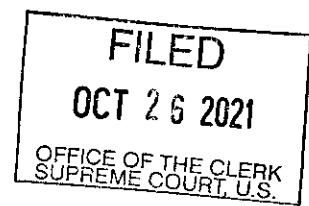


ORIGINAL

21-1050

No. 21-_____



In The
Supreme Court of the United States

Frederick S. Koger, Roslyn O. Drew,
Megan E. Koger, Amanda Z. Koger,
Petitioner(s),

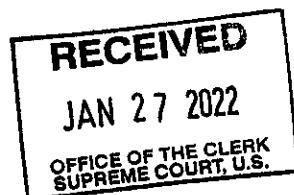
v.

Clark V. Richardson, in His Individual and Official
Capacity as former Bronx County Family Court
Supervising Judge and Janet DiFiore, in Her
Individual and Official Capacity as Chief
Supervising Judge, Respondent Superior,
Respondent(s).

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Second Circuit

PETITION FOR WRIT OF CERTIORARI

Frederick S. Koger & Roslyn O. Drew,
Amanda Z. Koger & Megan E. Koger
Pro Se Petitioners
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Chicago, Illinois 60620
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I. QUESTION(S) PRESENTED

(1) Did Justice Clark V. Richardson, former judge of the Bronx County Family Court, violate our civil rights under color of law, by writing and publishing an order saying we were adjudicated guilty of educational neglect for our two minor daughters in a 2002 Bronx County Family Court case of attempted malicious prosecution? Did he further publish that order knowing he didn't preside over, or sit on the bench in any of more than 25 appearances by us and another judge in a different court?

(2) Did the New York State Commission on Judicial Conduct ignore our complaint due to racism, when we told them he was not the judge? New York Consolidated Laws; Family Court Act-FCT subsection 340.2. The violation of our civil rights is deliberate and offensive. Justice Clark V. Richardson perjured himself by claiming falsely to be the presiding judge who sat on the case. His violation of the public trust is aided and abetted by the NYS Judicial Conduct commission's failure to respond to us in any way.

(3) Did Justice Janet DiFiore, as Chief Administrative Judge and Respondent Superior, for the New York State Unified Court System, fail to launch an official, independent investigation into the truth of our statements? She is remiss in her duty to ensure that no judge, court or clerk take any adverse action against us without our knowledge, pursuant to statute, as the affected parties. Every New York state judge and court we appeared before or wrote, sat by with

closed lips and folded arms while we scrambled for justice seeking relief. What was the reason that two homeschool applications, signed by the chief administrator of the state's homeschool division, were not enough to warrant a dismissal of the racist, malicious cause of action in any state court or tribunal?

(4) Did Judge Ramos from the United States District Court, Southern District of New York, co-sign with Clark V. Richardson's erroneous order without conducting his own inquiry due to racial indifference? Did he agree with the decision due to his personal bias for black people like all the rest of those we encountered throughout the case? Did he turn a racist blind eye to how erroneous the case began, on defective unstamped petitions, given to us in court without written notice, at the initial family court appearance in front of Justice Maureen A. McLeod? Why did the case ever get assigned to trial by Justice Clark V. Richardson without legally sufficient cause? His ulterior motive for the "Trial" seemed to be in retaliation for us getting Justice Maureen A. McLeod forcibly removed from the case for failing to hear or see proof of our timely homeschool applications. The bullying and physical assault of our minor daughters daily in the public school they attended was the entire reason for withdrawing them to be homeschooled. Judge Ramos, like the rest, was told these facts when we filed our appeal in his court.

(5) Did Justices Calabresi, Parker, and Menashi of the United States Court of Appeals For The Second

Circuit also apply racism when they agreed with Clark V. Richardson's flawed ruling, written and published despite his not presiding at any point in the proceedings of 2+ years? Does the fact that Justice Richardson nor Justice Janet DiFiore offered any rebuttal or response, and had no state appointed or designated legal representation under our appeal seem unlawful to anyone except us? Is it customary or even permitted for the clerk of the reviewing judges to write and send forth their response to our appeal? Every judge, clerk, and administrative official demonstrates a willful failure to address our complaint and blatantly refused to give a valid, legally sufficient response to our brief. We demand monetary relief, a written apology to the four of us, a full retraction and we deserve answers to the lies intended to cause our suffering. The entire New York State Court System violated our civic and civil rights and put a blemish upon our lives, without cause.

