exemplary Damages;

(4) Times 3 for State Rico violations;

Total losses are $102,918,129.84.

B. For the denial of my rights listed in this lawsuit, which are 10 plus the denial of Due Process to fair and impartial hearings, to the denial of fair and

impartial Judges and for the denial of my equal protections of the law rights I seek $1,000,000.00 for each of the 13 violations times 3 for compensatory, punitive and exemplary damages times 11 for the 11 defendants for a total of $429,000,000.00.

C. For the curtailment of my rights and liberty for the 6 years I spent in Jail and on parole I seek the following compensatory, punitive and exemplary damages in the amount of $1,800,000.00.

D. For the denial of my rights to acquire a gun and to take custody of my grandson; from 1992 to the present for owning a gun and from 2009 to 2017 for the denial of my right to take custody of my grandson due to my criminal record I seek $10,000.00/yr. For the loss of my right to bear arms times 3 for compensatory, punitive and exemplary damages for a total of $900,000.00 and $100,000.00/yr.For the loss of my right to take custody of my grandson due to my criminal record for compensatory, punitive and exemplary damages I seek $2,400,000.00.

E. Personal Property lost is $855.49.

F. For all the criminal code violations of these Judges I seek the following relief:

(1) N.J.S.A. 2C:13-1-- as follows: $250.00 for each of the 2 statute sections, Times 11 defendants; Times 3 for Compensatory, Punitive and Exemplary damages Times 2192 days my liberty was curtailed, times 3 for State RCIO Laws for a total of $108,504,000.00.

(2) N.J.S.A. 2C:13-3-- as follows: $250.00 times 1 such statute violation times 11 defendants, Times 3 for Compensatory, Punitive and Exemplary Damages Time

2192 days my liberty was curtailed, Times 3 For State RICO violations for atotal of $54,252,000.00.

(3) N.J.S.A. 2C:20-3 and -4-as Follows: $250.00 for violation of this law for which there are 4 such sections involved, Times 11 Defendants, Times 3 classes of damages, Compensatory, Punitive and Exemplary, Times 3 for RICO Violations Times 2 for common law theft charges, Times 2 for violation of 2C;20-20, Times 45 actual crimes committed for a total of $17,820,000.00.

(4) N.J.S.A. 2C:15-1-As Follows: $250.00 for the violation of this statute, Times 11 defendants, Times 3 for Compensatory, Punitive and Exemplary Damages , Times 2 for Common Law thefts, times 2 for violation for 2C:20-20, Times 3 for State RICO Violations Times 45 offenses for a total of $4,455,000.00.

(5) N.J.S.A. 2C:28-1 through -4-As Follows: $250.00 for the violation of these statutes which are 11 such sections, Times 11 Defendants, Times 3 For State RICO violations, Times 3 for Compensatory, Punitive and Exemplary Damages Times 132 such offenses for a total of $35,937,000.00.

(6) N.J.S.A. 2C:29-1- As Follows: $250.00 for violations of this Statute, Times 11 Defendants, Times 6 code sections, Times 3 for Compensatory, Punitive and Exemplary Damages, Times 3 For State RICO, Times 348 such offenses for a total of $51,678,000.00.

7) N.J.S.A. 2C:30-2-As Follows: $250.00 for the violation of the statutes, Times 2 for the Code violations, Times 11 Defendants, Times 3 for Compensatory , Punitive and Exemplary Damages times 116 such violations for a total of

$1,914,00.00.

(8) N.J.S.A. 2C:21-3, -4 and 2C:28-7-As Follows: $250.00 for Violation of these Statutes, Times 4 such section violations, Times 11 Defendants, Times 3 for Compensatory, Punitive and Exemplary Damages, Times 20 for motions, Plus 2 For Appeals, For A total of $726,000.00.

(9) For 2900 general Torts at $1,000.00/tort times 3 for Compensatory, Punitive and Exemplary Damages times 11 Defendants for a total of $78,300,000.00.

(10) For Misfeasance and Non-Feasance I seek $123,154,956.03.

(11) For the trauma I had to suffer being in jail I seek a total of $4,000,000.00. Total Damages sought to be collected Jointly and severally from the defendants.

(13) Double all costs as per the common Law, Blackstone'sCommentaries,Book 1, Chapter l, pages 342 or under state RICO, treble costs.

[Comment: If the defendants are liable as set out in this lawsuit, the court has Jurisdiction.]

Issues Raised [in Appeal]

The court committed plain, clear, legal or constitutional error by failing to comply with the law, and/or has abused its discretion and his known and admitted duty to the law for the following reasons.

A. The court admitted it must accept all pleaded facts as true and **Mr. Reardon** repeatedly told the court that the **defendants lost, lacked or usurped their jurisdiction and/or discretion** making them liable and the court has jurisdiction under these facts at a **Rule 12(b) Stage.**

B. By the court doing as above, **it did in fact discriminate against Mr. Reardon** by treating him differently than all other plaintiffs.

C. **The court has given validity, credence and credibility to the void state court proceedings and in fact made its orders void.** And

D. This is not a **Heck v Humphrey or Rooker-Feldman case** and does not involve preclusion issues.

Statement of the Case [in Appeal]

The **Hard facts and law** is that it does not matter if I can succeed on my lawsuit for which **Rule 12(b)** simply forbids a dismissal to such **Rule** if the allegations, taken as true, would appear to support the facts. **Mr. Reardon** repeatedly **stated the defendants lacked, lost or usurped their jurisdiction and/or discretion** and as being true I am entitled to submit evidence to support or reject the validity of this claim. The court must accept jurisdiction under such a claim.

This lawsuit was filed seeking both Equity, declaratory, legal, prospective

and costs relief.

Judges Steinberg and Greene were required to recuse themselves from my criminal trial for which the law says that they Lost, Lacked or Usurped their Jurisdiction and/or their discretion, that their orders are void and they denied Due Process of Law. This applies to not only these **Judges** but to all the **Appellate Court and PCR Court Judges.** These are the hard facts and law and for which the dispute is now a factual dispute not a legal dispute and no court has the right to settle the factual disputes under **Rule 12(b). See A87-91 below.**

That the law and facts are that void orders or proceedings are not entitled to respect in any other Court and said proceedings are void.

This court can examine the trial of **Mr. Reardon,** as it would not be reviewing and seeking to set aside any decisions in the state and that there is no preclusion law restrictions or **Heck v Humphrey or Rooker-Fldman** applications either.

The PCR and Appellate Court judges, lacking jurisdiction or discretion, did validate void orders or proceedings and their decisions are of no import here as well. Said orders are void and unenforceable in any other court and this lawsuit is again proper for this court's right to rule on all the **Constitutional Rights violations mentioned in this lawsuit and are void and not to be considered even before reversal.**

The court should concur with the above facts, and I seek damages for all the rights violated and listed in this lawsuit or I seek the following relief: [If this is true, how does the lower courts not have Jurisdiction as per Elliot v Piersol, 1 Pet. @ 340.]

The Federal Courts would not be overturning or reviewing a valid State

order(s) or proceedings for which the court would be denied the right to do under the law. The state proceedings are as if they never occurred and this court can entertain a lawsuit for the violation of all my rights eluded to in this lawsuit. **Budget Blinds v White.**

I am simply asking this court to rule on the legal claims and whether the state proceedings are in fact void and unenforceable and thus does not bar this lawsuit in any way at the **Rule 12(b) stage.**

Mr. Reardon is not asking this court to re-examine my criminal trial and conviction or to set it aside. He is not asking this court to declare the defendants rulings are wrong. He is, however, challenging **the Constitutionality of the Rules of Court and the procedures** used to handle **PCR Motions and criminal proceedings** as to all issues stated in this lawsuit.

He is also asking this court to issue an order of correction to the **N.J. Courts** that the state trial of **Mr. Reardon** was by a court that did not have subject matter and/or personal jurisdiction to try **Mr. Reardon** and to issue an order to the state court to so place it in the state records **they lacked jurisdiction and/or discretion to try the plaintiff in Camden County.** This is not a habeas Corpus lawsuit in which I am attacking the judgment of the court and finding of guilt, this is not a case in which I am asking this court to so set aside my conviction in the State and therefore is not either a **Heck v Humphrey or Rooker-Feldman** case and criteria. [See A8-11 & 18-19 above.]

Further, the **claim of loss of, lack of or usurpation of jurisdiction and/or**

discretion, and for the frauds perpetrated by the defendants I am seeking damages. As the courts have held, Jurisdiction may be challenged in every other court, as well as fraud in the other court(s) and for which there is no time period to bring such matters to the courts attention.

Mr. Reardon did state repeatedly in the original lawsuit and sub-sequent attempts to amend that **the defendants lacked, lost or usurped their jurisdiction and/or discretion** for which at the **Rule 12(b)** stage were pleaded facts that the court stated it must accept as true and did fail and refuse to uphold the law on liability and did dismiss this laws-suit with prejudice.

The **State PCR and Appellate Judges** cannot validate void state proceedings, and the law on recusal of **Judges Steinberg and Greene,** and they did in fact uphold their void proceedings.

All of **Judge Hillman's orders** are void or improper as he admits that **Judges** enjoy immunity and that to sue a judge one would have to prove the lack of immunity. **Mr. Reardon not only** repeatedly **stated the defendants lacked, lost or usurped their jurisdiction or discretion** by supporting this claim with **State and Federal Case laws at the U.S. Supreme Court, the 3rd Cir. Court and State Appellate court or New Jersey Supreme Court** decisions and **Judge Hillman** did deny my rights and ignored my claims to such. He has intentionally denied my rights to make such a claim and also discriminated against me.

In the original complaint **at page 24, statement 41** I did allege the **defendants lacked jurisdiction and/or discretion. Docket entry 1 @ Pg. 1 and 24.** If the state

defendants lack jurisdiction this court has such.

In the opening paragraph of the lawsuit I stated I **was seeking equity and declaratory relief, and also in Statement 40 on page 24 of the original lawsuit.** In each attempt to amend I clarified a little more as to **the basis for the lack of Jurisdiction and/or Discretion and Judge Hillman** refused to acknowledge and uphold my claims of liability of the defendants when he admitted he must hold the pleadings as true and that when jurisdiction is so questioned the court is barred from relying on anything from the challenged proceedings to deny the right to inquire into the jurisdiction of the court in question. **Judge Hillman** has intentionally and willfully denied me the equal protections of the law by refusing to acknowledge and uphold my rights and claims made. The lower court has subject matter jurisdiction. [If the law says that Jurisdiction can be brought in any court and any time, Whitman v Thomp son, and there is not immunity for this reason, or because of This court's decisions as to Mandatory/Ministerial acts or where a judicial function is done without jurisdiction the official can be sued, and if all of these facts/factors are alleged, how are the officials entitled to immunity? How is preclusion law, **Heck v Humphrey, Rooker-Feldman** asserted deny a lawsuit for such, how the official is immune and how does the court lack jurisdiction.]

The **State defendants were given 8 chances to set aside the void proceedings** in the state and they failed or refused to so set them aside.

Judge Hillman was given **4 chances** to undo his and the state's void orders **due to the court giving validity, credence and credibility to the void orders or**

proceedings of the state defendants and he has repeatedly refused to set aside the void state matters for which he has no discretion to so sanction and uphold. Elliot v Piersol. The Queen v The Justices of Suffolk, 18 Q.B. 416, 1852; The Queen v the Justices of London, 18 Q.B. 421, 1852 and Regina v O'Grady, 7 Coxx C.C. 247, 1857.

The well settled law, in the U.S. and State Courts, is that if a Judge is requir -ed to recuse himself and he fails or refuses to do so that his order are void, that he loses or usurps his jurisdiction and he violates Due Process. These were made known to Judge Hillman in my motions on liability and that under the current and past law if the judge lacks, loses or usurps his jurisdiction or discretion the judge is liable and Judge Hillman did not only ignore this law but ignored and did not hold as true and correct that for which I repeatedly stated the defendants did lose, lack or usurp their jurisdiction and would be, and are, liable and did not hold the scales well balanced as he is required and expected to do. He should have recused himself for the appearance of bias and justice sake. He has turned a factual dispute into one of law.

The well settled law is that the court, at minimum, was required to hold a plenary hearing to ascertain the veracity and validity of the defendants claims of immunity to so establish their right to claim such immunity as they are required by law and Judge Hillman simply held that they are judges, they are absolutely immune and granted them such immunity without the defendants being required to prove they are immune under the circumstance of recusal and liability law. Judge

Hillman was involved in a lawsuit by me and for which the court did admit the defendants were required by law to prove their right of immunity for the function in question. The only way a defendant can prove they are immune is by affidavits and the right to question said claims by the plaintiff, which **Judge Hillman** did not require the defendant's to do, and denied me the right to challenge their claims in opposition to said claims by cross examination. **Mr. Reardon** was denied the same rights to challenge the immunity of the defendants that others are accorded. See **Hughes v Long, 242 F.3d 121, 125, 3rd Cir. 2001 and Buckley v Fitzsimmons, 509 U.S. 259, 269, 1993.**

This case did seek both declaratory and legal relief from the defendants. **The declaratory relief** involved the right to have the court issue an order directing the state to correct its record that they lacked the right to uphold the proceedings **Mr. Reardon** was suffered to comply with and for which **the U.S. Supreme Court** has held that a Federal Court has the right to order the state court to **correct its judgments, records and proceedings to reflect said loss of jurisdiction** and the court claimed it had no such right when the well settled law dating all the way back to **1874** says he has such a right and for which he was informed of this right repeatedly by **Mr. Reardon.**

The State Court defendants should have transferred my criminal charges, trial and proceedings to another county Sua Sponte due to an order of **Judge Rudolph Rossetti** in **June of 1990** in which he had sua sponte transferred a civil suit to another county due to a defendant being a **Camden County Court employee** and

in Mr. Reardon's criminal proceedings there was possibly 2 court personnel involved in my criminal charges and trial, that is a Camden County Court Clerk and a Camden County Judge and they failed to so transfer my criminal trial and proceedings to another county for appearances of justice sake.

Judge Steinberg had 2 open lawsuits against him by Mr. Reardon prior to the filing of criminal charges against me and Judge Greene had 1 prior to his becoming involved in my criminal proceedings requiring them to recuse themselves and they refused and Judge Greene should have also recused himself since Judge Steinberg, as the criminal assignment judge, could not appoint any Camden County Judge to hear my criminal charges.

Mr. Reardon's trial and the actions of the State defendants are administrative, mandatory and/or non-discretionary on their part. For which they can be held liable for by the current Supreme Court criteria.

A. I was denied a probable cause hearing to test the State's case and for setting of reasonable bail and for which the state failed to produce any allegation what the unlawful purpose is or was and that said claims came in November 1991 and I was arrested and jailed for 17 months without any proof as to the 2nd degree crimes or what the basis for them was and was denied reasonable bail since it was set at $100,000.00 full cash bail and for proof of only 3rd degree crimes, which did not carry a sentence of jail time, and was thus excessive.

