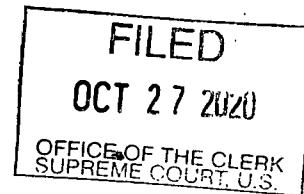


ORIGINAL

No. 20-7514

IN THE  
SUPREME COURT OF THE UNITED STATES



Aimee Johnson, et al, \_\_\_\_\_ Petitioner

Vs.

St Louis County Public Health and Human Services et al, \_\_\_\_\_ Respondents  
Sarah Anderson, Hannah Jo Checketts, Kelly Jane Thompson, Joan Mahle  
Lon Yoki, Laura Yoki, Gayle Koop

---

ON PETITION FOR A WRIT OF CERTIORARI FROM THE  
UNITED STATE COURT OF APPEALS FOR THE EIGHTTH CIRCUIT.

---

PETITION FOR WRIT OF CERTIORARI

Aimee Johnson (prose)  
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## I. Question's presented

Can a judge preside over a case when he or she is biased? Or when they Are friends with the parties involved? Can a person have a fair trial when they had ineffective assistance of counsel?

Did the Trial Court error by not making sure good cause for termination Was in the best interest of the children?

Did trial Court error when stated not in the best interest to terminate?

Did county fail to make reasonable efforts?

Did trial court error by not permitting timely motions to vacate out of tpr for Fraud and extreme duress? Did trial court error on not telling parents they Signed adoption consents? Did state Court wrongfully decide issues before it?

Did trial court error- failed to prove clear and convincing evidence that children Were in need of protection or services pursuant to Minn statue 260.c007subd 6

Did both courts error not to void adoption contract for fraud?

Did district court error on civil rights were social workers deliberately fabricated Evidence of child abuse, sexual abuse, and perjury to remove children?

Did district court error having case under advisement for a long period of time Without setting adoption aside? Did district court error by dismissing this case?

Did District court error by refusing to permit introduction or testimony concerning Alleged fraud, duress and intimidation practiced upon them by adoptive parents, Social workers, gal, and mother's attorney? Did all courts error on protecting Special fundamental rights of the parents, civil & constitutional rights?

Did appellate Court error to not reverse adoption on the grounds of fraud? Did courts Abuse their discretion to not send case for further review?

## PARTIES TO THE CASE

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Children: Levi Jorgenson, Nathan Jorgenson

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Parents: Aimee R Johnson, Brandon J Jorgenson  
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## Bill of Rights

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## **Laws & Legal Resources.**

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from the US Court of Appeals for the Eighth  
Circuit.**

### **Aimee Johnson v. St. Louis County Public Health, No. 19-3596 (8th Cir. 2020)**

**Court Description:** [Per Curiam - Before Erickson, Stras and Kobes, Circuit Judges] Civil case - Civil rights. Order dismissing pro se Section 1983 action affirmed without comment.

[Download PDF](#)

**United States Court of Appeals  
for the Eighth Circuit**

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No. 19-3596

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#### IV. Petition for writ of Certiorari

Aimee Johnson a prose litigant respectfully petition's this court for a writ of Certiorari to review the judgment of the court of appeals for the eighth circuit The district court, and state court proceedings.

#### V. Opinions Below

Motion for sanctions submitted May 1, 2020. Motion for oral argument 07,07,2020 never got. Affirmed august 20, 2020. Petition for enbanc Hearing 09,09,2020. Was denied October 01, 2020.mandate entered on October 8, 2020. Motion to stay mandate pending writ of cert on 10,21,2020 October22, 2020 mandate to stay denied. Attached in appendix exhibit A. Sent cd's of social worker HC fraud nothing ruled on that.

January 16, 2018 Parental rights terminated. February 5, 2018 motion to Vacate denied. Termination became permanent in February. April 9, 2018 Motion to reconsider and reopen due to fraud again denied. June 28, 2018 Letter to Chief Judge- no response. February 8, 2019 Judge denied me transcripts For federal case which I am entitled to receive.

