

No. 20-6965

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

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**BRADLEY B. MILLER, PETITIONER**

*v.*

**VIRGINIA TALLEY DUNN, RESPONDENT**

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***ON PETITION FOR REVIEW  
TO THE SUPREME COURT OF TEXAS***

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**PETITION FOR REHEARING**

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*“No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it. It is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives.”*

—United States v. Lee, 106 U.S. 196 at 220 (1882).

## PETITION FOR REHEARING

Pursuant to Rule 44 of this Court, pro se Petitioner Miller hereby respectfully petitions for rehearing of this case.

1. Let us begin with the most important issue: Due to the fraudulent actions of the 330th Family District Court, Dallas County, Texas—and the shameful inaction of this Court—**Petitioner Miller has not seen or spoken to his 13-year-old daughter for almost three years.**

2. This travesty has persisted despite Miller’s having filed **four** cases in this Court, all arising from the same atrocious Texas Family Court case. (See SCOTUS case numbers 16-9012, 17-6836, 18-7450, and the instant case, 20-6965).

3. It is apparent from this Court's inaction that the Supreme Court of the United States simply does care about the rampant judicial corruption that characterizes our Family Court system (and higher courts beyond), and has absolutely no intention of addressing it.

4. Since the filing of this Supreme Court case, Petitioner Miller has filed a civil suit against two Texas Family District Court judges and twelve other defendants—including the Respondent herein, Virginia Talley Dunn—alleging fraud and egregious, persistent civil rights violations. (See case number DC-20-15614 in the 116th Civil District Court, Dallas County, Texas. Case documents may be viewed at <https://courtsportal.dallascounty.org/DALLASPROD>).

5. In Miller's state civil suit, Miller has presented evidence that, during their divorce, Dunn entered Miller's home without permission, photographed legal documents on his desk pertaining to the divorce case, and emailed the photos to her attorney. (See Miller's *Original Petition* in the above-cited case no. DC-20-15614, at Exhibit A). It is criminal conduct of this kind—both on the part of Respondent Dunn and 330th District Court Judges Andrea Plumlee and Danielle Diaz—that has characterized Miller's Family Court case from the outset.

6. Respondent Dunn has conducted a campaign of harassment against Miller for eight years now, enlisting the cooperation of the courts, law enforcement officers, their daughter's school, and other individuals in the Dallas community. This Court is fully aware of the circumstances, and has consistently turned a blind eye—denying hearing of all four of Miller's cert petitions.

7. Through discussions with thousands of other parents nationwide, and through further legal research, Miller has learned that his case is far from unique—rather, this kind of official abuse is the norm in Family Court cases throughout the country. (See, e.g., *Filler v. Hancock County*, No. 1:15-cv-00048-JAW (District Court, D. Maine, Mar. 12, 2019)). It is appalling that this kind of judicial and official conduct is allowed to go on. The courts are doing exactly the opposite of their constitutional mandate.

8. In Petitioner Miller's pending state-court civil suit, Miller has filed an Emergency Motion for Declaratory Judgment, asking the 116th Civil District Court (Dallas County) to declare two orders void—orders that were issued without jurisdiction during Section 1443 federal removals. 28 U.S.C. § 1443. The judge of the 116th Civil District Court

ruled that Miller's complaint did not qualify as an emergency—despite the fact that he has been subject to a gag order for six years, and he hasn't seen his daughter for three years—so it is unclear whether even his fundamental right to free speech will be restored in those civil proceedings. That hearing will not take place until June.

9. In a perverse irony, 330th Family Court Judge Andrea Plumlee is being represented in Miller's civil suit by the Office of the Texas Attorney General. So the citizens of the State of Texas are paying for the legal defense of a criminal who is routinely abusing the rights of those same Texas citizens. It is no surprise that Texas Attorney General Ken Paxton is himself currently under criminal indictment. (*See* Harris County 177th Criminal District Court case numbers 155510001010-3, 155510101010-3, and 155510201010-3). The Texas Family Court system and Texas Attorney General's Office are quite literally functioning as a crime syndicate. **This Supreme Court does not care.**

10. So, rather than advance another legal argument—which this Court will also ignore—Miller solicited comments on his Facebook page,

asking parents to voice their concerns about Family Court, which he pledged to raise in his Petition for Rehearing. These complaints are:

- Family Court is biased, and a profiteering scheme run by and for judges, attorneys, and the state.
- Family Court unconstitutionally divides child custody unequally between parents, depriving fathers of equal time with their children in 83% of cases nationwide. (Grall, 2016).
- Family Court often sets child support levies without any consideration for the actual cost of raising a child, so child support is essentially being used as alimony. (See “Crazy State Differences In Child Support” (Kotlikoff, 2018)). And,
- Family Court causes severe and often permanent psychological harm to children by removing one parent from their lives—usually the father. (See McLanahan, Tach and Schneider, 2013; Stringer 2018).