B.(1) My indictment did not comply with the Common Law Mandate on such in that the state never stated to the grand Jury what the unlawful purpose was; (2)

That the state failed to produce 2 witnesses to the overt act of unlawful purpose; and (3) The State failed to provide any basis for its failure to produce the specific facts as to what the unlawful purpose is and was. That is they failed to state the manner and intent in the indictment and therefore they could not admit evidence to support the unlawful purpose that was not clarified and produced for the grand jury in the indictment.

C. Mr. Reardon's criminal charges to the 2nd degree crimes was defective since the state failed to produce at least 2 witnesses to the 2nd degree charges at the trial, as required by the common law.

D. Mr. Reardon's right to a speedy trial, at common law, was violated in that I was not tried immediately or soon after my arraignment or within 1 year of filing charges against me, as I was arrested and charged in June 1990 and not tried till December 1991.

E. Mr. Reardon was denied his right to submit his last will and testament as exculpatory evidence since it went to my mental state of mind at the time of the alleged crimes and named 2 presumed targets of my alleged criminal conduct. This information would have been helpful to the jury.

F. Mr. Reardon's counsel did not ask questions of the witnesses by him and nor did he instruct me as to the types of questions to ask.

Mr. Reardon did seek to add Judges Wells and Ragonese as part of a continu -ing and ongoing tort, wrong or fraud since they too decided to not set aside the void orders of Judges Steinberg, Greene, Freeman, Pugliese, Gaulkin, Kestin,

Hayden, Payne and Ashrafi.

While **Mr. Reardon** did state all the rights the defendants denied me of, this was not the basis for the Cause of Action. The cause is as set out in statements A-F above, **for lack of, loss of or usurpation of jurisdiction and/or discretion; For fraud upon the state court and thus the federal Court; for void state proceedings; for fail -ure to set aside void proceedings or orders; *For abuse of process* and For failure to recuse. [Abuse of process does not require the proceedings to terminate in the the injured parties favor to bring such a lawsuit.]**

All of these issues and law for such granted **Mr. Reardon the right to sue for both equity and legal relief** and **Judge Hillman's** orders are erroneous and void.The court has jurisdiction since the defendants are not immune from suit either legally or equitably.

Excerpts from Legal Arguments in Appeal

Legal Arguments

The Court has said, in it's 4 orders, that the court must accept as true all pleaded facts and for which Mr. Reardon does state that he alleged the defendants did lack, lose or usurp their jurisdiction and/or discretion and in so doing the Judges, on all law, are liable for said injuries if true. See Statements 41 of original complaint and all other submitted Amendments in said motions. See docket entries 1,@ Pg.s 1 and 24; 9 @ Pg.s 4, 6, 8-11; 10-2 @ Pg.s 2, 3 and 10; 14 @ Pg.s 2-7; 22 @ Pg.s 2, 5, 8-10; 26 @ Pg.s 5,7,8 ; 37 @ Pg.s 4, 5; 37-1 @ Pg.s 2, 4, 11 and 14; 52 @ Pg.s 2-5; 53 @ Pg.s 5, 6, 9, 12-14, 21–O & Q, 23-28, 31 and 32.

I also stated on Pages 1 and 24, statement 40 that I was seeking equity and prospective and costs relief that all state officials are subject to.Blackstone's Commentaries, Introduction to the laws of England, Chapter 1, Page 69:

> These customs ... now become a permanent rule, which it is not in the breast of any subsequent judge to alter or vary from according to his private sentiment; he being sworn to determine, not according to his own private judgment, but according to the known laws and customs of the land; not delegated to produce a new law, but to maintain and express the old one. [must comply with the common law, no discretion to not so comply, it is a mandate or ministerial act to violate such law on all judges.]

Since this is a mandate at common law that all judges must abide by then Judges Steinberg and Greene lacked or lost all discretion by not complying with this common law mandate on the following issues:

1. A Probable Cause hearing to test the veracity of the charges against a person and to set reasonable Bail. I was denied this right. Blackstone's Commen-

taries, Book 4, Chapter 22, Page 293:

> THE justice, before whom such prisoner is brought, is bound immediately to examine the circumstances of the crime alleged and to this end by statute 2 & 3 Ph. & M. c. 10. he is to take in writing the examination of such prisoner , and the information of those who bring him: which, Mr Lambard observes, was the first warrant given for the examination of a felon in the English law. For, at the common law, nemo tenebatur prodere seipsum; and his fault was not to be wrung out of himself, but rather to be discovered by other means, and other men. If upon this enquiry it manifestly appears, either that no such crime was committed, or that the suspicion entertained of the prisoner was wholly groundless, in such cafes only it is lawful totally to discharge him. Otherwise he must either be committed to prison, or give bail; that is, put in securities for his appearance.....

2. Defective Indictment Issues:Blackstone's Commentaries, Book 4, Chapter

23, Page 303:

> The offence itself must also be set forth with clearness and certainty. [Defective indictments, My indictment did not state with clearness what the unlawful purpose or intent is or was.]

3. Speedy Trial issues: Blackstone's Commentaries, Book 4, Chapter 23,

Page 308:

> .....at all events, to pay costs, unless the information shall be tried within a year after issue joined. And

Book 4,Chapter 27, Page 346:

> and therefore it is there usual to try all felons immediately, or soon, after their arraignment. I was not tried till 18 months after my arrest and filing charges.

4. Inadequate Defense Counsel issues:Blackstone's Commentaries, Book 4, Chapter

27, Page 351:

> [and] at the bar, and instruct him what questions to ask, or even to ask ques tions for him, with respect to matters of fact: for as to matters of law, arising on the trial, they are entitled to the assistance of counsel.

Appointed counsel failed to carry out these duties.

5. Required proof as to all criminal charges: Blackstone's Commentaries, Book 4, Chapter 27, Page 351:

> and he adds this reason, that the witness who affirms, and the accused who denies, makes an equal balance; there is a necessity therefore to call in a third man to incline the scale.

Book 3, Chapter 23, Page 371, 372:

> For, as they do not allow a less number than two witnesses to, be plena probation, they call the testimony of one, though never so clear and positive, femi-plena probatio only, on which no sentence can be founded. [There was not 2 witnesses to the unlawful purpose before the grand jury or at trial.]

6. Barring of evidence of a lack of sufficient charge on unlawful purpose: Blackstone's Commentaries, Book 4, Chapter 27, Pages 351-352:

> no evidence shall be admitted to prove any overt act not expressly laid in the indictment. [That is, if the person is charged, for example, with possession with an intent, if the grand jury does not elicit evidence to what that intent is, it cannot then be admitted in the trial.]

The court allowed the state to produce evidence of the unlawful purpose that was not before the grand jury and in the indictment.

7. Allowance of any evidence that would be helpful to the Jury: Blackstone's Commentaries, Book 4,Chapter 27, Page 353:

> that whatsoever could be brought in favor of the subject should be admitted to be heard.

My Last will and testament was admissible since it went to my state of mind at the time of the alleged crime(s) and named 2 of the alleged targets in my will. Obviously this information is important and relevant and would have been helpful

to the jury.

Basis for Liability [in Appeal]

As to Judges Steinberg and Greene, they are liable as follows:

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, 7th Cir. 1985:

> If a Judge is required to recuse himself on his own and he fails to do so he either usurps his jurisdiction or commits a fraud which voids the proceedings.

State v McCabe, 987 A.2d 567,572, N,J, Supreme Court 2010.

> Must recuse if average man on the streets would believe so. [I had sworn statements from 2 average citizens that agree that Judge Steinberg and no other Camden County Judge should have handled the criminal proceedings against me. See pages 85-121 below.]

U.S. v Sciuto, 521 F.2d 842, 845, 7th Cir. 1976 and Caperton v Massey Coal Co.,129

S.Ct. 2252, 2254-2255, 2259-2260 and 2263, 2009:

> If a judge is required to recuse himself and he doesn't he violates Due Process of law.

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 and State v Gieo, 950 A.2d 930,

936, N,J. App. 2008:

> If a Judge is required to recuse himself and he doesn't his orders and judgments are void.

> Liteky v U.S., 501 U.S. 540, 541, 544-546, 548-555, 557-559, 1994; State v

Tucker, 264 N.J. Super. 549, 554-555, 1993; Panitch v Panitch, 770 A.2d 1237,

1239, N.J. Appellate 2001 and State v Plummer, N.J. Appel. 2016.

Any [adverse] extra-judicial contact with a party before the court requires recusal.[The problems and requirements of such a facts are stated above in that the judges were beings sued by me.]

As to Rule 12(b) process and right to discovery the courts have said:

Figueroa v. Blackburn, 208 F. 3d 435, 439, 3rd Cir. 1999:

> Judge Blackburn moved for summary judgment on the ground that she was entitled to judicial immunity. With the consent of the parties, and pursuant to 28 U.S.C. § 636(c) and Fed.R.Civ.P. 73, the motion was adjudicated by Magistrate Judge Freda L. Wolfson.

Figueroa v. Blackburn, 39 F. Supp. 2d 479, 484, Dist. Court, D. New Jersey 1999:

> Federal Rule of Civil Procedure 56 empowers a court to enter summary judgment if there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. See FED.R.CIV.P. 56; Celotex Corp. v. Catrett, 477 U.S. 317, 323, 106 S.Ct. 2548, 91 L.Ed.2d 265 (1986). Once the moving party has satisfied this initial burden, the opposing party must establish that a genuine issue exists. See Jersey Central Power & Light Co. v. Lacey Township, 772 F.2d 1103, 1109 (3d Cir.1985), cert. denied, 475 U.S. 1013, 106 S.Ct. 1190, 89 L.Ed.2d 305 (1986). Not every issue of fact will be sufficient to defeat a motion for summary judgment; issues of fact are genuine "*if the evidence is such that a reasonable jury could return a verdict for the nonmoving party." Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248, 106 S.Ct. 2505, 91 L.Ed.2d 202 1986. (Further, the opposing party cannot rest upon mere allegations; it must present actual evidence that creates a genuine issue of material fact. See id. at 249, 106 S.Ct. 2505 (citing First Nat'l Bank of Arizona v. Cities Service Co., 391 U.S. 253, 290, 88 S.Ct. 1575, 20 L.Ed.2d 569 (1968)). The court must draw all reasonable inferences in the opposing party's favor, and must accept the party's evidence when considering the merits of the summary judgment motion. See Pollock v. American Tel. & Tel. Long Lines, 794 F.2d 860, 864 (3d Cir.1986).*

McGary v. City of Portland, 386 F. 3d 1259, 1261, 9th Cir. 2004:

> The Supreme Court has cautioned that, in reviewing the sufficiency of the complaint, "[t]he issue is not whether a plaintiff will ultimately prevail but whether the claimant is entitled to offer evidence to support the claims. Indeed it may appear on the face of the pleadings that a recovery is very
>
> remote and unlike-ly but that is not the test." Jackson v. Carey, 353 F.3d

> 750, 755 (9th Cir.2003) (quoting Scheuer v. Rhodes, 416 U.S. 232, 236, 94 S.Ct. 1683, 40 L.Ed.2d 90 (1974))..... .....Swierkiewicz v Sorma N.A., 534 US 506, 511, 2002; Aurecchione v Schoolman Transp. System, Inc., 426 F. 3d 635, 638, 639, 2nd Cir. 2005; Lambeth v BOARD OF COMMR'S OF DAVIDSON COUNTY, NC, 407 F.2d 266, 268, 4th Cir. 2005; Scanlan v. TEXAS A&M UNIVERSITY, 343 F. 3d 533, 536, 5th Cir. 2003; Omar ex rel. Cannon v. Lindsey, 334 F. 3d 1246, 1247, 11th Cir. 2003; Gonzales v City of Castle Rock, 366 F. 3d 1093, 1096, 10th Cir. 2004; Pennsylvania Psychiatric Society . GREEN SPRING HEALTH SERVIES, 280 F. 3d 278, 283, 3rd Cir., 2002; Hewett v. Willingboro Bd. of Educ., 421 F. Supp. 2d 814, 816, 817 Dist. Court, D. New Jersey 2006 [Judge Simandle Presiding.]; JEROME STEVENS PHARM- ACEUT v. Food & Drug Admin., 402 F. 3d 1249, 1253, D.C. Cir. 2005; Cole v U.S. Capital 389 F. 3d 719, 724, 7th Cir. 2004; Rodi v. Southern New England School of Law, 389 F. 3d 5, 13, 1st Cir. 2004; Hanover Ins. Co. v Ryan, 619 F. Supp. 2d 127, B-Motion to dismiss, D.C. E.D. Pennsylvania, 2007; Stratton v Portfolio Recovery Associates, LLC, 770 F. 3d 443, 447, 6th Cir. 2014; Mason v. Coca-Cola Co., 774 F. Supp. 2d 699, 702, D.C.D.N.J., 2011 and Kuzian v Electrolux Home Products, Inc., 937 F. Supp. 2d 599, 606, D.C.D.N.J. 2013 [Judge Hillman Presiding].

Judge Hillman has done something else he could not do. The court said If even 1 issue remains as viable the court cannot dismiss the case in its entirety: Jones v Bock, 127 S.Ct. 910, 924, 2007:

> we have never heard of an entire complaint being thrown out simply because one of several discrete claims was barred.... and it is hard to imagine what

purpose such a rule would serve.

Conclusions [in Appeal]

Judge Hillman's dismissal of this lawsuit for lack of jurisdiction is erroneous and abusive for the following reasons:

1. The law that Judge Hillman over looked says that if a judge is alleged to lack, lose or usurp his jurisdiction or discretion the Judge is liable for the injuries inflicted on the plaintiff, and the plaintiff clearly and repeatedly stated the fact that the judges lacked, lost or usurped their jurisdiction and/or discretion and the lawsuit is thus not against the state for which the Judges can thereby claim sovereign or judicial immunity. The District Court has valid jurisdiction.

2. Even if the Judges are still found to be immune for legal relief, no state official is immune from equity, prospective, injunctive, costs and/or declaratory relief which Mr. Reardon sought in this lawsuit.

3. The plaintiff clearly laid out the factual and legal basis for the lack of, loss of or usurpation of jurisdiction and/or discretion that Judge Hillman admitted he must accept as true and then failed and refused to accept said statements as true, and thereby voiding my challenge to the state proceedings as being no valid proceeding and the judgments being therefore void.

4. The clear law dating back to 1874 is that a Federal Judge can hear a case on a claim of lack of jurisdiction and if it is substantiated through discovery and evidence, for which the federal court cannot rely on anything in the challenged proceedings to void the inquiry, then the court could order the state court to correct

its records that they lacked either subject matter and/or personal jurisdiction and that as a result the judgment must be voided.

5. Mr. Reardon has sued the Judges for the frauds perpetrated in the court proceedings to ensure that Mr. Reardon was convicted and for which they would make sure I was not relieved from my wrongful conviction.