PARTIES TO THE PROCEEDING

**FREDERICKS, KOGER, ROSLYN O. DREW,
AMANDA Z. KOGER, and MEGAN E. KOGER
Petitioner(s)**

vs.

**CLARK V. RICHARDSON, IN HIS INDIVIDUAL
AND OFFICIAL CAPACITY AS FORMER BRONX
COUNTY FAMILY COURT SUPERVISING JUDGE
AND JANET DIFIORE, IN HER INDIVIDUAL AND
OFFICIAL CAPACITY AS CHIEF SUPERVISING
JUDGE RESPONDENT SUPERIOR
Respondent(s)**

RELATED PROCEEDINGS

**NEW YORK SUPREME COURT
APPELLATE DIVISION : FIRST DEPARTMENT
Referencing Bronx County Family Court Docket
No.: N-21787-8/02**

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX: PART IA-1
Index No: 8513/2005 Dismissed 4-5-2005
Hon: Judge Renwick Article 78 Proceeding**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Index Number:13-cv-6079
Hon: Judge Engelmayer**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Index Number: 03-Civ-6079
Hon: Judge Scheindlin**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Index No: 08-2101
Hon: Kimba M. Wood Presided**

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IV. OPINIONS BELOW

The decision by the U.S. Court of Appeals for the Second Circuit denying pro se petitioner(s) direct appeal is reported as Koger v. Richardson, Short Title. Dated June 4, 2021. The U.S. Court of Appeals for the Second Circuit Affirmed the U. S. District Court's decision. That is the order of Justices Calabresi, Parker, and Menashi. The order is attached at Appendix (App.) 1.

V. JURISDICTION

The decision of this court is in rem and in persona, with authority over the subject matter and the persons. The three judge panel of the U.S. Court of Appeals For The Second Circuit's ruling should be vacated for judgment in error. This court has jurisdiction over this petition under 42 U.S.C., Subsection 1983 on The U. S. Court of Appeals For The Second Circuit Summary Order issued on June 4, 2021.

The petition has no footnotes.***

VI. STATEMENTS OF FACTS IN THE CASE

Our introduction of our case combines Civil and Criminal law violations by those with a superior knowledge of law. We are not arguing the Summary Order issued by the United States Court of Appeals For The Second Circuit, or the Opinion and Order from the United States District Court Southern District of

New York. The orders from both courts are irrelevant, immaterial, false, frivolous, contrived and unsubstantiated. The orders must be ignored by this court and clarified based upon facts not apparent in the record.

Former Supervisor of the Bronx County Family Court, Justice Clark V. Richardson did not preside over any of more than 25 proceedings his alleged order makes reference to. He lied about the outcome and the role he played in it. If he had presided, we would argue the Summary Order issued by the U. S. Court of Appeals For The Second Circuit, and the decision from U.S. District Court Southern District of New York. He only sat on the bench at the initial proceeding stage that sent the matter to a trial for the attempted malicious prosecution after Justice McLeod was forced to recuse herself for not giving us an opportunity to present evidence of innocence. Our civil rights were violated by Justice Maureen A. McLeod. We will go into great detail on Justice McLeod at the end of our petition.

Our exhibits show who the presiding judge was, along with the relevant dates. The New York State Unified Court System, The New York State Commission on Judicial Conduct, the U. S. Court of Appeals For The Second Circuit, and the United States District Court, Southern District of New York have ignored the truth and disregarded our civil rights, because we are black and pro se.

The Order and Opinion in the United States

District Court Southern District of New York should also get no consideration for what it contains. The order failed to address what our appeal was seeking. How can any judge hold a "fact finding Proceeding" at the end of a case that has been going on for more than two years, and then decide to write and publish an order, ruling, judgment, or opinion, that is neither Judicial or Administrative, in a case or proceeding he didn't preside over?