#### VI Jurisdiction

This court has Jurisdiction on these matters, I feel that the court system has Not dealt with the issues of wrongs and I should be entitled to relief. And that Further review is warranted, as there are still issues from this case that have Not been addressed.

## VII. Constitutional Provisions Involved

Amendment V-Shall not be deprived of life, liberty or property, without due Process of law.

## VI United States Constitution, Amendment

The accused shall enjoy an impartial jury of the state in which the District Shall have been previously ascertained by law, to be confronted with the Witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

## XIV United States Constitution Amendment

All persons born or naturalized in the United States and subject to the Jurisdiction thereof, are citizens of the United States and of the State Wherein they reside. No State shall make or enforce any law which shall Abridge the privileges or immunities of citizens of the United States; nor Shall any state deprive any person of life, liberty, or property, without due Process of law; nor deny to any person within its jurisdiction the equal Protection of the laws.

## Fifth Amendment to the United States Constitution

The Supreme Court has interpreted the Fifth Amendment's Due Process Clause as providing two main protections procedural due Process, which requires government officials to follow fair procedures Before depriving a person of life, liberty or property, and Substantive Due process which protects fundamental rights from government interference.

## VII Statement of the Case

Son LJ had started school in Hermantown in 2013 attending in the mornings, and started Little Learners on October 2013 attending in the afternoons. In which at that time was receiving many injuries at school, the Social worker at the time PS was making reports of abuse against the parent's at that time. The School was not properly able to address his needs, and would make him sit in a small room by himself. That caused total frustration on the child whom then would act out as he did not like being confined to such a small space. I the mother became concerned and would try to voice opinions on my son's behalf, however the teacher at little learner's MB did not see eye to eye. School's involvement was unusually extensive. She then would call Social Services and make reports of abuse against us.

many untrue false reports and calls made to CPS that were put into the County's petition and it led up to the parent's being targeted and harassed on abuse charges that we did not commit.my son would cry and cling to me as he did not want to go to school at Hermantown. Social services were interviewing my son at school and Social Services had also been making regular interviews with my son I was not a where, which is a violation of our rights.I was appalled, When I found out in 2016.I should have been present and called about The matter. The County had a list of reports against us, false Accusations, no evidence and used this against us in the petition. The Court did not have all facts in this case to make a judgment of termination of parental rights.

Americans with Disabilities act of 1990 (ADA) (42 USC 12101 et seq., title II at 28 CFR 35) prohibits discrimination on the basis of disability in all services, programs And activities provided to the public by State and local Government (public entities) (ADAAA) (P.L. 110-325, 42 U.S.C. 12101 et seq. at 28 CFR 35)Amended the ADA to Make significant changes to the meaning and interpretation of the ASA definition of Disability to ensure would be broadly construed and applied without extensive analysis So all individuals with disabilities could receive the laws protection.

In April I had made calls to get respite care as by June we would run out of funds and wanted a safe place for the children for 3 weeks. Social worker SA said she could set that up. However I called and she was supposed to meet with me on May 11, 2016 at 12:00 and did not show. I called and she stated something came up. Then we set another date because she wanted to meet BJ the father and the children on May 31, 2016 at 2:00 and BJ had taken the day off too meet her, and again she did not show. I called and she said she had an emergency. Now what was stated in the petition is mother did follow through with appointments and only requested bus passes. On June 6, 2016 County social worker SA said she found respite care and I just needed to sign to place them, and when I wanted them back to write a letter and they would return the children in 48 hours. However she did not inform me I was signing a foster care placement Agreement and did not show me the page. That is an unlawful entrapment scheme. And told lies to put them on a police hold. There was no substantial evidence to place them on a police hold. Then when the county sought petition to terminate parental rights they again had no substantial evidence to support their petition. Burden of proof remains on petitioner See: Re the matter of Barron 268 Minn 156 at 127 N.W. 2d at 706.