6. I have alleged the defendants have a Common Law Mandate upon them that prevents them from ruling contrary to the Common Law of England and that they did fail to comply with said mandate and Common Law issues and rights in 7 areas of law and facts making them liable for lack of jurisdiction and/or discretion to not comply with the Common Law and its Mandate. The courts have said:

> In re Charter Communications, Inc., 393 F. 3d 771, 784, 8th Circuit 2005:
>
> *Ministerial acts have long been recognized as nonjudicial by the Supreme Court. See, e.g., Custiss v. Georgetown & Alexandria Turnpike Co., 6 Cranch 233, 10 U.S. 233, 236, 3 L.Ed. 209 (1810).*

7. According to Bouvier's Law Dictionary, 3rd Revision, 8th Edition, 1984 Reprint, Page 1304, "Fraud":

> An endeavor to alter rights by deception, touching on motive or Circumvention not touching on motive. And

State v Zisa, N.J. App. Court, 2015:

> There is no bar from a lawsuit that would allow issues of fraud to be decided in a pre-trial motion since disputes of frauds are for a jury to decide.

The state defendants were fully aware the fact that they had to prove their immunity since at A Rule 12 stage in which the claim is they lacked, usurped or lost their jurisdiction and/or discretion and that they cannot just rely on their mere

claim of Sovereign and Judicial Immunity and they convinced the court to ignore the pleaded facts and law to serve their motive to avoid liability and the motive to deny me of my rights listed in this lawsuit.

8. The State proceedings are in fact void and the appellees lost, lacked or usurped their jurisdiction and/or discretion and are not entitled to claim immunity under Rule 12(b) And the court has subject matter jurisdiction and Judge Hillman could not give credibility, credence or validity to the void state proceedings and as result his order dismissing this case is in fact void and unenforceable in any other court.

9. Mr. Reardon did seek declaratory, prospective, injunctive, costs and equity relief for which Judge Hillman failed to carry out a Scheuer v Rhodes, 412 U.S. 232 , 237, 1974, analysis and he either committed error or abused his discretion by not so conducting such a hearing and review. See Also Laskaris v Thornburgh, 661 F.2d 23, 25-26, 3rd Cir., 981.

10. Mr. Reardon did state in the original Lawsuit and intended amendments that the State defendants lacked, lost or usurped their jurisdiction which is required to make a challenge to the jurisdiction of the State Judges and they are liable for said lacks and that the other judges so lacked, lost or usurped their jurisdiction by not setting aside the void orders and proceedings of Judges Steinberg and Greene and that Judge Hillman could not rely on anything from the challenged proceedings to void the right to such a challenge and the court simply said, they are judges, they are prosecutors and they are immune and thus failed to address

my claims of jurisdiction and failed to address said claims both as to equity and legal claims. Thompson v Whitman @ 467-468.

11. Mr. Reardon did spell out both in fact and law that Judges Steinberg and Greene lacked jurisdiction due to case law criteria and Defendants were liable and lacked jurisdiction since they are barred from granting validity, credence and credi -bility to the void proceedings of Judge Greene and Steinberg as amply supported by the case law on recusal and jurisdictional loss thereof.

12. This Court said in Arc of New Jersey, Inc. v State of NJ, 950 F. Supp. 637, 639, Dist. Court, D. New Jersey, 1996, that there is no conflict between State and Federal Commity and Raymark Industries, Inc. v Lai, 973 F. 2d 1125, 1132, 3rd Cir. 1992.

13. For all the reasons stated above, Judge Hillman could not so approve and sanction such violations. Once a proceeding or order is void, no other court can validate, give credence or credibility to the said proceedings and Judge Hillman has done that the law prohibits him from doing and that is to validate void proceed -ings and he has also turned an issue of fact into a legal issue to extend himself and his office to protect the liability of the State defendants that he has no discre- tion to so do and for which he can be sued for such a willful act.

Statement 10 in Amended complaint:

Mr. Reardon seeks any relief to correct the record in the state as to the following issues at Common Law that no Judge has the right to not uphold and comply with. See Blackstone's Commentaries, Introduction to the Laws of England,

Chapter 1, Pages 69. Said failure are for Non-Discretionary, Minsterial, Non-Judicial, and Mandatory Acts that they are liable for and have no immunity from.

Said Common Law Mandates are to the following issues that no court has any discretion to sanction and give credence to and thus the state has had at least 7 opportunities to so comply with the Common Law Mandates and my rights and they have repeatedly failed to so comply with them and all orders by the Judges, Judges Steinberg, Greene, Wells and Ragonese are of no force or effect that can be upheld in any other court. The violations are for the following Rights, That even the State Supreme Court has held viable under the common Law which are: See U.S. v Jepson, 90 F.Supp. @987-989, 1950, and Allstate Insurance Co. Of New Jersey v Lajara, 117 A.3d 1221, 2015 and Thompson v Whitman, 85 U.S. 457, 467-468. The Common Law Rights and Mandates violated are:

A. Failure to produce at least 2 credible witnesses to the 2nd Degree Crimes that the State Courts have refused to comply with. Both at trial and before the Grand Jury. Blackstone's Commentaries, Book 4, Chapter 27, Page 346, 351 and Book 3, Chapter 23, Pages 371-372;

B. The State admitted into evidence at the trial that supposedly supported the actual purpose of the possession of the explosive device by Mr. Reardon, that is it was not testified to before the Gand Jury that the explosive device was meant to be a parcel bomb, directed and to be mailed to some Camden County Judge, my ex-wife, a Camden County Court clerk, or my ex-girl friend. This was barred as per Blackstone's Commentaries, Book 4, Chapter 27, Pages 351-352.

C. The state denied my right to a probable cause hearing to require the state to produce it's evidence as to the alleged crimes and they failed to do that. This is to test the veracity of the charges and for setting of reasonable bail. Blackstone's Commentaries, Book 4, Chapter 22, Page 293.

D. The state failed to try me "immediately, or soon, after my arraignment" and I was arraigned in July 1990 and not tried till December 1991. Blackstone's Commentaries, Book 4, Chapter 27, Page 346 and Chapter 23, Page 308.

E. The state failed to grant me effective assistance of Counsel in that they failed to instruct me as to the types of questions to be asked of witnesses or to so ask them himself. Blackstone's Commentaries, Book 4, Chapter 27, Page 350.

F. The indictment of the plaintiff was defective for the Following reasons:

(1) It did not descend to particulars. Blackstone's Commentaries, Book 4, Chapter 27, Page 303.

(2) It did not have the testimony of at least 2 credible witnesses to the 2nd degree charges.

(3) It was based on 3rd degree crime law only and the grand jury was never instructed as to the requirements of 2nd degree crimes and I was tried, found guilty and sentenced on 2nd degree and 3rd degree crimes.

(4) The indictment was never superceded by a new indictment as to the 2nd degree crimes and I was never so served with a superceding indictment that did correct the original indictment.

(5) The indictment served on the plaintiff was not signed by the foreman of

the grand jury and was not dated.

(6) The indictment only stated and was tried on the mere wording of the statutes that I was charged under and this is not permitted.

(7) The plaintiff was not served with the indictment till After 10/31/91 and I asked for a Bill of Particulars in Late 1990 and the state failed to proffer or serve me with a valid indictment or a valid Bill of Particulars before trial and I was denied Due Process of notice and thus an inability to be heard which voids such proceedings and are not entitled to respect in any other court and voids the proceed -ings and no other court can grant validity or credence to said void proceedings and the lower courts were barred from relying on anything in said proceedings. Thomp-son v Whitman, 85 U.S. 457, 467-468.

(8) Given the fact the indictment was and is defective as to the 2nd Degree crimes, the court's jurisdiction over said alleged crimes was without jurisdiction to to Try Mr. Reardon on.

G. The State failed to give me a Bill of particulars as required by law since the indictment failed to descend to Particulars and though I asked for said Bill in late 1990 the state never provided me with such.

H. According to the English Common Law Cases of The Queen v The Justices of Suffolk, 18 Q.B. 416, 1852; The Queen v The Justices of London, 18 Q.B. 421, 1852 and Regina v O'Grady, 7 Coxx C.C., 247, 1857 that if a judge is to recuse himself and he fails he either lost, lacked or usurped his jurisdiction and discretion or he commits a fraud and in either case the judgment is in fact "Void".

The clear law in this lawsuit required Judges Steinberg and Greene to recuse themselves, deny the Search warrant applications of Simon and Dawson since it was not granted by a neutral and detached judge and transfer my criminal charges to another County and they failed to so do that. This duty was required based upon Judge Rudolph Rossetti's June 1990 order of transfer of a Civil Lawsuit that I filed in Camden County in 1989 for which the Judge acted Sua Sponte to issue such order for the appearances of Justice in that 1 of the defendants in said civil case was a Camden County Court Clerk. In Mr. Reardon's criminal case I had 2 Federal Lawsuits against Judge Steinberg and Sgt. Simon of Runnemede Police Department prior to their actions to take the Warrantless Subsequent Search Warrant to Judge Steinberg who had adverse Extra Judicial Contact with Mr.Reardon for which Both Sgt. Simon and Judge Steinberg, for the appearances of justice should (a) not have brought the Search Warrant since the Chief was present during the warrantless Search and (b) for which Judge Steinberg had no exigent circumstances or reasons to not send Sgt. Simon to one of probably 12 other judges to approve of the Search Warrant application.

I. The other judges at the appellate and trial court levels usurped, lacked or lost jurisdiction due to the void actions of Judges Steinberg and Greene and they failed to set aside the void orders they were required to do and their decisions cannot have any validity in this court, which is another defect in this court's prior decision, and are also void. Mr. Reardon gave the state at least 7 chances to comply with their mandatory duty to set aside the void proceedings of Judges Greene and

Steinberg and they refused and failed to so do. A Judge Must recuse himself on his own motion when he has adverse extra-judicial contact with a person's matter before him and Mr. Reardon sued Judge Steinberg and had at least 2 prior such lawsuits pending in the federal courts at the time of My criminal charges.

(a) If a Judge is required to recuse himself, and fails to so do, he loses Jurisdiction. The Queen v The Justices of Suffolk, 18 Q.B. 416, 1852; The Queen v The Justices of London, 18 QW.B.421, 1852; Regina v O'Grady, 7 Coxx C.C. 247, 1857 and Elliot v Piersol, 1 Pet. 328, 340, 1828;

(b) He violates Due Process of law. U.S. v Sciuto, 521 F.2d 842, 845, 7thCir. 1976;

(c) He commits Official Misconduct. State v Thompson, 953 A.2d 491,496, N.J. App. 2008; State v Thompson, 953 A.2d 491,496, N.J. App. 2008;

(d) The judgments of said judge are void. State v American Can Co., 42 N.J. 32, 38, N.J. Supreme Court 1964;

(e) If the average person would believe the Judge is required to recuse himself or harbors doubts about his impartiality, the judge must recuse himself. U.S. v Polludniak, 657 F.2d 948, Cert. Den. 102 S.Ct. 1431, 9th Cir. 1982 and State v McCabe, 987 A.2d 567, 572, N,J, Supreme Court 2010.

(f) A judge is required to recuse himself on his own motion if the judge has even the appearance of partiality. State v Utsch, 184 N.J. Super 575, 581, 1982; State v Booker, N.J. App. 2015; State v Hanna, N.J. App. 2012; State v Balisteri,779 F.2d 1191, 1202, 7th Cir. 1985;

(g) A judge that is required to recuse himself and does not so do is not a neutral and detached judge and the Search warrants are void by such judge. State v Presley , 94 A.3d 921, 925, N.J. App. 2014; State v Gieo, 950 A.2d 930, 936, N.J. APP. 2008.

(h) 28 U.S.C. 455 has application in the state. State v McCann, 919 A.2d 136,143, 144,N.J.App. 2007;and

(i) 28 U.S.C. 455 is self executing and an affidavit is not needed. Taylor v O'Grady, 888 F.2d 1189, 1200, 1201, 7th Cir. 1989.

(J) It is the Duty of the prosecutor, and thus the Attorney General's office in defending state officials in civil suits, to see that Justice is done not that they get a favorable decision at any cost. State v Zisa, N.J. App. 2015. The Attorney General's office so presented erroneous facts and law that the judges named are and were immune when the clear facts and law is they are not. This failure to disclose the Common Law duties and thus liability of the defendants, is fraud upon the Court that has no time period to bring to the court such claims.

(K) Judge Steinberg's refusal to transfer Mr. Reardon's Criminal Case to another county for bias is supported by Judge Rudolph Rossetti's June 1990 Sua Sponte decision to transfer a civil suit to another county due to one of the defendants being a court employee. It gave the appearance of bias. In Mr. Reardon's criminal charges there was 2 County employees that were alleged targets. These were (a) A Camden County Judge and (b) A Camden County Court Clerk, my ex-wife, Ms.Reardon. The trial, conviction and sentence are illegal and unconstitu-

tional due to this bias not accepted by Judges Steinberg and Greene and then for the failure of all the other Judges failure to set aside these void proceedings.

Affidavit of Bias for Recusal:

None of the delays were attributable to any delay by Mr. Reardon. They were all caused by the Court or prosecution and were excessive delays in routine matters. Mr. Reardon made every effort to be heard promptly but wad denied. Prejudice caused by the delays for speedy trial right as established in Barker v Wingo, @ 2193.

1. Mr. Reardon's reputation in the community was slandered due to the false charges to the point he lost his friendships he had made at his place employment. They turned on Mr. Reardon.

2. Mr. Reardon lost his $30,000.00+/yr. Job with the Postal Service which adversely affect his ability to post bail and have access to meaningful Law library access.

3. As a result of the above, Mr. Reardon lost personal possessions he will have to replace at a great expense to him.

4. The jailing of Mr. Reardon put him in jeopardy with his Child Support obligation that would only compound my position if convicted and sent to jail.

5. Jail cost Mr. Reardon the ability to make investigations into the criminal charges and state's evidence and witnesses which adversely affected his ability to defend himself.

6. The jailing of Mr. Reardon denied him of the ability to obtain the following logs for from the County Jail: (a) 2nd Floor North Logs; (b) Hall logs for the 2nd floor; (c) Intake logs for the jail; (d) internal affairs logs; (e) Gun logs for the jail

and (f) The visitors logs showing that Dt. Sgt. Bruce Dawson in fact came to the County Jail to Ask Mr. Reardon to give him permission to conduct a 2nd search of Mr. Reardon's apartment, around 6/24/90, which could have been used to prove that he lied about coming to the jail to see me and thus he is not a reputable witness to be believed.

7. The jailing of Mr. Reardon severely hampered his ability to defend and access to the law library of the jail on a daily means to defend and seek aid for the law regarding the actions of the state's witnesses.

8. As a direct result of my jailing I was denied to evidence that would have shown that Sgt. Simon lied at the suppression hearing and that not only was there no probable cause but no exigency. Said evidence was statements by Sgt. Dawson and Pictures of the alleged bomb.

9. The continued jailing of Myself resulted in a tactical advantage to the state due to the above and the fact that I gave a statement around 10/91 which was later used against me as to the inculpatory parts but was denied the right to use the exculpatory parts as welt as the admission of all other evidence that was discovered after 10/31 /90 as stated by Prosecutor Rossetti and the delays Judge Greene approved and sanctioned for said evidence to be admitted.