We can find no case, statute, canon or rule that says this is allowed or can be applied or "substituted" at the end of a matter as the norm in court proceedings. If that is so, and it's not, our accusers would have made that known to us from the start. Nobody agrees with us, but no one has ever been able to "cite" otherwise.

We have our case paperwork, yet, the entire court file is missing. For the length of time we were in trial, with all the papers we filed, the court file should've been busting out of the file cabinet in the family court clerk's office. So why was Justice Richardson's order the only document in the file when we requested it?

Our case is based on a 42 U.S.C. Section 1983 Lawsuit against Judge Clark V. Richardson, and Justice Janet DiFiore, for the deliberate, intentional, prejudicial violation of our civil rights with malice aforethought, with superior knowledge of what he did at the time of commission of his acts. His judicial immunity is non existent. He wasn't performing within

the scope of his duty when he says he conducted a "fact finding hearing that we failed to appear for," or wrote and published an opinion that he placed with any court clerk for publication. He is in violation of the public trust and without authority. His veil of immunity is blown to smithereens. Hence, no response or representation from those who employ him or Justice DiFiore!

There was no jurisdictional, judicial, substitutional, procedural or administrative reason for him to schedule, calendar, write or publish anything about us. He did not personally hear the matter. The filing and serving of the Omnibus Motion to our accusers ended the case because our accusers were never able to meet their burden of evidence against us. No one had to do anything further, and we were not scheduled for any future court appearances, pursuant to statute.

Justice Richardson's order was the only document in the family court file when we requested it to begin our appeal. How he could write such a specific, detailed account of our case if he didn't preside? Did he use hearsay or his "excellent judicial memory" in a case he wasn't the judge in, not ever being in the same courtroom? This feat is a mystery we need this tribunal to answer for us. He must have an amazing gift to hear through walls and mentally record testimonies, conversations and evidentiary materials from 4 courtrooms away to the assigned courtroom we were in with Justice Gayle P. Roberts.

1. ON DIRECT APPEAL

On appeal to the U.S. Court of Appeals for the Second Circuit, our brief went unanswered. (App) 1. Our case manager told us the respondents stated they weren't going to submit a brief. From our point of view, a motion for Summary Judgement would have been proper. We ask this court to determine what we must do to get equity and restitution in the form of monetary relief? If the appellees have no answer and no legal representation, how can a Summary Order issue favoring the respondents/appellees? We couldn't get away with that or do that. The U.S. Court of Appeals for the Second Circuit defended them even though the respondents failed to respond. Will this court now do likewise or outright fail to accept our case because we aren't asking for a challenge to an order, or didn't put the pages in the right way, or used too many words, or didn't line up the categories of the document by the book? Where will justice for the violation of our civil rights be found?

The United States Court of Appeals For The Second Circuit Judges Calabresi, Parker, and Menashi also concluded with a Summary Order affirming the decision of the lower courts. Again, we ask how the judges came to that conclusion, since the respondents never filed ANYTHING in opposition to our contentions in the case? It isn't the norm for the Senior Court Clerk to write the decision for 3, not one, count them, 3 paneled judges chosen to review and decide a case? It's suspicious and reeks of racism thru favoritism. The judges in the court of appeals

sidestepped the real issues and didn't answer our civil rights question. These judges also AFFIRMED a false order of a decision dated July 26, 2021, by the lower court. The U.S. Court of Appeals for the Second Circuit erred like all the rest. Racism is rampant in these courts.

2. JUDGE RAMOS AGREED IN ERROR

Our civil rights case against Justice Richardson in the United States District Court Southern District of New York to Justice Ramos was considered a joke. He called our case frivolous and dismissed it with prejudice, *sua sponte*. (App.) 2. He also denied our motion to vacate his order almost a year later. (App.) 3. He too, showed his racial indifference and treated the matter in a cavalier way. We have pertinent information showing how Justice Richardson committed crimes in violation of our civil rights. We know if we were Puerto Ricans, there would have been a different outcome. Judge Ramos erred by agreeing with the erroneous order and tossed us aside like trash.