Section 37.09 of the penal code: TAMPERING WITH OR FABRICATING PHYSICAL EVIDENCE-(A) (1) a person commits offence if they alter, destroy, conceal any record, document, or thing with intent to impair its verity, legibility, or availability as evidence in the investigation or official proceeding; or (2) makes presents or uses any record, document or thing with knowledge of its falsity and with intent to affect the course or outcome of the investigation or official proceeding. Section 3710-TAMPERING WITH GOVERNMENT RECORD. (1) Knowingly makes a false entry in, or false alteration of, government record. (2) Makes or presents or uses any record, document or thing with knowledge of its falsity and with the intent that it be taken as a genuine government record. Also 1746 title 28 United States code 1623 see: false declarations.

The social workers went off of a comment made by a disgruntled Family member. Who made a call out of spite. Social w HC then took it out of context, so when I complained about a med error in the foster Home, they then put them on a police hold. Med error occurred when placed with the yoki's. The social worker ML the string of 5 SW Was trying to fill the med, it was denied for being too soon. It caused my son to have increased anxiety for the remainder of the day and While we were at an appointment. Then the Social worker HC said my son was deregulated from our visit and pulled all visits. Later that day they asked the grandmother to check and make sure the medicine was right. She does not know what meds would need to be in there, so We had no calls no visits for a week, which is a violation of our fourth And fourteenth amendment rights to have familial relations with our Children. Wallis v. Spencer 202 F.3d 1126 (9<sup>th</sup> cir.1999)

The children were never in need of protection, as the County stated After their investigation there was no finding of maltreatment letter Dated June 22, 2016. I never received a copy as my attorney withheld, And I got it when I got my file in 2018 from my attorney.

But the County still put them on a police hold as they retaliated against me for reporting the med error.(2001 Minn statue section 626.556 subd 4a.)-Any person shall not retaliate for reporting in good faith subd 6 failure to report abuse is guilty of a misdemeanor. Social workers SA and HC and foster parent LY were concealing and lying about what was going on, because LY had an interest in my youngest son NJ. See Fogarty Hardwick v. County of orange 15-55563(9<sup>th</sup> cir 2017) it is against state and federal laws to lie, perjure, or conceal or write documents that are untrue to the court.

Title 18 U.S.C 241 Civil Rights Conspiracy statue- Makes it unlawful for two or more Person's to agree together to injure threaten or intimidate a person in any state, Territory or district in free excise of enjoyment of any right or privilege secured To him or her by the constitution or the laws. Civil rights act (1964 discrimination And harassment-protects against public accomidations.The fourteenth amendment Guarantees parents won't be separated from children without Due Process of Law Except in emergencies. Wallis v, spencer 202 F.3d 1126 (9<sup>th</sup> cir.1999).

Both children have expressed wanting to come home, which has been ignored. Both Attorneys expressed that the County was not making reasonable efforts October 06, 2017 to the Judge. Social worker HC was not even trying to reunify the family, but rather breaking up the family to break the bond of the family.

(Best Interest of the child has always been the paramount.)

Here the federal Court states they did not have Jurisdiction and that the Case is dismissed for not stating a claim. All my evidence was not considered And was sent together with well pleated complaints, and the Court has jurisdiction over federal matters involving constitutional violations and Civil matters. The appellate court could have remanded this case back to The state court, based on evidence submitted. The District Judge Susan Nelson stated my evidence submitted challenges a state court as to why My parental rights were terminated. See: report and recommendation Page 2 Under background. Dated August 28, 2019. The State Court wrongfully decided Issues, and I had a Judge who was not fair in the decision making as he Was biased and only would hear the one side.

It is against the law to remove children based on lies to the Court, perjury in court and writing false documents to receive orders to Remove children. There never was abuse nor were the children ever in any Danger in our home. CPS did not conduct a proper investigation. The social Worker's SA and HC went off false accusations.