10. As a result of my continued incarceration and ability to gather evidence and the failure of Stand-by counsel to aid me in this quest I was forced to surrender his rights against self-incrimination for his ability to gather witnesses for his defense.

11. I was forced to surrender my 5th Amendment rights against self incrimination for the assertion or ability to gather evidence in support of his 4th, 6th and 14th Amendment rights to Due Process to fair hearings.

We the undersigned people, having read the preceding statements of John Reardon do hereby agree that both Judges Greene and Steinberg should not have sat on Mr. Reardon's criminal case and that they in fact showed their bias and animus against Mr. Reardon and he was denied of his Constitutional Rights as he set them out in these papers.

Dated: 9/4/14 Martin Ackley

Dated: 9/5/14 Tim Austin

Dated: 9/5/14 Cathleen Brooks

I) Basis for when a Judge or prosecutor can be sued:

Antoine v Byers & Anderson Inc., 508 U.S. 429, 435, 1993:

> Indeed, *we have recently held that judges are not entitled to absolute immunity when acting in their administrative capacity. Forrester v. White, 484 U. S. 219, 229 (1988). 436 (absolute immunity from state law tort actions available to executive officials only when their conduct is discretionary).*

Bogan v. Scott-Harris, 523 US 44, 51-52, 1998:

> Respondent's heavy reliance on our decision in Amy v Supervisors, 11 Wall. 136 (1871), is misguided for this very reason. In that case, *we held that local legislators could be held liable for violating a court order to levy a tax sufficient to pay a judgment, but only because the court order had created a ministerial duty. Id., at 138 ("The rule is well settled, that where the law requires **52** absolutely a ministerial act to be done by a public officer, and he neglects or refuses to do such act, he may be compelled to respond in damages to the extent of the injury arising from his conduct"). The treatises cited by respondent confirm that this distinction between legislative and ministerial duties was dispositive of the right to absolute immunity. See, e.g., Cooley 377 (stating that local legislators may be held liable only for their "ministerial" duties);* Mechem § 647 (same).

DePiero v. City of Macedonia, 180 F. 3d 770, 784, 6th Cir. 1999; Melo v Hafer,13 F.3d 736, 744,3rd Cir. 1994; Pierson v. Ray, 386 US 547, 561-563, 565-67, 1967; Bradley v Fisher, 80 U.S. 335, 351, 352, 1872; Mireles v Waco, 502 US 9, 11, 12, 1991; Kalina v. Fletcher, 522 US 118, Ft. Nt.s 11 and 13, 1997; Martin v Bicking, 30 F. Supp. 2d 511, 512, Dist.Court, ED Pennsylvania 1998; Figueroa v Blackburn, 39 F. Supp. 2d 479, 485, Dist. Court, D. New Jersey 1999; Travis v. Miller, 226 F. Supp. 2d 663, 667, Dist. Court, ED Pennsylvania 2002; Stankowski v Barley, 487 F. Supp. 2d 543, 551, Dist. Court, MD Pennsylvania 2007; Rehberg v Paulk, 132 S. Ct. 1497, 1503, 2012; Russell v Richardson, 905 F. 3d 239, 247, 3rd Cir. 2018 and Rhett v. Salas, Dist. Court, D. New Jersey 2019.

In re Charter Communications, Inc., 393 F. 3d 771, 784, 8th Circuit 2005:

> *Ministerial acts have long been recognized as nonjudicial by the Supreme Court. See, e.g., Custiss v. Georgetown & Alexandria Turnpike Co., 6 Cranch 233, 10 U.S. 233, 236, 3 L.Ed. 209 (1810).*

Melo v Hafer, 13 F. 3d 736, 744, 3rd Cir. 1994:

> First, a judge is not immune from liability for nonjudicial actions, i.e., actions not taken in the judge's judicial capacity. *Second, a judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction. Mireles, 502 U.S. at 11-12, 112 S.Ct. 286 (citations omitted); see also Barnes, 105 F.3d at 1116 (same).*

Common Law and Common Law Mandate: Introduction to the laws of England,

Chapter 1, Page 69:

> For it is an established rule to abide by former precedents, where the fame points come again in litigation; as well to keep the scale of justice even and steady, and not liable to waver with every new judge's opinion; *as also because the law in that case being solemnly declared and determined, what before was uncertain, and perhaps indifferent, is now become a perma-nent rule, which it is not in the breast of any subsequent judge to alter or vary from, accord-ing to his private sentiments: he being sworn to determine, not according to his own private judgment, but according to the known laws and customs of the land; not delegated to pronounce a new law, but to maintain and expound the old one.*

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;

State v Utsch, 184 N.J. Super. 575, 581, 1982; State v Booker, N.J,. App. 2015;

State v Hanna, N.J. App. 2012; State v Balisteri, 779 F.2d 1191, 1202, 7th

Cir. 1985 and Elliot v Piesol, 1 Pet. 328, 340:

> If a Judge is required to recuse himself on his own and he fails to so do he either usurps his jurisdiction or commits a fraud which voids the proceed-ings.

U.S. v Sciuto, 521 F.2d 842, 845, 7th Cir. 1976 and Caperton v Massey Coal

CO., 129 S.Ct. 2252, 2254-2252, 2259-2260 and 2263, 2009.

> If a judge is required to recuse himself and he doesn't he violates Due Process of law.

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 and State v Gieo, 950 A.2d 930, 936, N,J. App. 2008:

> If a Judge is required to recuse himself and he doesn't his judgments and orders are void.
>
> Liteky v U.S., 501 U.S. 540, 541, 544-546, 548-555, 557-559, 1994.
>
> Any [adverse] extra-judicial contact with a party before the court requires recusal.

Facts relevant to the above law

1. Mr. Reardon Sued Judge Steinberg in 1988 and 1989 in Federal Court for which were pending and involving Judge Steinberg and Police Officer A. L. Simon of Runnemede Police department.

2. Judge Steinberg thus had Adverse Extra Judicial Contact with Mr. Reardon prior to his granting a warrantless search of Mr. Reardon's apartment on June 20, 1990 by Sgt. A. L. Simon of Runnemede, N.J. 08078.

3. The clear law is that he had said adverse extra-judicial contact with Mr. Reardon prior to his becoming involved in the criminal charges lodged against Mr. Reardon by Sgt. A. L. Simon of June 1990 for which he was required to sua sponte recuse himself on his own motion and is supported as follows:

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;

State v Utsch, 184 N.J. Super. 575, 581, 1982; State v Booker, N.J,. App. 2015; State v Hanna, N.J. App. 2012; State v Balisteri, 779 F.2d 1191, 1202, 7th Cir. 1985 and Elliot v Piesol, 1 Pet. 328, 340:

> If a Judge is required to recuse himself on his own and he fails to so do he either usurps his jurisdiction or commits a fraud which voids the proceedings.

U.S. v Sciuto, 521 F.2d 842, 845, 7th Cir. 1976 and Caperton v Massey Coal Co.,129 S.Ct. 2252, 2254-2252, 2259-2260 and 2263, 2009.

> If a judge is required to recuse himself and he doesn't he violates Due Process of law.

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 and State v Gieo, 950 A.2d 930, 936, N,J. App. 2008:

> If a Judge is required to recuse himself and he doesn't his judgments and orders are void.

Neder v. United States, 527 US 1, 8, 1999: [This case was cited in US v. Lewis, 766 F. 3d 255, 264, 3rd Cir., 2014]; State v. Presley, 94 A. 3d 921, 926-929, N.J. App. 2014 and State v. Frankel, 847 A. 2d 561, N.J. Supreme Court, 2004:

> void proceedings based on refusal to recuse requires reversal.....

Elliot v Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340, 1828:

> The U.S. Supreme Court stated that if a court is "without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; *and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justifica -tion; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers."* [enforcement of void orders is such.]

Liteky v U.S., 501 U.S. 540, 541, 544-546, 548-555, 557-559, 1994; State v

Tucker, 264 N.J. Super. 549, 554-555, 1993; Panitch v Panitch, 770 A.2d 1237,

1239, N.J. Appellate 2001 and State v Plummer, N.J. Appel. 2016.

> Any extra-judicial contact with a party before the court requires recusal. [The problems and requirements of such facts are stated above in that the judges were beings sued by me.]196 N.J. at 517, 958 A.2d 446.

State v Hannah, N.J. App. 2012; U.S. v Polludniak, 657 F.2d 948, 954,

9th Cir. 1982 and State v. McCabe, 987 A. 2d 567, 572, NJ: Supreme Court 2010.

In DeNike, supra,

> those principles guided us to the following standard to evaluate requests for recusal: "Would a reasonable, fully informed person have doubts about the judge's impartiality?"
>
> DeNike v. Cupo. 196 N.J. 502, 507 /2008).
>
> Judges also have a duty to "avoid actual conflicts as well as the appearance of impropriety to promote confidence in the integrity and impartiality of the Judiciary." "'Fundamental to any consideration of possible judicial disqualifi -cation is a showing of preju- dice or potential bias.'" Marshall supra, 148 N.J. at 276 (quoting State v. Flowers, 109 N.J. Super. 309, 312 /App. Div. 1970)).
>
> A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned including but not limited to instances where:
>
> (a) the judge has a personal bias or prejudice concerning a party or a party's lawyer.

State v Booker, N.J. App. 2015:

> we noted that the Court Rule preempts the legislation in light of the Court's constitutional authority over the administration of the courts. We therefore confine our discussion to the Court Rule. Rule 1: 12-1 (c) and (g) provide: The judge of any court shall be disqualified on the court's own motion and shall not sit in any matter. if the judge (g) when there is any other reason which might preclude a fair and unbiased hearing and judgment or which might reasonably lead counsel or the parties to believe so. [I had 2 federal Lawsuit pending against the state judge.]We therefore agree with defendant

to the extent he contends a search warrant issued in the absence of an oath or affirmation is invalid and requires suppression of evidence obtained pursuant thereto. See State v. Moriarty, 39 N.J. 502, 503, 189 A.2d 210 (1963) ("It is regrettable that a warrant which would have been justified by the known facts must fall, but the failure to comply with the [oath or affirmation] requirement of the Constitutions permits no other result."). United States v. Balistrieri, 779 F.2d 1191, 1202 (7th Cir.1985). In re presentment of Camden City Grand Jury, 124 N.J.Super. 16, 21, N.J.App. 1973:

R. 1:12-1, "Disqualification and Disability ofJudges" provides in pertinent part The judge of any court shall disqualify himself on his own motion and shall not sit in any matter, if he has even the appearance of bias.

4. Judge Steinberg was the criminal assignment Judge of Camden County in 1990.

5. Fellow Judge Rudolph Rossetti transferred a civil case of mine to another county, Sua Sponte, due to one of the defendants of said lawsuit was a Camden County Court Clerk and the appearance of justice required the matter to be heard in a different County. Judge Rossetti did so transfer this civil matter.

Ms.Reardon, a Camden County Court Clerk's testimony in 1991, was:

December 5, 1991 Court Transcript, Page 120, testimony of Virginia Reardon.

Q. [Prosecutor Karen Caplan]: and now six---now about the next date, excuse me.

A. All right. Before that there was a June 26.

There was a suit filed on June 26, 1989. Superior Court, Law Division, under complaint L-5745-89. That was filed in Camden and Later transferred to Mercer County.

Q. [K.C.] Do you know why these cases were transferred?

A. Well, 6/26/89 case I would think was transferred because it had to do with me working in the court system.

Q.[K.C.] And do you know when it was transferred?

A. January 30, 1990. Transferred by Judge Rossetti. He was the one who signed the order.

6. Mr. Reardon's criminal charges involved an unnamed Judge of Camden County and a Camden County Court Clerk, Ms. Reardon for which Judge Steinberg should have transferred my criminal charges to another County and he failed to so do that.

Conclusions by Mr. Reardon:

Judge Steinberg was required to recuse himself Sua Sponte and he failed to do that; he was barred from assigning a Camden County Judge to hear and try Mr. Reardon; and his decision to approve a Post Search Warrant of Sgt. A. L. Simon was not by a neutral and impartial or detached Judge as follows:

State v. Presley, 94 A. 3d 921, 925 - NJ: Appellate Div. 2014; State v. Gioe, 950 A. 2d 930, 936 NJ: Appellate Div. 2008; State v Booker, N.J. App. 2015 and Johnson v. United States, 333 U.S. 10, 13-14, 68 S.Ct. 367, 369, 92 L.Ed. 436, 440 (1948). Cites a 1949 New Jersey case that holds that if a judge should recuse himself and he doesn't so do, that the Search warrant he approves is void since it was not by a neutral and detached Magistrate.

The Law is clear that it is the people's understanding of the case laws and Statutes that is to prevail and are the HARD FACTS the people have the right to rely on to guide them in what they can and cannot do as follows:

Juzwin v. Asbestos Corp., Ltd., 900 F. 2d 686, 692, 3rd Cir. 1990:

> It is not surprising, then, that modern jurispru -dence recognizes no set principle of retroactivity.[8] Instead, modern decisions reflect a balancing approach which recognizes that "statutory or even judge-made rules of law are hard facts on which people must rely in making decisions and in shaping their conduct." Id. at 199, 93 S.Ct. at 1468. Justice Harlan aptly called this approach the "ambulatory retroactivity doctrine." Mackey v. United States, 401 U.S. 667, 681, 91 S.Ct. 1160, 1174, 28 L.Ed.2d 404 (1971) (Harlan, J., concurring).

It is further noted that the people's Common Law Rights and Remedies are in fact available and required to be honored by the State as per:

> Romero v. International Terminal Operating Co., 358 US 354, 363, 1959: In addition, common-law remedies were, under the saving clause, enforcible in the courts of the States and on the common-law side of the lower federal courts.....

II) What Constitutes a Void Order and can they be validated or given credence or credibility by other courts?

> See Elliot v Piersol on Page 4 above.
>
> United Student Aid Funds, Inc. v. Espinosa, 130 S.Ct. 1367, 1377, 2010:
>
> orders can only be void if (a) There is lack of notice; (b) the party was not given the right to be heard or (c) there is a jurisdictional defect as to subject matter or the person. [Since the English cases did not deal with either notice or hearing that only leaves jurisdictional defects due to failure to recuse.]
>
> Sabariego v Maverick, 124 US 261, 293, 31 L Ed 430, 8 S.Ct. 461, 1886:
>
> A judgment of a court without hearing the party or giving him an opportun- ity to be heard is not a judicial determination of his rights and is not entitled to respect in any other tribunal. [void orders, state or federal, for lack of Jurisdiction.]....

....Lubben v. Selective Service System Local Bd. No. 27, 453 F.2d 645, 14 A.L.R. Fed. 298 (C.A.1 Mass. 1972) and Hobbs v. U.S. Office of Personnel Management, 485 F.Supp. 456 (M.D. Fla. 1980).