3. RESPONDENTS HAVE NO REPRESENTATION

The NYS assistant attorney general has expressed no interest in representing the respondents. That only happens when there is no question of immunity due to guilt. In this case, Assistant Attorney General, Charles F. Sanders would be expected to step in and/or assign someone to write a response and

defend the judges. If New York State Attorney General, Letitia James, questioned Judge Richardson and Judge DiFiore about the New York Consolidated Laws of Family Court Act-FCT subsection 340.2, Presiding Judge, they would've had to tell her the truth about not sitting on the bench, and Judge DiFiore was asked about neglecting her duties to remove him. The NYS Attorney General didn't appoint representative counsel for them in the United States District Court Southern District of New York, or the U.S. Court of Appeals for the Second Circuit. She didn't appoint legal representation for either judge, because Judge Clark V. Richardson broke New York State Laws in his Official Capacity, and Justice Janet DiFiore failed to follow protocol when Justice Richardson broke the law that was beyond the scope of his duty. Neither judge hired an attorney nor responded or appeared pro se. To suggest that no crime was committed by Justice Richardson or his superior is preposterous.

It is clear to us that Justice Janet DiFiore is the respondent superior. What good is a chain of command that is broken? Everyone seems to have proceeded as a renegade judge, or a renegade law or court clerk. If Justice Richardson held a fact finding hearing that we didn't "show up for" at the end of the trial he put us on, who else attended? What clerk scheduled and filed the resultant order for publication in the law journal? Who recorded the session? Did Justice DiFiore see and certify this hearing on the court's calendar? Did she know these events occurred before or after they happened? Why were we never informed of the

hearing, order, decision or ruling? She should NOT be in charge of any system, UNIFIED or not. WHERE IS THE UNITY IN THESE ACTS?

4. JUDGE DIFIORE FAILED TO INVESTIGATE JUDGE RICHARDSON

Judge Janet DiFiore is not blameless, as the head of the Unified Court System for the State of New York. She bears a responsibility to make sure that any orders written and published by her judges are being properly rendered, recorded and legally communicated to all aggrieved parties in a manner consistent with rules of court. If Justice Richardson's order was actual and true, the family court clerk would be required to document the decision and notify us by mail within a specified time. Judge Janet DiFiore had a duty to verify and authenticate any clerk's entry of the decision. If Judge DiFiore would have investigated this matter properly, then Justice Richardson would have been brought up on charges, and a civil rights case against Justice Richardson in the U.S. District Court Southern District Of New York and appeal to the U.S. Court of Appeals For The Second Circuit would've gotten proper attention and consideration. She didn't do her due diligence and handle the revelation properly. We should have received an apology from the New York State Unified Court System on Judge DiFiore's behalf, for the indiscretion of the other judges, and been compensated. There should also be a retraction of the order he filed in the New York Law Journal. If we were **White People**, we would have gotten and received the utmost respect. Justice

DiFiore represents the New York State Unified Court System, and she *embodies* the NYS Unified Court System and all it stands for. The disrespect of us is reflective of her and the entire court process. Now we are in front of the United States Supreme Court, hoping someone will take us seriously as we fight for equity and justice. We want the restoration of our dignity, particularly since we didn't know it had been tampered with so badly, for so long.

5. NYS COMMISSION FAILED TO INVESTIGATE

Our complaint to the New York State Commission on Judicial Conduct about Justice Richardson's criminal acts went unacknowledged. This is how, as black people, we get treated. No one believes us. If we committed a crime, the prosecutor would be breathing down our necks for a conviction. The NYS Commission on Judicial Conduct is helping Justice Richardson get away with crime. The commission had a judicial duty to investigate Richardson. To date they've never responded. What's wrong with this picture? Why does justice elude us? Are we wrong to demand justice and fairness for the harm brought to us? He hasn't been investigated, nor do they care to respond to his criminal acts.