Best interest Minn Stat 260 C 301-is for the children to be returned home. Judge did Say reunification plan was court ordered 09/21/16. However it was said to the Court That children's needs were being met, placement was in the best interest and Reasonable efforts were made. This was untrue and was the opposite. The Children were acting out, youngest son has become aggressive, bites, swears, Having nightmares, scared of bathtub and emotionally not doing well. My oldest Son was pulling down pants at visits showing privates, swearing more from what He heard in the house (have recordings) and acting out because he wanted to go Home. 260 c 212 states it is required to send children home reasonable efforts We're not made, no effort was made. It was in the children's best interest to Return home as we completed case plan 100% and did everything asked of us. Federal title IV-E(program requires state to make reasonable efforts) to preserve And reunify families to prevent removal. County had no reason to not reunify.

The County had no clear and convincing evidence as required in re welfare of Chosa 290 N.W 2d 766,769 Minn (1980) In re Welfare of PRL 622 N.W 2d 538, 543 minn(2001)District Court did not address the party to prove that specific Conduct or condition would be detrimental to the children existed at the time of the hearing and would continue as required by RE Welfare of MDO 462,N.W 2d 370,377 Minn (1990) PRL 606,N.W 2d at 76 should be remanded for Evidential hearing. They went off false accusations made By school and family member, then judged me. Sw KT told me because of My childhood and things that occurred, that it might be that way in our home. I was discriminated against, harassed, and judged by social services.

The state may not remove children from their parent's custody without A court order unless there is a specific articulable evidence that provides Reasonable cause to believe that a child is in imminent danger of abuse. Croft v, West more land County children and youth services 103 F3d 1123, 1125; City can be sued for "Constitutional deprivations" visited pursuant to Governmental custom.

Monell v.New York City Dept. of Social Services; 436 U.S.658,690 (1978)

The District Court's finding that it relieved the County of the reasonable efforts Obligation is erroneous. I don't recall no record that supports the finding That the county made reasonable-efforts obligation by the District Court. The statue is clear and unambiguous that the County must make reasonable Reunification efforts Minn stat 260.012(a)(1) SEE Minn stat 260.301 subd 8 Best interest is the paramount in child protection cases Minn Stat 260c 301 Subd 7(2007) because neither the record nor the District court's finding address The paramount consideration of weather termination of parental rights is in the Best interest of the children. should be remanded for further findings. On trial Transcripts it was stated on 01/16/18 that it was not in the best interest to Terminate. Mother and father completed case plan 100%, the County had no Reason to terminate parental rights. On trial day none of my witnesses got to Speak, only the county's side. I was being yelled at by two Attorney's because I did not want to terminate my rights. This is coercion, not done by my own Free will.I do not remember question's asked or what was signed.The Judge said is this something you wish to do? " I said I suppose I have no choice this is unjust! "That is not good cause for termination.

We love our children and they should have been home. most people lose their children to drugs and alcohol this is not the case here. We are very capable of taking care of our children, however We were not even given the chance because the county had their own agenda. My children were acting out in foster care because they are autistic and were scared and this has caused a lot of trauma to them. I feel that this has been the worse pain in my life to be treated so poorly by a place that is suppose to help families, not tear them apart.

I was targeted by CPS because of false calls that were not properly investigated. While working with them social worker HC would say your not being truthful and you just deny, and would write that I did not cooperate with them. She caused a lot of emotional distress on me.

The GAL testified in District Court however the district court failed to check whether events mentioned by Gal actually occurred. She was making findings off what social workers had told her. The District Court must make findings of facts to terminate parental rights. SEE: In the Matter of Welfare Of the children of: M.A.K. The absence of findings on child's best interest in TPR proceeding constitutes error that requires remand. D.L.D. 771 N.W. 2d at 545-546.