World-Wide Volkwagen Corp. v. Woodson, 444 U.S. 286, 291 (1980):

"A judgment rendered in violation of due process is void in the rendering State and is not entitled to full faith and credit elsewhere. Pennoyer v Neff, 95 U.S. 714, 732-733, (1878)." [void orders, state or federal, for lack of Jurisdiction.]

No Judge Can validate and uphold or enforce void proceedings or judgments or deny a challenge to the jurisdiction of the challenged court.

Raymark Industries, Inc. v Lai, 973 F. 2d 1125, 1132, 3rd Cir. 1992; Budget linds v White, 536 F.3d 244, 259, 3rd Cir. 2008; US v. Zimmerman, 3rd Cir. 2012; The Queen v The Justices of Suffolk, 18 Q.B. 416, 1852; The Queen v the Justices of London, 18 Q.B. 421, 1852 and Regina v O'Grady, 7 Coxx C.C. 247, 1857.

..... there is no discretion to not set aside its prior order if it is void due to lack of personal or subject matter jurisdiction or for failure to give notice or right to be heard as per Due Process of Law.

Budget Blinds v White, 536 F.3d 244, 259, 3rd Cir. 2008:

Finally, we do not think a registering court seriously threatens the interest in comity when it vacates a rendering court's default judgment under Rule 60(b)(4) for lack of personal jurisdiction. If the rendering court did not have personal jurisdiction, then the judgment was not merely erroneous; it never should have been entered in the first place.

Raymark Industries, Inc. v Lai, 973 F. 2d 1125, 1132, 3rd Cir. 1992:

There appears to be only one exception to this hard and fast rule of federal-state comity, and it comes into play only when the state proceedings are considered a legal nullity and thus void ab initio.

A void judgment is to be distinguished from an erroneous one, in that the matter is subject only to direct attack. A void judgment is one which, from its inception, was a complete nullity and without legal effect.

III) Common Law Rights found in Blackstone's Commentaries:

A). Book 4, Chapter 23, Page 303: Indictments:

The offence itself must also be set forth with clearness and certainty:

Russell v. United States, 369 U.S. 749, 763-764, 1962.

A defective indictment negates jurisdiction.

US v. Omer, 429 F. 3d 835, 836 9th Cir. 2005, US v. Weaver, Dist. Court, WD West Virginia 2010; US v. Lopez, 2 F. 3d 1342, 1368, 5th Cir. 1993; US v. Prentiss, 256 F. 3d 971, 994, 10th Cir. 2001

defective indictment causes loss of jurisdiction

Illinois v. Somerville, 410 US 458, 479, 1973:

> The majority treats it as unquestionably clear that the failure to allege that intent in the indictment made the indictment fatally defective. [In my case The state did not spell out the intent of the unlawful purpose.]

United States v. Mechanik, 475 US 66, 84, 1986:

> Respect for the rule of law demands that improperly procured indictments be quashed even after conviction, because "only by upsetting convictions so obtained can the ardor of prosecuting officials be kept within legal bounds and justice be secured; for in modern times all prosecution is in the hands of officials."

United States v. Cruikshank, 92 US 542, 1876: Page 556:

> In criminal cases, prosecuted under the laws of the United States, the accused has the constitu tional right "to be informed 558*558 of the nature and cause of the accusation." Amend. VI. In United States v. Mills, 7 Pet.1042, this was construed to mean, that the indictment must set forth the offence "with clearness and all necessary certainty, to apprise the accused of the crime with which he stands charged;" and in United States v. Cook, 17 Wall. 174, that "every ingredient of which the offence is composed must be accurately and clearly alleged." It is an elementary principle of criminal pleading, that where the definition of an offence, whether it be at common law or by statute, "includes generic terms, it is not suffi-cient that the indictment shall charge the offence in the same generic terms as in the definition; but it must state the species, —— it must descend to particulars.

1 Arch. Cr. Pr. and Pl., 291. The object of the indictment is, first, to furnish the accused with such a description of the charge against him as will enable him to make his defence, and avail himself of his conviction or acquittal for

protection against a further prosecution for the same cause; and, second, to inform the court of the facts alleged, so that it may decide whether they are sufficient in law to support a convic-tion, if one should be had. For this, facts are to be stated, not conclusions of law alone. A crime is made up of acts and intent; and these must be set forth in the indictment, with reasonable particularity of time, place, and circumstances.

My indictment was defective for the following reasons:

A. It did not inform the Grand Jury as to how the bomb was to be used, or against whom it was to be used, or when it was to be used, since I was found trying to commit suicide at the time of the search and seizure of the bomb.

B. It did not include the 2nd Degree charges and the grand Jury was never instructed on the law for such charges.

C. The state failed to seek a superseding indictment as to B above.

D. There was not 2 witnesses to the overt act of unlawful purpose as per the Common Law rights under the 6th and 9th Amendments and the due process clause of the 14th Amendment as to state liberties in criminal trials.

E. It was not signed and dated by the Foreman of the Grand Jury.

F. It was not provided to the plaintiff prior to November 1991.

G. I sought a Bill of Particulars around August of 1990 which was never given to Mr. Reardon at all, and in hind sight was required since the indictment did not descend to particulars.

H. The state never secured or procured a superseding indictment and such an indictment was never produced or served on Mr. Reardon before trial.

I. The indictment was procured without the required number of witnesses as

to the 2nd degree crimes, which is 2, and on the 3rd degree crimes there was only 1 such witness. And

J. The indictment was procured on the mere recitation of the Statute which is not permitted.

U.S. v Tucker, 703 F.3d 205, 211, Ft. Nt. 7, 3rd Cir. 2012:

> "'In criminal trials the proof offered by the Commonwealth must measure up to the charge made in the indictment.'" Id. (quoting Commonwealth v.Aurick , 342 Pa. 282, 19 A.2d 920, 924 (1941) Ft. Nt. [7] This principle derives from the Sixth Amendment of the U.S. Constitution and Article I, § 9 of the Pennsylvania Constitution, each of which affords an accused person the Right to be notified of the charges against him. Due process requires that the notice "set forth the alleged misconduct with particularity." In re Gault, 387 U.S. 1, 33, 87 S.Ct. 1428, 18 L.Ed. 2d 527 (1967) (internal quotation marks omitted). US v. Resendiz-Ponce, 549 US 102, 2007: Both to provide fair notice to defendants and to ensure that any conviction would arise out of the theory of guilt presented to the grand jury, we held that indictments under § 192 must do more than restate the language of the statute.

Blakely v. Washington, 542 US 296, 2004: @341:

> That indictments historically had to charge all of the statutorily labeled elements of the offense is a proposition on which all can agree. See Apprendi, supra, at 526-527 ... Neder v. United States, 527 US 1, 8, 1999: [This case was cited in US v. Lewis, 766 F. 3d 255, 264, 3rd Cir., 2014]:

US v. Weaver, Dist. Court, SD West Virginia 2010:

> Indeed, we have found an error to be "structural, 11 and thus subject to automatic reversal, only in a "very limited class of cases. 11 Tumey v Ohio, 273 U.S. 510 (1927) (biased trial judge). [Biased judge issuing a Search Warrant.]
>
> *The omission of an essential element is fatal to the indictment as the Court is therefore without jurisdiction to try the defendant on the defective count.* United States v. Hooker, 841 F.2d 1225, 1231&32 (4th Cir. 1988). [my indict -ment did not specify what the unlawful purpose was as to the 2nd degree charges.]

US v. Stevenson, 832 F. 3d 412, 41 , 3rd Cir. 2016; Illinois v. Somerville, 410 US 458,479, 1973; US v. Higgs, 353 F. 3d 281 299, 300, 4th Cir. 2003; Russell v.

United States, 369 US 749, 764, 765, 1962; United States v. Wander, 601 F. 2d

1251, 1258, 1259;

> Structural error 11 deprive[s] defendants of 'basic protections' without which 'a criminal trial cannot reliably serve its function as a vehicle for determination of guilt or innocence ... and no criminal punishment may be regarded as fundamentally fair.'"

State v. Hanly, 33 N.J. Super. 549, Superior Court, 1955: @555:

> "To resort to presumptions to cure fatally defective indictments would tend to incalculable evil and oppression, and in effect sanction violations of constitutional guaranties, namely, of the right of the accused to be informed of the nature of the accusation against him, and that he shall be tried for the offense as charged in the indictment by the grand jury. The fragile theory that a presumption may be raised in aid of an indictment which omits a constituent element of the statutory crime is shattered by the force of the familiar inflexible legal rules that no presumption of guilt arises from the mere finding of an indictment against an accused, and that there is a presumption of innocence which abides with an accused until his guilt is established by proof beyond a reasonable doubt " 11* * * A person charged with a criminal offense by the solemn action of a grand jury is confronted with a situation involving potentially serious consequences. In such circumstances, it is imperative that the indictment fully inform the accused of the specific crime laid at his door so that he may be afforded every reasonable opportunity to prepare his defense; a right guaranteed by our Constitution and grounded in that fundamental fairness of due process of law. The language of the indictments under

@556:

> review does not satisfy the essential requirement of certainty and particular ity, consistently recognized by our courts. * * *" Cases holding emphatically to the doctrine that an indictment may leave no material element of its charge to intendment or implication include State v. Bleichner, 11 N.J. Super. 542 (App. Div. 1951); State v. Algor, 26 N.J. Super. 527 (App. Div. 1953); State v. Lombardo, 20 N.J. Super. 317, 321 (App. Div. 1952). The language of our Supreme Court in State v. Grothmann, 13 N.J. 90, 94, 97, 98 (1953), merits quotation at length if indictment is amendable in form but not in substance. The substantive process is exclusively the grand jury's under the constitutional limitation cited supra. * * * It is the constitutional right of the accused in a criminal proceeding to be informed of the nature and cause of the accusation laid to him. * * * It is of the essence of the right that the accused be informed by the indictment in certain, definite and. understandable terms of the crime charged to him, to

enable him to prepare his defense and to be protected against double jeopardy. * * * This in its very nature required sufficient particularity to identify the crime laid to the accused * * * It is requisite that the criminal act be charged in certain and identifiable form, if the accused is to have the substance of his constitutional right of defense and the opportunity to prepare for trial that is basic to that right not to mention the danger of double jeopardy: and such was not the case here. The course taken by the trial judge's direction that the indictments be amended) constituted a denial of the essence of the constitutional guaranty. "

State v. Portney, 229 N.J. Super. 171 (1988):

The complaint must be clear, precise and understandable and the elements constituting the offense must be described with such precision and clarity to enable the accused to properly defend himself. Russell v. United States, 369 U.S.177: 749, 82 S.Ct 1038, 8 l.Ed2d 240 (1962),· State v. Doto, 16 N.J. 397, 403 (1954), cert. den. 349 U.S. 912, 75 S.Ct 601, 99 l.Ed 1247 (1954) (the essence of constitutional right in relation to the sufficiency of an indictment is that the accused be informed by the indictment in certain, definite and understandable terms of the crime charged to him). It is a well settled rule that a count in an indictment cannot be utilized for the purpose of joining separate and distinct offenses even though of a like nature.

State v Week 10 N.J. 355, 375 /1952): State v. Henry, 56 N.J. Super. 1 , App. Div. 1959). See Also State v Hogan, 144 N.J. 216, 229, 1996; State v N.J. Trade Waste Ass., 96 N.J. 8, 19, 1984; State v Salter, 42 A.3d 196, 203, 2012; State v Perry, 110 A.3d 122, 132, N.J. App. 2015; State v Wein, 80 N.J. 491, 501, 1979 ...

Indictment should stand unless it is Palpably Deficient. Motor Vehicle Charges:

State v Roenicke, 174 N.J. Super. 513, 518, Superior Court, law division 1980; State v. VanRiper, 250 N.J.Super 451, 454, NJ: Appellate Div. 1991; State v. Lisa, 919 A. 2d 145, 160, NJ: Appellate Div. 2007:

Amendment to charges only allowed for lesser charges. [note: In My case the state indicted me allegedly for 3rd degree crimes but was tried on 2" Degree and 3rd degree Crimes.]

State v Saavedra, 81 A.3d 693, 697, NJ. App. 2013; State v AR, N.J. App.

2014; State v Smolinski, N.J. App. 2015; State v Allah, N.J. App. 2016; State v Feleciano, N.J. Superior Court, 2016:

> Indictment should stand unless it is Manifestly Deficient or Palpably Defective.[In my Case, the indictment is inappropriate for both grounds in that the indictment was based on charges that were all 3rd Degree and I was tried and found guilty of 2nd degree crimes and so sentenced on such.]

In the interest of LB, 99 N.J. Super. 589, 594, 1960; State v Mathis, 47 N.J. 455, 461-462, 1966; State v Siciliano, 21 N.J. 249, 252, 1956; State v Talley, 94 N.J. 385, 390, 1983:

> Any punishment requires notice of the particulars for Due Process.

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:

> State must present the defendant with a Bill of Particulars. [I was never presented with a Bill of Particulars even though I sought one around August, 1990.]

See Also US v. Lopez, 2 F. 3d 1342, 1368, 5th Cir. 1993:

> An indictment that fails to allege a commerce nexus, where such a nexus is a necessary element of the offense, is defective. See Stirone v. United States, 361 U.S. 212, 216-18, 80 S.Ct. 270, 273, 4 L.Ed.2d 252 (1960) (Hobbs Act); United States v. Hooker, 841 F.2d 1225, 1227-32 (4th Cir.1988) (en bane} (RICO); United States v. Moore, 185 F.2d 92, 94 (5th Cir.1950} (FLSA). This is true even though the language of section 922(q) contains no such requirement. See Russell v. United States, 369 U.S. 749, 763-66, 82 S.Ct. 1038, 1047-48, 8 L.Ed.2d 240 (1962); 2 W. Lafave & J. Israel, Criminal Procedure § 19.2, at 452 (1984). Finally, because an indictment, unlike a bill of informa -tion, cannot be amended, the failure to allege each element is fatal. Cf. United States v. Garrett, 984 F.2d 1402, 1415 (5th Cir. 1993); United States v. Mize, 756 F.2d 353, 355-56 (5th Cir.1985).

U.S. v Moyer, 624 F.2d 193, 198-199, 3rd Cir. 2012:

> Nestor now challenges both the indictment and his conviction. First, he contends that the District Court: (1) exceeded its discretion by denying, in

relevant part, his motion for a bill of particulars: (2) erred by refusing to

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dismiss Count Two because it was duplicitous; and (3) exceeded its discretion by refusing to enforce the bill of particulars it did order. Nestor also contends (4) that the government presented insufficient evidence to support his conviction; and (5) that 18 U.S.C. § 1519 is unconstitutionally vague. Moyer argues that the evidence was insufficient to support his convic -tion under§ 1001. For the reasons that follow, we will affirm.

US v. Prentiss, 256 F. 3d 971, 994, 10th Cir. 2001:

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There was no contention that the indictment failed to set forth an essential element of an offense and thus no allegation of a Fifth Amendment violation. See United States v. Hooker, 841 F.2d 1225, 1232 (4th Cir.1988) "The absence of prejudice to the defendant in a traditional sense does not cure a substantive, jurisdictional defect in an indictment.