6. JUSTICE RICHARDSON BROKE NYS LAWS AND LIED

In the year of 2019, we stumbled upon Justice Richardson's order, *who didn't preside*, while

researching another matter. Case number N-21787-02 & N-21788-02 had one paper in the file. It was the decision reduced to writing from Justice Clark V. Richardson. According to the Clerk of the Bronx County Family Court, the file didn't exist anymore. Justice Richardson's order read we were found guilty of Educational Neglect. That is a lie. There was no finding of any kind. His order is dated June 28, 2005. We remain puzzled, since Judge Clark V. Richardson *was not the* presiding judge. He never sat on the bench for any proceeding. Since his order was the last and only thing in the file, we have to surmise that he was the last person to possess all it contained. All the missing documents, and there were many, must've been removed by him. Where is our Omnibus Motion, and all the documents we filed in more than two years of illegal proceedings?

Justice Richardson had no judicial duty to write anything. In fact, he also wrote and published the order in the New York Law Journal. He is without immunity protection under the law, gave no response under appeal and wasn't represented on appeal due to the fact that he shouldn't been writing or publishing in the matter. His immunity veil isn't intact because he's operating outside the scope of his duty. He had a duty not to lie about his role in the matter, and is in direct violation of the rights of four, count us, four different individuals. Does everyone presume us to be mixed up, befuddled, confused and devoid of understanding?

According to Justice Richardson's order, a finding of Neglect was concluded against Frederick S.

Koger, and Roslyn O. Drew, but it's a lie. (App.) 4. He didn't preside. He's perjured himself under New York State Law, under oath, NYS Penal Consolidated Laws of New York Section 210.10. His frivolous Order of fact finding and Disposition never happened. The illegal Fact Finding occurred in the beginning of the matter, in Judge Maureen A. McLeod's court. That's how the illegal case began and continued. His order is a lie, and anyone who agreed with him is also guilty of perjury. PERIOD.

We care that Justice Richardson wrote and published the order on hearsay and he tampered with the file to make it look as if he presided, even if no one else does. We didn't tamper with the file. His "order and decision" shows him as the last person with the file. If we were found guilty of Educational Neglect and failed to show up to any court, there would have been an **all-points bulletin out** to find us, get us back in court for sentencing and jail time and had our children taken again. We are Black people, and justice doesn't work the same for us. Judge Clark V. Richardson broke the law found in New York Consolidated Laws, Family Court Act-FCT subsection 340.2, Presiding Judge. If any part of the Omnibus Motion had been incomplete, improper, or defective we would've been brought back to court in handcuffs to face the music. Judicial immunity isn't part of the consideration of his acts. He acted with a superior knowledge, in excess of his jurisdiction. Is there no court or judge to acknowledge the truth of his acts and give it its lawful interpretation?

It seems that the New York State Unified Court System has suddenly changed this law. It is aimed at suggesting Justice Richardson has broken no law. This is not true. The New York Consolidated Laws, Family Court Act-FCT subsection 340.2, Presiding Judge, is now changed, altered, and updated as of January 2021 to give benefit of doubt to Judge Richardson because of what we contend here. It's too little, too late and contradictory. The new law tries to assert the opposite, and must be ignored in our case. We apply the old New York Consolidated Laws, Family Court Act-FCA subsection 340.2. Presiding Judge. The two copies we insert show him as a liar. (App.) 5., as of 7/27/2003, located at the bottom of the page, and (App.) 5a, number 4. The NYS Unified Court System is responsible for his actions, and those of retired Justice Maureen A. McLeod, plus every other judge who agreed with them.

We're not attorneys or trying to play lawyer, but the changed law doesn't excuse Justice Richardson's wrongful, illegal, presumptuous act.

He needs to be held accountable, just as we would be if they had found any reason for our guilt. It doesn't take 19 years to "Start The Process" to convict us if we broke the law. Justice for us isn't that kind! My teaching license would have been revoked, and I would've never taught school again. (App. X, Y, Z) I currently receive a pension since retiring from the public school system. I also currently work full-time as a United States Postal Worker. I couldn't work for any state or federal agency if a finding of neglect was

actually concluded in any court of law and put out about me.