The County got involved and had told the school to call when my son would have a scratch or mark, they would then go to the school and interview my son without me knowing that was taking place. I found out when I received the reports from my attorney when the case ended. The county also said we would get visits, however we have not seen the children in 3 years, which is a breach of contract. There was to be a contact agreement, however it was never done by the County Attorney who was supposed to work on it with my attorney. Also my pastor from my church wrote a letter and the Judge would not allow it to be read, because County objected to it. See: Santosky v Kramer 455 U.S. 745, (1982) fair preponderance of evidence standard violated Due Process Clause of the fourteenth amendment, the County destroyed familiar bonds with malicious lies to achieve. 18 U.S. code 1623 false Declarations before the court. Whoever under oath(or in any declaration,

Certificate, verification, or statement under penalty and perjury as permitted Under section 1746 of title 28 United States Code) in any proceeding before the court knowingly makes any false material declaration of other information Includes book, paper document record, recording or other material known to Contain any false material declaration shall be fined under this title, or Imprisoned not more than five years or both. Social workers SA, HC, KT Foster Parents LY AND GK lied made reports that were not true, statements That were stated were not true. Falsified documents to the court, took out Good summaries from visits did so with malice to deprive us of custody.

Qualified immunity is not available under those circumstances.

TITLE 18 U.S.C. Kidnapping chapter 55 section 1201 (C) Who ever unlawfully Seizes, kidnaps, shall be punished by imprisonment of 20 years.

If two or more people violate this section and one or more of such persons do any overt act to affect the object of conspiracy each shall be punished by imprisonment. They were keeping our youngest son from us even when We were suppose to get visits. When he would have to leave with them he Would kick and sqirm and cry not to go with these people, however nothing Was said to the courts and Judge would not allow me to talk. These people Involved lied to get parental rights terminated. See: Iowa Judge blast Corrupt social worker and cps for lying and giving false testimony to kidnap Children. Another case County loses 4.9 million in lawsuit challenge over Lying. We have been seeking Justice for nearly 5 years and the system Has failed us.

In Re the welfare of the child of J.A.K. AND J.M.S decision and footnotes I never got to rebut what was stated against me, my attorney was not doing so. Another case that talks about best interest and rebut DLD 771, N.W.2d 538,544 Minn app (2009)that the district court failed to make findings regarding L.J and N.J. And there was no rebut on our side. Croft v Westmore land County And children services 103 F 3d 1123,1125.County sought for an order with lies to remove children. We have a right to live without government interference. Santosky v. Kramer 455 U.S 745,753 (1982)

Reasonable efforts don't require "Herculean Efforts" but do require Case workers to adhere to policies, use best efforts to arrange sufficient Visitation and requires more than "Merely suggesting services" and Waiting for a parent to arrange them. SEE: MONTANA SUPREME COURT OVERTURNS PARENTAL RIGHTS. Family services were only allowing Visits one and a half hour with one son LJ, and 2 hours with the other NJ once a week. And many visits with NJ were cancelled due to foster parent forgot, or had a busy schedule and was late. We did not get to have family time hardly at all. The social services department was trying to strengthen the bond between foster parent and child, penalized mother for not having transportation, and living in an apartment. Penalizing father because he was working to provide for us. A natural parent is fit and suitable person to be entrusted with the care of the child and is in the best interest of the child. See: Re Dependency of Klungman 256 Minn 113,97,N.W.2d 425.(1959)

Findings have to be found by facts supported by substantial evidence to Terminate parental rights and not clearly erroneous. See In Re the Welfare of Clausen, 289 N.W.2d 153,156 Minn(1980)

Social workers lied, falsified evidence, perjury, did so with malice to deprive us custody of our children and keep them in the County run foster homes. The findings are clearly sufficient to satisfy the Supreme Court's definition Of circumstances in which qualified immunity would not be available. In Civil rights case as "holding that social workers who deliberately fabricate Evidence of child or sexual abuse to remove children were not entitled to Qualified immunity "Green 588 F.3d at 1035.again See fogarty-Hardwick v. County of orange no: 15-55563(9<sup>th</sup> cir2017) Iowa Judge Blast social worker And cps for lying and giving false testimony to kidnap children. There are Still live issues in this case that have not been addressed properly by the Courts which is why further review is warranted.