US v. Omer, 429 F. 3d 835, 836 9th Cir. 2005:

The first premise was jurisdictional We asserted that an indictment that admits an element "does not properly allege an offense against the United States" and thereby "leaves nothing for a petit jury to ratify. " Id at 1180 internal quotation marks omitted). We drew this idea in part from a Fourth Circuit decision holding that harmless error is inapplicable because the omission of an essential element deprives the court of jurisdiction: "The absence of prejudice to the defendant in a traditional sense does not cure a substantive, jurisdictional defect in an indictment" United States v. Hooker, 841 F.2d 1225, 1232 (4th Cir.1988) (en banc) (emphasis added); see also Du Bo, 186 F.3d at 1180 (citing Hooker). We also appeared to hold that the jurisdictional basis for our rule of automatic reversal was supported by Russell v. United States, 369 U.S. 749, 82 S.Ct. 1038, 8 L.Ed.2d 240 (1962), and Stirone v. United States, 361 U.S. 212, 80 S.Ct. 270, 4 L.Ed.2d 252, (1960). See Du Bo, 186 F.3d at 1179-80 (relying on those cases).

US v. Weaver, Dist. Court, SD West Virginia 2010:

The omission of an essential element is fatal to the indictment as the Court is therefore without jurisdiction to try the defendant on the defective count.

United States v. Hooker, 841 F.2d 1225, 1231&32 (4th Cir. 1988). United States v. Addonizio, 451 F. 2d 49, 63, 64, 3rd Cir. 1971:

"The purpose of the bill of particulars is to inform the defendant of the nature of the charges brought against him to adequately prepare his defense, to

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avoid surprise during the trial and to protect him against a second prosecution for an inadequately described offense." United States v. Tucker, 262 F.Supp. 305, 308 S.O.N. Y. 1966). A bill of particulars should fulfill this function "when the indictment itself is too vague and indefinite for such purposes." United States v. Haskin5, 345 F.2d 111, 114 /6th Cir. 1965). Accord Wyatt v. United States, 388 F.2d 395, 397, 10th Cir. 1968). Illinois v. Somerville, 410 US 458,479, 1973; US v. Higgs, 353 F. 3d 281 299, 300, 4th Cir. 2003; Russell v. United States, 369 US 749, 764, 765, 1962; United States v. Wander, 601 F. 2d 1251, 1258, 1259; US v. Stevenson, 832 F.3d 412, 41 , 3rd Cir. 2016 [Structural errors require reversal].

Judge Greene did usurp his jurisdiction and/or discretion by trying me on a defective indictment and did abuse his discretion by allowing all the Common Law rights and defects of Mr. Reardon's criminal trial As set out below. The law took away Judge Greene's jurisdiction to try me on the 2nd degree charges that were procured improperly and in violation of the law and that such defects stripped his jurisdiction from him on the 2nd degree charges against Mr. Reardon see Page 10 above.

B) Book 4, Chapter 22, Page 293: Probable Cause hearings:

THE justice, before whom such prisoner is brought, is bound immediately to examine the circumstances of the crime alleged : and to this end by statute 2 & 3 Ph. & M. c. 10. he is to take in writing the examination of such prisoner, and the information of those who bring him: which, Mr Lambard observes a, was the first warrant given for the examination of a felon in the English Law. For, at the common law, nemo tenebatur prodere seipsum ; and his fault was not to be wrung out of himself, but rather to be discovered by other means, and other men. If upon this enquiry it manifestly appears, either that no such crime was committed, or that the suspicion entertained of the prisoner was wholly groundless, in such cafes only it is lawful totally to discharge him. Otherwise he must either be committed to prison, or give bail ; that is, put in securities for his appearance...

.....Gerstein v. Pugh, 420 US 103, 113-116, 1975.

Mr.Reardon was denied his right to a probable cause hearing to test the

state's case, as to the 2nd degree charges in specific, since the state failed to

present any evidence or basis for the 2nd Degree crime till 17, or more, months after my arrest, jailing and excessive bail, for which the only valid crime the state may have had was for 3rd Degree crimes of which the presumption of such crimes is there is no jail time and $100,000.00 full cash bail for such an offense is excessive and for which the state failed to lower this bail till October 1991 after I was jailed for 17 months, lost my job and friends.

C) Book 4, Chapter 23, Page 308: Speedy Trial:

> and, at all events, to pay costs, unless the information shall be tried within a year after issue joined.

Book 4, Chapter 27, Page 346: Speedy Trial:

> and therefore it is there usual to try all felons immediately, or soon, after their arraignment. The plaintiff was arrested and charged with Crimes on 6/20/90 and was not tried till 18 months after his arrest and 17 months after his arraignment.

The state failed to pay my attorney fees since I was not tried within 1 year.

D) Book 4, Chapter 27, Page 351: Adequate Counsel:

> him at the bar, and instruct him what questions to ask, or even to ask questions for him, with respect to matters of fact: for as to matters of law, arising on the trial, they are entitled to the assistance of counsel. Defense Counsel provided failed to (1) ask questions for me; (2) to instruct me on what types of questions to ask and (3) did not aide me in the standards of the law as to my trial and I was never produced with the indictment till about 15 days before the trial and never given a list of all jurors and relevant information regarding them as per the common law.

Said counsel also failed to protect and put the state's Search Warrants being void to the test for the following reasons:

1. Judge Steinberg could not hear the Search warrant applications of Sgt. A. L. Simon on 6/20/90 and D. Sgt. Bruce Dawson on 6/29/90 since the judge could not

sit on said applications due to his Adverse Extra-Judicial Contact with Mr.Reardon and because the 6/29/90 warrant was defective for not only for this reason but because it was the fruits of the poisonous tree doctrine.

2. He did not inform the court that the only way a warrantless search of a dwelling for being in accordance with a securing search was that the officer was required to put forth a basis that evidence could be lost or destroyed if a warrant-less search was not done and they had nor stated any basis for this since they knew I live alone and there was no way any evidence could be lost or destroyed before they got a search warrant. Coolidge v. New Hampshire, 403 US 443, 449-460, 464-473, 1971; Segura v United States, 468 U.S. 796, 802-808,1984; Hunne-well v. US, 738 F. Supp. 582, 584, Dist. Court, D. Maine 1990; US v.Estrada, 45 F. 3d 1215, 1220, 8th Cir., 1995; US v. Long Huang You, 198 F. Supp. 2d 393, 402 and Ft.Nt.13, Dist. Court, SD New York 2002; US v Wurie, 612 F. Supp. 2d 104, ft. nt. 12, Dist. Court, D. Massachusetts 2009; US v. Hudspeth, 518 F.3d 954, 960, 8th Cir. 2008[; United States v. Miller, Seciton C thereof, Dist. Court, ED Pennsylvan-ia 2008; Harman v. Pollock, 586 F. 3d 1254, 1266, 10th Cir. 2009; US v JUDLOWE, 534 F. Supp. 2d 217, 222, Dist. Court, D. Massachusetts 2008; US v. Correa, Dist., Section 1, Court, ND Florida 2008; US v. Williams, 574 F. Supp. 2d 530, 548, Dist. Court, WD Pennsylvania 2008; Seifert v. Rivera, 933 F.Supp. 2d 307, 319, 322, ist. Court, D. Connecticut 2013; US v. Will, Sections on Sufficiency of Warrant and Securing of Apartment, Dist. Court, WD Michigan 2013; US v. Denson, Conclusion of Law Section, Dist. Court, WD Pennsylvania 2010; Cucuta v. New York City, 25

F. Supp. 3d 400, 410, Dist. Court, SD New York 2014; US v. Lamb, Section B, Dist. Court, ND West Virginia 2010; US v. Estrada,, Section 2, Dist. Court, D. Utah 2012; Whalen v. Langfellow, 731 F. Supp. 2d 868, 883, Dist. Court, Minnesota 2010; Flores v. City of Maywood, Dissent Seciton, Court of Appeals, 9th Circuit 2010; US v. Bradley, Reasonable Execution Section, Court of Appeals, 6th Circuit 2012; US v. Bergin, 732 F. Supp. 2d 1235, 1253, Dist. Court, MD Florida 2010; US v. SZCZERBA,, Par. 6 of Opinion Section, Dist. Court, ED Missouri 2016; Myers v. AT&T INC., Section I., 3rd Par., Dist. Court, North Carolina 2016; Lawson v. Hilderbrand, 88 F. Supp. 3d 84, 7th Par. Before Count 2 Secrtion, Dist. Court, D. Connecticut 2015; Tunnell v. Gill, Section 2., Dist. Court, D. Kansas 2018 and Karash v. MACHACEK, Section 2, Dist. Court, WD Pennsylvania 2017 andUS v. Brown, 861 F. Supp. 1415, Dist. Court, ED Wisconsin 1994: And

3. They failed to assert all the rights I have outlined in these papers and petition.

E) Book 3, Chapter 23, Page 371, 372: Requirements to convict an accused:

> For, as they do not allow a less number than two witnesses to, be plena probation, they call the testimony of one, though never so clear and positive, emi-plena probatio only, on which no sentence can be founded.

Book 4, Chapter 27, Page 346: Requirements to convict an accused:

> shall have not only a copy of the indictment, but a list of all the witnesses to be produced, and of the jurors impaneled, with their professions and places of abode, delivered to him ten days before the trial, and in the presence of two witnesses; [never provided to Mr. Reardon prior to and during the trial.]

Book 4, Chapter 27, Page 351: Requirements to convict an accused:

and he adds this reason, that the witness who affirms, and the accused who denies, makes an equal balance; there is a necessity therefore to call in a third man to incline the scale.1676 Concessions and Agreements of West New Jersey: See Allstate Insurance Co. Of New Jersey v Lajara, 117 A.3d

1221, 1226, 1227, 1236, 1237, N.J. Supreme Court 2015.

CHAP. XX.

That in all matters and causes, civil and criminal, proof is to be made by the solemn and plain averment of at least two honest and reputable persons;

Blackstone's Commentaries, Book 1, Chapter 1, Page 124;

...principal grounds of the fundamental laws of England. afterwards by the statute called confirmatio cartarum, whereby, the great charter--Magna Carta, is directed to be allowed as the common law; all judgmemnt contrary to it are declared void. [The Magna carta says, among other things, Proof is to be by the testimony of 2 witnesses to the overt act(s), that jury trials are by ones peers and there shall be no delay in trial under any pretense whatsoever.]

Deuteronomy 19, Versus 15-16:

"One witness alone shall not take the stand against a man in regard to any crime or offense of which he may be guilty; a judicial fact shall be established only on the testimony of two or three witnesses."

Mathews 18, Versus 15-16:

"But if thy brother sin against thee, go and show him his fault, between thee and him alone. If he listen to thee, thou has won thy brother. But if he does not listen to thee take with thee one or two more so that on the word of two or three witnesses every word may be confirmed.

Magna Carta of 1215 Article 38; Magna Carta of 1297, Art. 28:

No bailiff for the future shall, upon his own unsupported complaint, put nyone to his "law", without credible witnesses brought for this purpose.

See also Courts and Lawyers of New Jersey, Pages 124 & 396; Colonial

History of New Jersey, Chpt. 16 and 2 Corinthians 13:1.

Griffin v U.S., 502 U.S. 46, 1991:

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> The third case cited by Vates, Cramer v. United States, 325 U. S. 1 (1945), was our first opportunity to interpret the provision of Article Ill, § 3, which requires, for conviction of treason against the United States, that *there be "two Witnesses to the same overt Act."*

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> Finally, petitioner asserts that the distinction between legal error (Vates) and insufficiency of proof (Turner) is illusory, since judgments that are not supported by the requisite minimum of proof are invalid as a matter of law and indeed, in the criminal law field at least, are constitutionally required to be set aside. See Jackson v Virginia, 443 U. S. 307, 319 (1979). *Insufficiency of proof, in other words, is legal error. This represents a purely semantical dispute.*

I was indicted and tried and convicted on less than 2 witnesses testimony.

F) Book 4, Chapter 27, Page 351-352: Barring of Certain Evidence:

> No evidence may be admitted to prove any overt act not expressly laid in the indictment. [That is, if the person is charged, for example, with possession with an intent, if the grand jury does not elicit evidence as to what the intent was, it cannot then be brought into the trial.]

The indictment and trial was defective as stated above and as a result the state was allowed to submit evidence as to the intent under the 2nd Degree charges it should not have been allowed to submit. The state was allowed to put forth evidence that the alleged bomb was to be a parcel bomb denying me of notice of the intent and was allowed to put forth evidence that I intended the bomb to be mailed to either my ex-wife or my ex-girlfriend or a Judge that I was also not informed of prior to trial. I was denied the right to prepare a defense to these unclaimed actions

and as to whom they applied.

G) Book 4, Chapter 27, Page 353: Admission of Certain evidence:

> ...that whatsoever could be brought in favor of the subject should be admitted to be heard....

Mr. Reardon sought to have his last will and testament admitted at trial as it listed 2 of the supposed targets of my crime(s) and went to my state of mind being suicidal and not homicidal and thus would have been useful to theJury.Blackstone's Commentaries, Introduction to the laws of England, Chapter 1, page 92:

> "The judge has no authority to apply the law other than according to its written word."

IV) Right to challenge void proceedings on the claim of lack of jurisdiction:

Thompson v Whitman, 85 U.S. 457, 466-468, 1873:

> Amongst other cases quoted were those of Borden v. Fitch,[‡] and Starbuck v. Murray;[§] and from the latter the following remarks were quoted with apparent approval. *"But it is contended that if the other matter may be plead -ed by the defendant he is estopped from asserting anything against the allegation contained in the record. It imports perfect verity, it is said, and the parties to it cannot be heard to impeach it. It appears to me that this proposition assumes the very fact to be established, which is the only question in issue. For what purpose does the defendant question the jurisdiction of the court? Solely to show that its proceedings and judgment are void, and, therefore, the*

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> *supposed record is, in truth, no record... . The plaintiffs, in effect, declare to the defendant, — the paper declared on is a record, because it says you appeared, and you appeared because the paper is a record. This is reasoning in a circle." The subject is adverted to in several subsequent cases in this court, and generally, if not universally, in terms implying acquiescence in the doctrine stated in D'Arcy v. Ketchum. And in a number of cases, in which was questioned the jurisdiction of a court, whether of the same or another State, over the general subject-matter in which the particular case adjudicated was embraced, this court has maintained the same general language. Thus,in*

Elliott et al. v. Peirsol et al.,[‡] it was held that the Circuit Court of the United States for the District of Kentucky might question the jurisdiction of a county court of that State to order a certificate of acknowledgment to be corrected; and for want of such jurisdiction to regard the order as void.