We discovered the order in the year of 2019, containing the lie that Justice Richardson wrote. We are under the Common Law and Statutory Doctrine adopted by New Jersey and New York. No court, clerk, judge or secretary ever notified us of any ruling about that malicious family court case. (*See Grunwald v. Bronkesh,*) 131 N.J. 483, 492 (1993) and CPLR subsection 214-c. If the ruling had been legitimate, or factual, the court would've had an obligation to inform us of the entry of such a decision in any court file or public law journal. Justice Richardson is guilty of the commission of a crime, NYS consolidated Laws Penal subsection 110.00.

It appears he tampered with the contents of the family court file, and we believe, has made important legal documents disappear and/or be altered. He is guilty of breaking New York State Law, pursuant to statute, New York Penal Law Section 215.40. His actions were knowingly and willfully done. Justice Richardson's frivolous order was done in concealment to cover up his wrong. His frivolous order was made to intentionally hurt us in future life endeavors. He snuck the order in, presuming that we would never see it, or know it had been published in a law journal, because how often do black people search law journals to see if anything derogatory or inflammatory has been inserted about them? See 18 U.S.C. subsection 1001. His offensive order was not done by accident. He acted with malice, the same malice that he attempted to

prosecute us with in the unnecessary trial! (See *United States v. Hopkins*. 916 F.2d 207, 214 (5th Cir. 1976).

We prove Malicious Prosecution by demonstrating the four elements that can be applied to his acts: (1) the commencement of a criminal proceeding against us by him on behalf of false allegations by the New York City Administration For Children's Service (ACS) (2) The termination of the proceedings in favor of ACS even though sufficient evidence was lacking all along (3) The absence of probable cause (4) and deliberate attempt to cause permanent harm or suffering. (See *Torres v. Jones*) 26 NY3d 742, 47 N.E.3d 747, 27 N.Y.S. 3d 468 (2016) He intended to cause pain, injury, and continual distress. He didn't sit on the bench. Judge Richardson is not complaint free. (See Complaints against Judge Clark Richardson and Attorney Heather Saslovski)

Our exhibits contradict everything he alleges to have proof of. What documents does he base his order on? What papers did he use to write his ruling?

He caused us irreparable harm, by slandering and defaming our character and this court must prohibit him from doing any further harm to us or anyone else. Justice Richardson committed these acts under color of law, behind the robe, and with full knowledge of New York State Law. The four elements for Defamation are: (1) Justice Richardson made written false and defamatory statements; (2) about us; (3) Those false statements were published to others by Judge Richardson; and (4) That there was a resultant

injury. We are the injured parties because we never had any actual finding at law. We also went many years and never knew false statements about us were circulating anywhere, by anyone.

The family court case didn't conclude in the typical manner. It ended by way of the *Omnibus Motion* for want of prosecution by our accusers. If anything would have been wrong with our motion, the presiding Justice Gayle P. Roberts would not have let that go.

7. OUR PROOF JUSTICE GAYLE P. ROBERTS SAT ON THE BENCH

Justice Gayle P. Roberts of the Bronx County Family Court, *did preside* on our case that ended with an *Omnibus Motion*, yet none of the courts refer to Justice Roberts and our *Omnibus Motion* that got us out of the clutches of the family court. She denied our Motion to Dismiss our case, whereas, we filed an Interlocutory Appeal to the Appellate Division First Dept. Her Decision And Order to deny our Motion To Dismiss is dated, February 7, 2005, signed by Justice Gayle P. Roberts. In her Order to Deny our Motion, she makes reference to our case, the Appellate Division First Department, (*In re Amanda K.*) – AD2d, 786 NYS2d 171. (App.) 6. The Amanda K. case is not true.