All of these concerns are valid and pressing—and, in fact, Miller has previously raised all of them in this Court. And again, this Court has persistently ignored these concerns—despite copious Fourteenth

Amendment precedent reaffirming parental rights. (See *Troxel v. Granville*, 530 U.S. 57 (2000)). Thus we have a peculiar judicial paradox in this country: The Supreme Court has repeatedly ruled that parental rights are legally sacrosanct; yet the same Supreme Court—upon seeing repeated petitions demonstrating that our Family Court system is routinely violating these same constitutional protections—steadfastly refuses to do anything about it. **This is what judicial corruption looks like.**

11. As a relevant aside, this past Monday, April 26, 2021, more than 150 parents convened in Austin, Texas to testify before the Texas House Juvenile Justice and Family Issues Committee in support of HB 803—which would impose a presumption of equally shared possession time in child custody cases. The only people who testified *against* HB 803 were two judges and five or six family law attorneys—who of course have a vested financial interest in maintaining the status quo in Family Court. Unfortunately, despite the massive public support behind HB 803, it most likely will not make it to a vote on the Texas House floor because the family law lobby essentially controls the Texas JJFI committee. **This is what legislative corruption looks like.**

12. So that the Court may recall the origins of the trial court case—and so that the interested public may understand it—Petitioner Miller will again summarize the circumstances surrounding case number DF-13-02616 in the 330th Family District Court, Dallas County, Texas (*see also* Texas Supreme Court case number 16-0487):

- Respondent Virginia Talley Dunn began threatening to divorce Miller in 2012 if he did not agree to move their daughter to the Hockaday School immediately, rather than in a few years.
- Miller discovered evidence that Dunn was conducting an inappropriate relationship with an “older man” (as Dunn put it).
- Dunn’s behavior became increasingly erratic, and she began threatening to kill Miller and to kill herself. (Miller recorded some of these bizarre outbursts, and presented them in court.)
- Dunn filed for divorce in February 2013, and immediately began efforts to change her daughter’s school placement.
- When Miller did not leave the marital home immediately, Dunn filed an affidavit alleging Domestic Violence a few days later, and had Miller evicted from his home by means of an illegal ex parte “kick-out” order. (These allegations were unsubstantiated and are completely false. This tactic is called the “Silver Bullet.”)

- As a result of these false allegations, for five months, Miller was required to have a supervisor in order to see his daughter.
- When Miller attempted to speak out about what was happening to him, Dunn requested and received several gag orders against him.
- Dunn then sued Miller in state civil court in 2015 for “tortious interference” in her business, requesting another gag order—which he had to appeal in the state Court of Appeals to overturn.
- In that 2015 civil suit, an associate of Dunn’s, former Hockaday parent and retired Texas Fifth District Court of Appeals Justice Ted Akin, suddenly appeared as a Visiting Judge and signed the gag order against Miller.
- The divorce and ensuing civil suit cost Miller around \$320,000 to defend—most borrowed from his elderly parents. Miller was given no access to community funds during the divorce, and he lost his home and all of his assets, and all but limited custody of his daughter.
- In a subsequent custody modification suit Dunn filed against Miller in 2015—without any stated grounds—Miller was deprived of his First Amendment rights to free speech and assembly, and he has been subject to an illegal gag order for almost six years.

- In yet another modification suit Dunn filed against Miller in 2018, the 330th Family District Court issued a fraudulent order without jurisdiction that has kept Miller from seeing his daughter since mid-2018.
- Despite numerous appeals of these illegal “orders” to both state and federal appellate courts, no court in the country will vacate them—or even address them.

But of course this Court is already aware of these facts. The question is: Why isn’t this Court doing anything about it?

13. Family Court corruption is a nationwide problem—and one that (as already mentioned) the United States Supreme Court has repeatedly refused to address. But this Court can begin the process of solving it by recognizing the trial court’s constitutional abuses at issue in this appeal, and by correcting them. In all proceedings, as this Court itself once stated, “It is the right of the accused to be tried by a legally constituted court, not by a kangaroo court.” *Williams v. United States*, 341 U.S. 97 at 101 (1951). The trial court must follow the law, and must cease acting in the financial interests of judges, attorneys, and the state. This Court must ensure that the constitutional rights of both children and parents are protected.

## CONCLUSION

For the foregoing reasons, the petition for rehearing should be granted.

Respectfully submitted,



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April 28, 2021

## CERTIFICATE

As pro se Petitioner in this matter, I hereby certify that this petition for rehearing is presented in good faith and not for delay and is restricted to the grounds specified in Rule 44.2. (The filing of this appeal did not stay the underlying litigation, so no potential delay exists.)

I further certify that the grounds of this petition are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

Respectfully submitted,



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