Justice Trimble, delivering the opinion of this court in that case, said:

"Where a court has jurisdiction, it has a right to decide every question which occurs in the cause, and whether its decision be correct or otherwise, its judgment, until reversed, is regarded as binding in every other court. *But, if it act without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void."*

The same views were repeated in The United States v Arredondo,[§] Vorhees v Bank of the United States,[†] Wilcox v. Jackson,[¶] Shriver's Lessee v. Lynn,[**] Hickey's Lessee v.Stewart,[†] and Williamson v Berry.[†] In the last case the authorities are reviewed, and the court say:

"The jurisdiction of any

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court exercising authority over a subject may be inquired into in every other court when the proceedings in the former are relied upon and brought before the latter by a party claiming the benefit of such proceedings;" and "the rule prevails whether the decree or judgment has been given in a court of admiralty, chancery, ecclesiastical court, or court of common law, or whether the point ruled has arisen under the laws of nations, the practice in chancery, or the municipal laws of States.".....

.....Hanley v Donoghue, 116 US 1, 4, 5, 1885; Reynolds v Stockton, 140 US 254,264, 265, 1891; Huntington v. Attrill, 146 US 657, 685, 1892; Fauntleroy v. Lum, 210 US 230, 242, 1908; Bigelow v. Old Dominion Copper Mining & Smelting Co., 225 US 111, 134, 1912; Marin v Augedahl, 247 US 142, 151, 1918; Baldwin v. Iowa State Traveling Men's Assn., 283 US 522, 525, 1931; Williams v. North Carolina, 325 US 226, 228, 1945; New York ex rel. Halvey v. Halvey, 330 US 610, 614, 615, 1947; May v. Anderson, 345 US 528, 533, 1953; Insurance Corp. of Ireland v.

Compagnie des Bauxites de Guinee, 456 US 694, 701, 1982; Norex Petroleum Ltd. v. Access Industries, 416 F. 3d 146, 160, 161, 2nd Cir. 2005; TEAMSTERS LOCAL 639 EMP., HEALTH TRUST v. Hileman, 988 F. Supp. 2d 18, 23, Dist. Court, Dist. Col., 2013; Old Wayne Mut. Life Assn. of Indianapolis v. McDonough, 204 US 8, 15-17, 1907 and Scott v. McNeal, 154 U.S. 34, 46.....

.....HALL ET AL. v. LANNING ET AL., 91 US 160, 165, 1875:

> We further held in that case, that the record of such a judgment does not estop the parties from demanding such an inquiry.

Grover & Baker Sewing Machine Co. v. Radcliffe, 137 US 287,294,295, 1890:

> and notwithstanding the averments in the record of the judgment itself, the jurisdiction of the court by which a judgment is rendered in any State may be questioned in a collateral proceeding; that the jurisdiction of a foreign court over the person or the subject-matter, embraced in the judgment or decree of such court, *is always open to inquiry;*

Definition of Inquiry:

> Inquiry means an investigation by the stewards of potential interference in a contest prior to declaring the result of said contest official. Inquiry means information gathering and initial fact finding to determine whether an allegation or apparent instance of misconduct warrants an investigation.

Simmons v. Saul, 138 US 439, 448, 1891:

> It is the settled doctrine of this court that the constitutional provision that full faith and credit shall be given in each State to the judicial proceedings of other States, does not preclude inquiry into the jurisdiction of the court in which a judgment is rendered over the subject matter or the parties affected by it, nor into the facts necessary to give such jurisdiction. Thompson v. Whitman, 18 Wall. 457; Cole v. Cunningham, 133 U.S. 107.

Andrews v. Andrews, 188 US 14, 34, 35, 1903:

> "We think it clear that the jurisdiction of the court by which a judgment is rendered in any State may be questioned in a collateral proceeding in another State, notwithstanding the provision of the fourth article of the Constitu-

tion and the law of 1790, and notwithstanding the averments contained in the record of the judgment itself.".

Duke v. Durfee, 308 F. 2d 209, 212, 213, 8th Cir. 1962:

> It is clearly established, however, that the full faith and credit clause, while foreclosing repetitious litigation of non-jurisdictional matters, does not preclude a second forum's inquiry into questions of the first court's personal or subjectmatter jurisdiction. This was the holding of several early Supreme Court cases. The principle was comprehensively restated in the usually cited case of Thompson v. Whitman, 1874, 85 U.S. (18 Wall.) 457, 469, 21 L.Ed. 897, and has been perpetuated by later cases including Grover & Baker Sewing Machine Co. v. Radcliffe, 1890, 137 U.S. 287, 11 S.Ct. 92, 34 L.Ed. 670; Adam v. Saenger, 1938, 303 U.S. 59, 58 S.Ct. 454, 82 L.Ed. 649; Milliken v. Meyer, 1940, 311 U.S. 457, 61 S.Ct. 339, 85 L.Ed. 278; and Western Union Telegraph Co. v. Pennsylvania, 1961, 368 U.S. 71, 75, 82 S.Ct. 199, 7 L. Ed.2d 139.

Diva Laboratorium Aktiengesellschaft v. DeLoney & Co., 237 F. Supp. 868, 869,

Dist. Court, Dist. of Columbia, 1965:

> It is well settled that the invalidity of judgments for want of jurisdiction may be asserted at any time in any proceeding during which the judgment comes into issue. The classic case on this point is Thompson v. Whitman, 18 Wall. 457, 85 U.S. 457, 21 L.Ed. 897 (1873).

Whitmore v. Tarr, 318 F. Supp. 1279, Dist. Court, D. Nebraska 1970:

1283:

> Narrowly speaking, it may be true that the judgment of a court is assailable for want of jurisdiction over the subject matter at any time the judgment

1284:

> is sought to be enforced. Thompson v. Whitman, 18 Wall. 457, 85 U.S. 457, 21 L.Ed. 897 (1873).

US v. Bigford, 365 F. 3d 859, 865, 10th Cir. 2004:

> A judgment may therefore be attacked in a collateral proceeding in another jurisdiction on the basis that it was rendered without jurisdiction. [2] Durfee v. Duke, 375 U.S. 106, 110, 84 S.Ct. 242, 11 L.Ed.2d 186 (1963); Pennoyer v.

Neff, 95 U.S. 714, 730-33, 24 L.Ed. 565 (1877), overruled on other grounds by Shaffer v. Heitner, 433 U.S. 186, 97 S.Ct. 2569, 53 L.Ed.2d 683 (1977); Thompson v. Whitman, 18 Wall. 457, 85 U.S. 457, 469, 21 L.Ed. 897 (1873); see also Ins. Corp. of Ireland, Ltd. v. Compagnie des Bauxites de Guinee, 456 U.S. 694, 706, 102 S.Ct. 2099, 72 L.Ed. 2d 492 (1982) ("A defendant is always free to ignore the judicial proceedings, risk a default judgment, and then challenge that judgment on jurisdictional grounds in a collateral proceeding. "); United States v. Thompson, 941 F.2d 1074, 1080 (10th Cir.1991) ("Only void judgments are subject to collateral attack."); First Nat'l Bank & Trust Co. of Wyo. v. Lawing, 731 F.2d 680, 684 (10th Cir. 1984) (quoting Ins. Corp. of Ireland, 456 U.S. at 706, 102 S.Ct. 2099); V.T.A., Inc. v. Airco, Inc., 597 F.2d 220, 224 n. 9.10th Cir.1979 ("[I]f a judgment is void, it is a nullity from the outset."); United States v. Indoor Cultivation Equip. From High Tech Indoor Garden Supply, 55 F.3d 1311, 1317 (7th Cir.1995) ("[V]oid judgments are legal nullities[.]"); Rodd v. Region Constr. Co., 783 F.2d 89, 91 (7th Cir.1986) ("[A] void judgment is no judgment at all."); Jones v. Giles, 741 F.2d 245, 248 (9th Cir.1984) ("A void judgment, as opposed to an erroneous one, is legally ineffective from inception."); Jordon v. Gilligan, 500 F.2d 701, 704 (6th Cir.1974) ("A void judgment is a legal nullity[.]").

Morrell v. Mock, 270 F. 3d 1090, 1096, 7th Cir. 2001:

Morrell next relies on cases holding that the Due Process Clause establishes limits on the rendering state's exercise of jurisdiction over non-residents, and that judgments entered beyond those limits are void and may not be enforced in that state or in any other, see, e.g., Williams, 325 U.S. at 229-30, 65 S.Ct. 1092; Pennoyer v. Neff, 95 U.S. 714, 720-23, 5 Otto 714, 24 L.Ed. 565 (1877), and on the principle that a defendant challenging a court's jurisdiction may ignore the court's proceedings, risk a default judgment, and resist enforcement in a collateral attack on the first court's jurisdiction. See, e.g., Williams, 325 U.S. at 229-31, 65 S.Ct. 1092; Chicago Life Ins. Co. v. Cherry, 244 U.S. 25, 29, 37 S.Ct. 492, 61 L.Ed. 966 (1917); Thompson v. Whitman, 18 Wall. 457, 85 U.S. 457, 469, 21 L.Ed. 897 (1873); Bd. of Trs., Sheet Metal Workers' Nat'l Pension Fund v. Elite Erectors, Inc., 212 F.3d 1031, 1034-35 (7th Cir. 2000); United States v. County of Cook, 167 F.3d 381, 388 (7th Cir.1999) (observing that the exception from res judicata for collateral attacks challenging jurisdiction is necessary "because otherwise a court that lacked jurisdiction could strong-arm a party to litigate the subject, decide in favor of its own power, and thus block any review of its adjudicatory competence.").[3] Again, however, these cases do not establish any particular procedure that must be followed by a state asked to enforce another state's order, and do not hold that notice and a hearing on the question of the rendering state's jurisdiction must in all cases precede enforcement.

Jackson v. FIE Corp., 302 F. 3d 515, 526, 527, 5th Cir. 2002:

> The question before the Supreme Court was *"whether the record [of the New Jersey case]* produced by the defendant was conclusive of the jurisdictional facts therein

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> contained."[42] The Court determined that the principal jurisdictional fact — whether the sloop had been seized in Monmouth County — could be attacked collaterally in the New York court:
>
> [I]f it is once conceded that the validity of a judgment may be attacked collaterally by evidence showing that the court had no jurisdiction, it is not perceived how any allegation contained in the record itself, however strongly made, can affect the right so to question it. The very object of the evidence is to invalidate the paper as a record. If that can be successfully done no statements contained therein have any force.[43] Because the New York jury had found that "the seizure was not made within the limits of the county of Monmouth, and that no clams were raked within the county on that day,"[44] the Supreme Court ruled that "the justices [of Monmouth County] had no jurisdiction, and the record had no validity."[45] Having held the New Jersey judgment to be invalid for want of jurisdiction, the Court did not remark on this result's tension with principles of preclusion, or on whether the New York court permissibly re-examined the merits of the New Jersey judgment.

Pennoyer v Neff, 95 US 714, 1877:

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> If the judgment be previously void, it will not become valid by the subsequent discovery of property of the defendant, or by his subsequent acquisition of it. The judgment if void when rendered, will always remain void: it cannot occupy the doubtful position of being valid if property be found.

Melo v Hafer, 13 F. 3d 736, 744, 3rd Cir. 1994, Hafer v Melo, 502 U.S. 21,27, 1994:

> First, a judge is not immune from liability for nonjudicial actions, i.e., actions not taken in the judge's judicial capacity. *Second, a judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction. Mireles, 502 U.S. at 11-12, 112 S.Ct. 286 (citations omitted); see also Barnes, 105 F.3d at 1116 (same).*

V) Right to, at minimum, Equity relief when a judge lacks, loses or usurps his jurisdiction and/or discretion, he is not immune for at least Equity relief for which Mr. Reardon sought an order in accordance with Thompson v Whitman, 85 U.S. 457, 466-468, 1873 and the following case law. This Affidavit.

Basis for, at minimum, Liability for Equity relief; Pierson v. Ray, 386 US 547, 561-563, 565-567, 1967; Bradley v Fisher, 80 U.S. 335, 351, 352, 1872; Mireles v Waco, 502 US 9, 11, 12, 1991; Kalina v. Fletcher, 522 US 118, Ft. Nt.s 11 and 13, 1997; Martin v. Bicking, 30 F. Supp. 2d 511, 512, Dist. Court, ED Pennsylvania 1998; Figueroa v. Blackburn, 39 F. Supp. 2d 479, 485, Dist. Court, D. New Jersey 1999; Travis v. Miller, 226 F. Supp. 2d 663, 667, Dist. Court, ED Pennsylvania 2002; Stankowski v. Farley, 487 F. Supp. 2d 543, 551, Dist. Court, MD Pennsylvania 2007; Rehberg v. Paulk, 132 S. Ct. 1497, 1503, 2012; Russell v Richardson, 905 F.3d 239, 247, 3rd Cir. 2018 and Rhett v. Salas, Dist. Court, D. New Jersey 2019. A1-16, 21-40.

> If no other reason, I rely on the Dissenting opinion in Pierson v Ray, 386 U.S. 547, 566, 567, 1967 which found:
>
> But that is far different from saying that a judge shall be immune from the consequences of any of his judicial actions, and that he shall not be liable for the knowing and intentional deprivation of a person's civil rights. What about the judge who conspires with local law enforcement officers to "railroad" a dissenter? What about the judge who knowingly turns a trial into a "kangaroo" court? Or one who intentionally flouts the

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> Constitution in order to obtain a conviction? Congress, I think, concluded that the evils of allowing intentional, knowing deprivations of civil rights to go unredressed far outweighed the speculative inhibiting effects which might attend an inquiry into a judicial deprivation of civil rights.

VI) Appearance of Bias by Judge Hillman:

Judge Hillman has simply found the defendants are judges and prosecutors and are entitle to absolute and Judicial Immunity contrary to the well settled laws he is fully aware of and familiar with but has decided I am not to be granted the same consideration as those who are represented by counsel. He is fully aware of this court's decision if Hafer v Melo, 502 U,.S. 21, 27, 1994 and that equity relief is available against all state defendants and he failed to knowingly comply with said case law and my rights thereunder. A33-41.

Judge Hillman admits he is to take true all pleaded facts and the Mr.Reardon did repeatedly claim the defendants lacked, lost or usurped their jurisdiction and/or discretion which means that they cannot simply claim immunity of any type but must show and prove this claim and Judge Hillman failed to require the defendants to so do that and the defendants failed to show that in accordance with Buckley v Fitzsimmons, 509 U.S. 259, 269, 1993 and Hughes v Long, 242 F.3d 121, 125, 3rd Cir. 2001.

> The function in question is and was, under what legal and factual standard and right do the defendants contend they have jurisdiction and/or discretion to not comply with the Common Law mandate placed upon them that holds that they cannot refuse to comply with the common law on the issues cited above as per Mr. Blackstone and the U.S. Supreme Court cases of In United States v. Wong Kim Ark, 169 U. S. 649, 654:
>
> "In this as in other respects, it must be interpreted in the light of the common law, the principles and history of which were familiarly known to the framers of the Constitution.

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

5 (1833):

> Blackstone's commentaries are accepted as the most satisfactory exposition of the common law of England.....undoubtedly the framers of the Constitution were familiar with it.