No Court wants to address our actual complaint. We expect your court as well to toss this entire petition aside, because our case is UNIQUE. We aren't asking

for the review of an order or decision. We don't have a lot of case precedents to list, we can't really support this argument based upon statutory law, because we just don't see where what Justice Richardson did has come about often, ever! We have no footnotes, because no one else seems to be talking about what we discovered in 2019. We can't really follow the Rules of the Supreme Court in the traditional sense of filing, since we've never quite seen anything like what Justice Richardson seems to have gotten away with. So please don't be too harsh when you see this document. We didn't know any other place to seek justice and didn't really know how to put this through in a manner that would satisfy the particularities of the Supreme Court. We just know he and all other parties we've told about this, appear completely fine to see that he circumvented the law. We believe the courts have decided to harbor this criminal in a black robe.

8. JUSTICE ROBERTS RECEIVED OUR OMNIBUS MOTION

After two years of attempted malicious proceedings at the bench of Justice Gayle P. Roberts in a fake trial of the issues lacking actual evidence by the opposition, we filed and served an Omnibus Motion that no court wants to acknowledge, placing the burden of proof upon our accusers. Our accusers failed to meet their burden pursuant to New York State Law. We had no further duty to continue to appear in any court of law about the alleged Educational Neglect charges.

Even though we filed several Motions to Dismiss while in the illegal proceedings in the Bronx County Family Court, with multiple judges, all of our motions to dismiss were denied. We even went in other courts in the hope they would put a halt to the illegal proceedings in family court to no avail. When the case ended with the Omnibus Motion, we moved back to Illinois, and went on with our lives.

We didn't receive any derogatory information in the mail. In fact, we never received anything pertaining to the outcome from any court. We didn't get any communication about a decision being made by anyone in the family court case after our Omnibus Motion was submitted.

VII. COURTS WE APPLIED TO SEEKING RELIEF IN THE FAMILY COURT

NEW YORK SUPREME COURT
APPELLATE DIVISION : FIRST DEPARTMENT
Referencing Bronx County Family Court Docket No.:
N-21787-8/02
CASE CANT BE LOCATED

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX: PART IA-1
Index No: 8513/2005 Dismissed 4-5-2005
Hon: Judge Renwick Article 78 Proceeding
Return to family court

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK
Index Number:13-cv-6079
Hon: Judge Engelmayer Cased Dismissed 7-31-2014

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Index Number: 03-Civ-6079
Hon: Judge Scheindlin Case Dismissed 2-6-2004

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Index No: 08-2101
Hon: Kimba M. Wood Presided -
Case Dismissed 7-25-2008

9. THE OFFICIAL COUNTS

COUNT 1 Administrative - Intentional Oversight and Accountability-Judge Janet DiFiore

COUNT 2 Official Misconduct - Criminal Intent, Wrongdoing - Judge Clark V. Richardson

COUNT 3 Abuse of Discretion - Superior Knowledge - Clark V. Richardson

COUNT 4 Bronx County Family Court - Lack of Jurisdiction-Judge Clark V. Richardson

COUNT 5 Interference with an Omnibus Motion- Judge Clark V. Richardson

COUNT 6 Publication of a false Order in a Law

Journal-Judge Clark V. Richardson

COUNT 7 Defamation of Character- Judge Clark V. Richardson

COUNT 8 Irreparable Harm / Intentional Malice - Judge Clark V. Richardson

COUNT 9 Perjury - Attempted Malicious Prosecution Judge Clark V. Richardson

COUNT 10 Tampering of Court File / Evidence Destruction - Judge Clark V. Richardson

Our case against Justice Richardson appears to be one sided. He has convinced all the judges in all the courts that he sat on the bench in our "trial". That is a lie. We know we can't orally argue this case. Special privilege is given to a select few, and we are not among those people. We put our best foot forward, hoping this court will right his terrible wrong. If this court rejects our petition, he will continue to dispense injustice whenever and wherever he sees fit, against black people, because of what he's done to us. We then become his sample case for injustice and the poster family for his fraud. We need this court to halt his process.

10. THIS CASE IS RACIALLY MOTIVATED

This case is racially generated and motivated. Justice Clark V. Richardson launched a personal vendetta against our family because of Justice

McLeod's removal in early 2003.