Parents have filed timely motions and evidence to the state court, which  
Were all denied. One: To vacate out of termination of parental rights for  
Not being in the best interest of the children, and the way it was done in  
The courts was unlawful. Denied to vacate TPR on 02/07/2018. A motion  
To reconsider and reopen denied on 04/09/2018. June 22,2018 papers  
Denied. Even though we submitted pictures of bruises and how the  
Children were not doing well. Written many letters to him 07/23/19  
Which I have sent exhibit B in appendix. Also a letter was written to the  
Chief Judge Tarnowski on 6/28/2018,I believe she never received it.  
It was given to another judge in June with my evidence.04/18/2018  
Post performance review hearing, could not speak judge denied.06/23 2018  
Another hearing denied to talk.04/1/2019 Judge let me say a few words  
Who filled in for floreke.I shared that my children were not doing well.  
02/01/2019 Judge denied me to file in forma pauperis for transcript  
Cost. Said action is frivolous 02/08/2019 denied me to get transcripts  
For federal case. This Judge denied anything I had asked for and only  
Allowed other side what they would say or ask for.

Federal court cancelled May 14, 2019.-May15, 2019 Judge floreke  
would not allow me to speak.I asked why he is so prejudiced towards  
us?"He replied because your rights are terminated. However it has  
been that way throughout the case. Then we tried to attend post  
Performance review hearing on July 22,2019 at 8:00 am, our names  
were on the docket but Judge Floreke would not let us attend and it  
was postponed til 2:00. However it states it took place on July 23, 2019.  
date is incorrect .Letter to read from pastor denied.

#### 28 U.S.code 455-DISQUALIFICATION OF JUSTICE, JUDGE OR MAGISTRATE JUDGE

Any justice, Judge, or Magistrate Judge of the United States shall disqualify  
Himself in any proceeding in which his impartiality might reasonably be  
questioned. He shall also disqualify himself in the following circumstances  
(1) Where he has a personal bias or prejudice concerning a party, or personal  
Knowledge of disputed evidentiary facts concerning the proceeding. Had friendly  
Relationship with foster parents who wanted to keep our son. Fairness  
Requires absence of actual bias in the trial cases.

## INEFFECTIVE ASSISTANCE OF COUNSEL

The Courts should have remanded this case for further review. One: this case was not followed by the laws in which there were many Constitutional rights violated. Two: I had an attorney who did not Prepare for my case and did not zealously represent me. He would Show up and write down the next hearing. Other attorney's would Prepare and point out what their client has done, changes made, the Abuse and neglect in the foster homes. Lawyer made mistakes that other Lawyer's situated and appropriately prepared should have done. But did Not do. To give a client A result that which would have not prejudiced her. Having an attorney does not satisfy the sixth amendment. Cases citing Ineffective assistance of Counsel Gideon v.wainwright 372 U.S.355 (1963) As stated in that case it is essential to have effective assistance for a fair Trial. Gideon's case was able to be heard in the Supreme Court.

Strickland v. Washington 466 U.S.668,(1984)The right to counsel under the Sixth Amendment means the right to effective counsel.his errors and Performance was deficient, the outcome of the case would have been Different. Day of trial foster parent come in and he said there's G..... He Did not cross examine her he did not make it to important meetings I had Asked him to attend. I called him for one of them and he asked what time? He did not show. He did not return many calls. I did not sign voluntary to Terminate parental rights, this was coerced by my attorney, and yelled at By two attorneys before entering the court room, by that time I was Emotionally shut down and do not remember much of anything. I had to Text him because I did not know what was signed or much said.

See appendix( B )Text to attorney.

I wanted to appeal he said I would lose, he misled me in every way and Was unethical and rude to others who joined in while meeting with him. He had made a comment to my friend saying you're just like her yelled that. He made people cry from saying hurtful things. He should be disbarred! I had no time to get another attorney and get them familiar with the case And he knew that and was really bad in the end. He only was disciplined

For not putting money in an account, he placed it in his personal one and That's why he was not motioning the court and objecting to what the County or GAL was saying. Instead he claimed I did not see the big picture. He failed to return many calls, did not show up for meetings I asked him to, And some court appearances. Abandoned my case and did not put money in A trust account and use it for motions. Case: Gerald Lee Walker v. State Bar of calif. See background, disposition. Habitual disregard by an attorney Of the interest of his or her clients combined with failure to communicate With such clients constitute acts of moral turpitude justifying disbarment.