Joseph Story's Constitutional Commentaries, Volume 1, Page 140:

> Sec. 157...And.... that the common law is our birthright and inheritance,

VII) Judge Steinberg failed to carry out a Ministerial act of recording or summarizing the warrant applications of Sgt. A. L. Simon on 6/20/90 and Det. Sgt. Bruce Dawson on 6/29/90 contrary to the Appellate Court's mandate in M.P. v S.P.,169 N.J. Super. 425, 441-443, 1979; Muller v. Muller, NJ: Appellate Div. 2011.

> I was denied Due Process as per these cases in that I could not adequately ascertain the validity of the Police Officer's affidavit and for which as to Sgt. A. L. Simon, there was a clear lack of any facts or allegations that there was someone within my apartment that could destroy or remove evidence if an un -warranted search was not done and that Det. Sgt. Dawson's search was defective likewise and was also the fruits of the poisonous tree doctrine. The Police knew I lived alone.

In Mr. Reardon's case below, Judge Hillman denied me the right to inquire into the claim of lack of, loss of or usurpation of Jurisdiction and/or discretion by simply finding that the defendants are judges and prosecutors and they are absolutely immune for any lawsuit on any claim of facts for which the above law clearly says the opposite.

We the undersigned, having read these papers, and the Attempts to Amend his lawsuit, agrees with Mr. Reardon as to the following issues:

1. Judge Hillman was biased and denied Mr.Reardon his right to inquire into the claim of lack of jurisdiction that the court cannot deny;

2. That at a Rule 12(b) matter, which is a plenary issue, Mr. Reardon did state sufficient basis in law and fact that the defendants appear to be liable for lack of, loss of or usurpation of Jurisdiction and/or discretion.

3. That Mr. Reardon did clearly lay a foundation for the lawsuit against the

state defendants and Judge Hillman did abuse his discretion by denying Mr. Reardon a right to discovery as found and permitted in the cases of: Figueroa v. Blackburn, 208 F. 3d 435, 3rd Cir. 1999 and Figueroa v. Blackburn, 39 F. Supp. 2d 779, Dist. Court,D. New Jersey 1999.

4. That Judge Hillman did obviously show bias by merely claiming the state defendants were absolutely immune when the clear law is that if Jurisdiction is asserted, as to lacking that, the defendants were required to "show–to make clear and apparent by evidence, to prove" which the defendants were not required to so prove this in Mr. Reardon's lawsuit as per Buckley v Fitzsimmons, 509 U.S. 259, 269, 1993 and Hughes v Long, 242 F.3d 121, 125, 3rd Cir. 2001:

> The official seeking immunity bears the burden of showing that it is justified by the function in question.

Mr. Reardon clearly laid out a basis as to lack of Jurisdiction of the defendants and the defendants only laid claim to sovereign, judicial and absolute immunity based solely on their official positions.

Where the court granted the represented plaintiff the right to discovery in said lawsuit since they alleged the Judge lacked jurisdiction and for which Judge Hillman refused and failed, as did the 3rd Cr. Court of Appeals, to grant Mr. Reardon the same rights and considerations under the law as the mentioned plaintiff and their lawsuit, he did in fact discriminate against Mr. Reardon as per: National Life Insurance Co. v United States, 277 U.S. 508, 530, 1928 and Jackson v Birmingham Brd. Of Ed., 544U.S. 167, 174, 2005 which held that "Discrimination is different treatment of 2 things or persons under similar circumstances" and since Mr. Reardon challenged the jurisdiction of the defendants and was denied the right to inquire into said jurisdictional issues as Figueroa v. Blackburn, Mr. Reardon was in fact discriminated against, as per our understanding of the case laws as per Juzwin v Asbestos Corp. Supra. as we understand the

law cited in this document.

5. That Judge Steinberg was required to recuse himself Sua Sponte and not hear the Search Warrant Applications of Sgt. A. L. Simon and Det.Sgt. Bruce Dawson for the appearance of justice sake, that he should have transferred Mr. Reardon's criminal Charges to another County and that he should not have assigned any Camden County Judge authority to try Mr. Reardon in Camden County. Based both on the law in this document and the 1990 Order of fellow Judge Rudolph Rossetti.

6. That Judge Greene was fully Aware of the fact that I had lawsuit filed against Judge Steinberg prior to 1990, that the indictment was defective as set out above and that it was required to be superceded by a new indictment as to the 2nd degree crimes and was not so done, and that the law is that he lacked jurisdiction to hear and try Mr. Reardon on the 2nd degree crimes he was tried and convicted on.

7. Both Judges were required to recuse themselves Sua Sponte and they failed to do that which caused them to lose jurisdiction and/or discretion and making them liable.

8. All PCR and Appellate Court judges also lacked jurisdiction and/or discretion to refuse to set aside the void orders and proceedings of Judges Steinberg and Greene as they were barred from validating said void order that we agree under the circumstances here were in fact void.

9. Judge Steinberg is also liable as per Antoine v Byers and Bogan v Scott-Harris Supra on the grounds that the appellate court entered a mandate to all trial judges that all proceedings before a judge, regardless of where they occur are required to be recorded, transcribed or summarized and Judge Steinberg Heard 2 Search warrant applications against Mr. Reardon and failed to do as required by the Mandate set out by the Appellate Court.

10. Sgt. Simon and Judge Steinberg were codefendants in a federal Lawsuit

by me back in 1888 and 1989. Sgt,.Simon had about a dozen different Judge he could have approached for his search warrant but he knew there was no legal and permissible right to do a securing the dwelling warrantless search of my apartment since they knew I lived alone and that there was no way any evidence could be destroyed or removed and because of this he sought out Judge Steinberg who he knew would give him his baseless and meritless search warrant as he knew Judge Steinberg would be willing to get back at Mr. Reardon for having sued him in federal court and Judge Steinberg did give him his baseless search warrant. Based on the federal case law on securing a dwelling warrantless Search is prohibited.

11. Mr. Reardon did list all of the following acts that the district Court has jurisdiction of and over and they are:

A. To allow an inquiry into the jurisdiction of the state judges as alleged and Supported by the case laws cited in this paper;

B. To hear and decide all issues relating to the void proceedings of the State;

C. For the lack of jurisdiction and/or discretion of the State judges failures to comply with the Common Law mandate and Common Law rights and remedies;

D. To issue a certificate of correction directed to the State to correct my criminal proceedings as void for loss of jurisdiction;

E. For injunctive relief to bar any of the defend- ant judges from ever enforcing any case that touches on the issues and rights of this case as to any future ciminal defendant;

F. For Costs relief; and

G. For damages since the defendants lacked, lost or ursurped their jurisdiction and/or discretion for which the well settled law is clear that if a judge lacks jurisdiction or discretion he can be sued for damages.

12. Mr. Reardon's lawsuit and attempted amendments did allege that the defendants lacked, lost or usurped their jurisdiction and/or discretion and for

which the clear and well settled law is that they can be sued, that they failed to comply with the common law mandate placed upon them that makes certain functions of a judge or other official a ministerial task that they can be held liable for if the do not comply or abide by this mandate and that Mr. Reardon made this clear in his lawsuit and attempts to amend.

13. That Judge Hillman has relied heavily on the state court proceedings as a based for his findings of immunity when the clear and long settled law dating back to 1873 is that when jurisdiction is challenged the court cannot rely on anything from the challenged proceedings to controvert the inquiry into the issues of jurisdiction and/or discretion and Judge Hillam went on a rant about the state proceedings as though he had decided that he has the right to so find the challenged proceedings are and were above board.

14. Judge Hillman has misapplied the fac in that he has claimed I have asked the court to settle my criminal case based upon the proceedings in the state as though I was raising issue with him that I was asking the court to set aside my conviction based on the violation of constitutional rights when that was and is not the case. I am not a sore loser asking the court to rule contrary to the criminal proceedings that I was convicted on and for him to thus review my conviction. I was not seeking review of Judge Hillman to so set aside my conviction but instead was seeking the relief that is available under Thompson v Whitman Supra and as to the defendants being liable for not complying with a Common Law mandate that stripp -ed the defendants of all jurisdiction and/or discretion mak -ing them liable and Judge Hillman has issued an erroneous judgment so as to make it appear that I am seeking relief that I know I can not acquire as per Heck v Humphrey or Rooker-Feldman but is instead valid under the case law and Common law remedies and rights listed in this paper that the court has jurisdiction to hear and decide. In fact if the court refuses to so accept jurisdiction it will deny me of notice and right to

be heard on my valid issues and claims and thus denying me of my right to be heard and for which voids his opinion and would be unenforceable under Rule 60(b)(4) of the federal Rules f civil procedure. What Judge Hillman has done is to turn a factual dispute into a legal dispute so that he can make me look like I don't know what am talking about so as to deny me the qual protections of the law and to a fair hearing when I have clearly laid out clear factual and legal claims as to the claims in reference to jurisdictional defect and remdies and law and rights. Judge Hillman has no right at a plenary stage to making a final judgment of the facts without first giving me the right to inquired into the issues of jurisdiction and/or discretion but he has decided that despite citing appropriate case laws as to what he is required to do he has then went on to say that the criminal proceedings were above board and proper, that there is and was no right to question them and thus I have no claim that they were and are void. He has done exactly what the case laws prevents him from doing and that is to rule on he state proceedings as being carried out and valid and thus I am not entitled to challenge the validity of said proceedings by denying me of my right to inquire into my claims and by him negating the very challenge and right to inquire into the proceedings being void and thus into denying me to seek and obtain evidence as to the allegations made. He has placed the defendants above the law and right to challenge said actions by the defendants which is what the long line of case under Thompson v Whitman bars the court from doing.

15. The law cited in this paper is clear that there is a right to challenge the jurisdiction and/or discretion of the defendants; that it cannot controvert the right to challenge said conduct; that there is no Res Judicata or estoppel defenses for the challenge I am making as to jurisdictional defects and that I am not asking the to settle the disputes between myself and the state defendants and would be a Rooker-Feldman bar; and I am not asking in this case to grant me damages on the claims that the state proceedings are in violation of my Constitutional Rights and thus

seeking to overturn my State Conviction which in effect is a malicious prosecution type lawsuit that in effect seeks to overturn my state conviction for constitutional rights violations. Judge Hillman has misread the reliance on and stating of the claims of violations of rights as the only reasons they were raised was not to ask the court to pass judgment on them but was cited as to prove abuse of process; conspiracy to injure me; To show that the defendants have engaged in a long line of violations to punish me for having dared to sue judges and prosecutors for damages pro se and to teach me a lesson for such suits and to demonstrate who supposedly has the power.

16. The State failed to provide adequate Counsel who would protect me and my rights and to do so zealously and to put the state's case to the test.

17. Mr. Reardon did state the defendants did intentionally deprive Mr. Reardon of his rights and he should be granted, at minimum, an order of correction requiring the state to place in their records that the state lacked subject matter jurisdiction over the trial of Mr. Reardon in Camden County.

We the undersigned, have read these papers, and the allegations made by Mr. Reardon in his lawsuit against the defendants named there in and we do agree that they were not entitled to claim immunity for the conduct claimed in these papers and Civil Lawsuit facts alleged by Mr. Reardon.

We the undersigned do hereby state, attest and affirm before Almighty God as our witness that we have read these papers and the lawsuit of Mr. Reardon and agree with his conclusions of Judge Hillman's abuse of discretion, error and denial of Mr. Reardon's Rights to "inquire into the jurisdiction of the defendants" for which he has an absolute right to do under the law he has presented to us and that we may be punished under the law if we have willfully and materially mislead the Court.

Dated:_____ Martin Ackley
Martin Ackley

Dated:_____ Sabrina Hines
Sabrina Hines

Dated:_____ Francis Maloney
Francis Maloney

Relevant issues to to service and appearances:

The clerk denied Default Judgment on the claim I failed to submit an affidavit as to, I presume, damages, but allowed defendants the right to move for relief without affidavits to support their motion to appear or vacate or for sanctions.

Name	Service date	Default Date	req. Default	Appearance	Motions
Murphy	7/23/18	8/13/18	8/28/18		9/26/18
Grewal	7/23/18	8/13/18	8/28/18		9/26/18
Fulton	7/23/18	8/13/18	8/28/18		9/26/18
McFeeley	7/20/18	8/10/18	8/28/18		
Zane	7/20/18	8/10/18	8/28/18		
Singley	7/30/18	8/20/18		11/6/18	11/19/18
Morelli	7/30/18	8/20/18	8/28/18	11/6/18	11/8/18
McCrink	7/26/18	8/16/18	8/28/18	11/6/18	11/19/18
Trabosh	7/25/18	8/15/18	8/28/18	11/6/18	11/19/18
Zonies	8/2/18	8/23/18	8/28/18		11/19/18
Viola	7/26/18	8/16/18	8/28/18	11/6/18	11/19/18
Gleaner	7/30/18	8/20/18	8/28/18		11/19/18
Peterson	7/18/18	8/8/18	8/28/18	11/6/18	11/19/18
Long	7/20/18	8/10/18	8/28/18		
Joyce	7/25/18	8/15/18	8/28/18	11/6/18	11/19/18
Gindele	7/20/18	8/10/18	8/28/18		
Luongo	8/3/18	8/24/18	8/28/18		11/19/18
DeMichele	7/26/18	816/18	8/28/18		
Dougherty	8/2/18	8/23/18	8/28/18	11/16/18	11/19/18
Addiego	8/2/18	8/23/18	8/28/18		
Beach	8/1/18	8/22/18	8/28/18		
Madden	8/1/18	8/22/18	8/28/18		
Gregg	8/2/18	8/23/18	8/28/18		
Howarth	8/2/18	8/23/18	8/28/18		

	Request for extension of Time	Request for Sanctions
Judge Singley		12/10/18
Judge Trabosh	10/2/18	12/10/18
Judge Zonies	10/2/18	12/10/18
Judge Zane		12/10/18
Mr. Viola		12/10/18
Mr. Peterson		12/10/18
Mr. Joyce		12/10/18
Mr. Gleaner		12/10/18
Mr. Luongo	10/2/18	12/10/18
Mr. Dougherty		12/10/18
Ms. Addiego, Senator		12/10/18

Default times range from 5-20 days; Appearance range from never to 39-75 days; Motions range from never to 44-121 days. The court is failing to require the defendants to defend themselves and a in dire default.

April 27, 2020

Judge R. Kugler
U.S. District Court
C/O P.O. Box 12797
Camden, N.J. 08101

RE: John E. Reardon v State of New Jersey, et al
Case No. 1:17-cv-05868

RECEIVED
APR 29 2020

John E. Reardon v Judge Zonies,et al
Case No. 1:18-cv-11372

Dear Judge Kugler,

AT8.:30 M
WILLIAM T. WALSH - CLERK

Please find that after long consideration of the court's animus against this prose plaintiff that you do not intend to protect me and my rights and whereas it is apparent that I am simply pissing in the wind, please note that I am asking the court to dismiss the above 2 referenced cases. Thank You.

Very Truly Yours,

John E. Reardon

CC: Daveon Gilchrist, Dean Wittman, Eric Riso and A. Michael Barker.