This case should have been remanded for many reasons, I had a biased Judge who was not protecting my fundamental rights as a parent. Did not allow nothing to be heard by my side. Code of conduct United States Judges Canon 2, 3, 3a (3)a(4).

A Judge should uphold the integrity and independence of the judiciary. A Judge should perform the duties of the office fairly, impartially and Diligently.

Minimize the risk of conflict with the obligation of the judicial office. A fair trial in fair tribunal is a basic requirement of due process, fairness Requires absence of actual bias in the trial cases. Cannot judge cases with Interest. SEE: In The Matter of Leroy Murchison and John White petitions. 349 U.S. 133 NO: 405.

Justice must satisfy the appearance of justice" Offutt United States 348 U.S. 11, 14, 75 S ct 11, 13. Should have been remanded for evidential Hearing PRL 606 N.W.2d at 76. When evidence is such deep-seated Favoritism or antagonism would make fair judgment impossible. See: Liteky v. United States 510 U.S. 540 (1994)

Best interest is generally not susceptible to an appellate Courts global Review of a record. In re the welfare of child of JLL 801 N.W.2d 405, 414 (Minn App 2011) an appellate court combing through the record to Determine best interest is inappropriate because it involves credibility Determination. See Case: In the Matter of the Adoption of M.A.S. unless Trial court determination rest on clear and convincing evidence will be

Reversed In re Adoption of CDM 13,39 P.3d at 807.need court to review issues of Statutory construction a matter of law. De novo Lang v. Erlanger Tubular Corp 2009 ok 17, 5,206 p.3d 589,590. Adoption Statues in derogation of a biological parent's right must be strictly Construed in favor of the biological parent in re adoption of C.M.G 1982 OK 156, 9,656 P.2d 262,265. The burden rest on the party who Seeks to destroy the parent child bond to establish by clear and Convincing evidence. That adoption without consent or termination Is Warrented.The County did not even have preponderance of Evidence, however told the court there was clear and convincing Evidence to terminate parental rights, to achieve their agenda.

Another case re adoption of V.A.J 1983 OK 236,660 p. 2d 139,141.

Proof by clear and convincing evidence In re adoption of R.W.S 1997 OK 148, 10,951 p.2d 83, 86. Proceedings were extremely unusual no evidential Hearing was held concerning the application for adoption without consent Or child's best interest. Brief and references to the proof do not contain And do not constitute evidence See: Willis v Sequoyah House In2008 OK 87, 12,194 p. 3d 1285, 1290, fn 144.An evidential hearing not only is Warranted it is Mandatory. Must occur before trial may terminate Parental rights to declare minor child eligible for adoption.See:RE Adoption K.P.M.A 204,OK 85,341 p.3d 38

Tumey v State of Ohio 273U.S.510, 532, 47 S. ct 437, 444, 71 L Ed 749 To subject a defendant to trial in a criminal case involving his liberty or property Before a Judge having a direct, personal, substantial interest in convicting him is A denial of due process of law 273U.S 522.this Judge did not have all facts to make A ruling the way he did, and should have been able to vacate out of judgment. Case: John A Liljeberg Jr health services Acquisitions corp. 486, U.S.847 see held 1&2. A judge has to take in all facts from all parties in order to make a ruling.

#### 28 US CODE 1331 (FEDERAL QUESTION)

District Court shall have original Jurisdiction over all civil actions Arising under the constitution, laws, and treaties of the United States. Too dismiss this case was not following the laws on constitutional Rights section 241 protection of rights are secured and protected by The fourteenth amendment rights. See: United States price 383, us787(1966)

## 18 US Code 242 Deprivation of Rights under color of Law

Whoever under any color of law statute, ordinance, regulation, Or custom, willfully subjects any person in any state territory, Commonwealth, possession, or district to the deprivation of any Rights, privileges, or immunities secured or protected by the Constitution or laws of the United States shall be fined under This title. Acts committed in violation of this section such as Kidnapping or attempt to kidnap shall be fined under this title.

The District Court erred in dismissing the case. to act under the Color of law does not require the accused be an officer of the State it is enough that he or she is a willful participant in joint Activity with the state or its agents. Pp.383 U.S. 794-795  
The dismissal is reviewable on an appeal. Pp.383 U.S.795-796.  
Section 241 includes within the protection rights secured or Protected by the Fourteenth Amendment, and the District Accordingly erred in dismissing no.60 conspiracy violation Of 18 U.S.C.241 making it a felony to conspire or interfere With a citizen in the free exercise or enjoyment of any right Secured or protected by the constitution.

## 8 U.S.Code 1324 penalties for fraud

To forge, counterfeit, alter, or falsely make any document for the purpose Of satisfying any requirement is unlawful and can be fined or imprisoned. The court erred as the individuals knowingly and maliciously committed Many wrongful acts, and misled the court. There are many issues that were Not addressed in the district court.and the appellate court affirmed without Any oral argument as well.

## REASON'S FOR GRANTING THIS WRIT

In the state court because of the way this case played out and the violations That occurred to achieve were unjust to the children and the parents. We have Been trying to seek justice for a long time in this matter, however this has been Going on far too long and we are entitled to redress for the wrongs. When people Can be so malicious to take children out of a home where there was no harm, Is not only wrong it is against the law! I have not had the opportunity to be Heard thus far. I did not willfully sign my parental rights and no one told us we Signed consents for adoption. I was yelled at by two attorneys before entering The court room and was so shut down I did not even know what was taking Place. I was caused extreme emotional distress and that is not right. We love Our children and can give them the love, and care they need to thrive. The homes they are in now are neglectful, there has been physical abuse, and they have many behaviors because they do not understand the children. They keep placing them on meds which is not what they need. We were Judged by cps who never had any evidence that are children were in harm's way. This case was dismissed and never taking seriously by the Courts who are still subjecting the kids to be without their parent's. I am asking the court to overturn the state court and reinstate parental rights back as I had a bias Judge and that is why I was denied everything in that Court case. I had ineffective assistance of counsel who did nothing for me In the case. I am asking the court's to hold people accountable for what They have done which is why we need a hearing. I believe the courts should Over turn the adoption that was achieved by grounds of theft by deception By the foster mother LY, foster father LY, and social workers. The Federal Court was proper for civil rights and constitutional violations that were Done in this case. And the Judge did say the evidence I submitted was enough as to why my rights were terminated. It should have never come to that as we completed our case plan 100% and have had stable housing And have a new van.

## APPEAL PROCESS

I would have appealed to the state court, however at that time I trusted my Attorney who said I would lose. He misled me in every way. When I turned Him in he was investigated by someone he was in partnership with in the Past. I tried to bring this case as 1983 lawsuit for civil and constitutional Rights violations, I have been prose throughout this case and believe This has not been a fair advantage again. The federal court had enough Evidence too where we should have had a hearing. They could have dealt With the issues that are still live, one such as I have charges of abuse and Neglect against me when it is simply not true. Two the County was trying to garnish my paychecks for foster care, however my children should have been Home. So they wrongfully take my children then want me to pay for foster Care which is an astronomical fee that I would never be able to afford in my Lifetime. The district court should have remanded the case back to the state Court, and dealt with the civil and constitutional violations. There were many violations of law in this case. I hope this helps the Justices to give justice where it is do. I am respectfully asking the court to overturn adoption and reinstate rights to both parents as what was done was unlawful. The cases seem to conflict with the Supreme Court and is a big importance in the matter of law!

## CONCLUSION

For the foregoing reasons, I respectfully request that the court Issue a writ of certiorari to review the judgment of the court Of appeals for the 8<sup>th</sup> circuit and Judgment from State court The petition for a writ of certiorari should be granted.

Dated this 12, Day of January, 2021

Respectfully submitted,

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