He blames us for the recusal and complete removal of Justice Maureen A. McLeod from the Bronx County Family Court. No court clerk, or any judge ever acquired lawful statutory jurisdiction. Every court, and the New York State Commission on Judicial Conduct, looked the other way whenever we spoke or wrote the truth. If the New York State Commission on Judicial Conduct can remove other judges such as, Justice Michael McGuire, Justice Leticia Astacio, Justice Richard Miller, Justice Paul H. Senzer, Justice Matthew Rosenbaum, and Justice Terrence O'Connor, all of them as former New York State Judges, then it can't be a problem to launch an investigation on Justice Clark V. Richardson's wrongdoing. This case is unique in fact, because no caselaw exists showing where a judge who didn't preside on a case has ever ruled. He broke New York State Laws by perjury, lying under a superior oath, and tampering with court evidence. He dismantled and destroyed the Bronx County Family Court file so no one will ever duplicate the method we applied to beat the court.

No one wants to touch our case because we are pro se, Black, and not presumed to know enough about laws that violate our civil rights. We are thought to be unintelligent, ignorant, stupid imbeciles who are fools for a client, deemed incompetent, mixed-up, befuddled, confused, and devoid of understanding.

The disproportionate number of Black people incarcerated and misrepresented is due to judges like

Justice Richardson. He's too comfortable with his stature, and cares not that he didn't preside. With the stroke of a pen, he casually screws up the lives of others at will. We hope this court sees fit to screw up his life and revoke his pension! It's a travesty if the courts operate in this manner, upholding wrongdoers and convicting Black people without legally sufficient evidence. We were, and are right to ask for the review of this petition, no matter what form it comes to the court in. This court must allow the case to be reviewed. No other court has allowed it.

The violation of 42 U.S.C. Section 1983 from the NYS Unified Court System was dispensed to us on behalf of former Justice Maureen A. McLeod, Justice Janet DiFiore, and Justice Clark V. Richardson. We aren't time-barred in any way because we knew nothing of the events that transpired without our knowledge and in our absence until we found the order in 2019. They beat the sole responsibility for the attempted malicious prosecution against us. The New York State Unified Court System is corrupt, and seems to be operating under the RICO statutes, 18 U.S.C. subsection 1961-1968. If this fictitious order and his criminal act is allowed to stand, injustice reigns supreme. If Justice Richardson had done this to Italians and their mob affiliations, he would've faced grave consequences. Every Court has denied our contentions and basically given us the middle finger when it comes to justice.

Our sum demand is great because the violations are willful and deliberate, with malice aforethought.

We seek punitive, compensatory and injunctive monetary relief. Our demand is for \$200,000,000.00. [Two Hundred Million Dollars] Our case should be affirmed in our favor and be reversed and remanded to the court of last resort for settlement. We also demand a full retraction of the order and a written apology from the offending justice to each of us individually.

11. BRONX COUNTY FAMILY COURT JUDGE IN VIOLATION

A brief understanding of this case is to start where it all began in December of 2002. We were wrongfully accused of Educational Neglect under the **ORIGINAL** Judge, Maureen A. McLeod, on petitions that were never date stamped by the clerk of the family court, dragged into court and told the proof we had wasn't good enough. We had official, timely, completed homeschool applications, signed and stamped by the head of the homeschool division of the state school board for our girls, but we were not believed. (App.) 7. Our two daughters were being bullied, assaulted and harassed by fellow students in the public school they attended. Even though we lived two doors away and had a working phone number, no school personnel ever told us our daughters were being met with this treatment daily. Teachers and administrators alike kept silent and looked the other way. The girls had frequent excused absences due to violence.

The school officials got agitated with us when we asked about the incidents, persons, reasons and

frequency of the problems. After giving notice of our intent to homeschool, we withdrew the girls and began teaching them at home. For our efforts, the police stormed our home two days before Christmas break began and Roslyn Drew, the mother, was placed in handcuffs and dragged into Justice McLeod's courtroom, where the judge wasn't willing to hear or see our evidence of homeschooling. She told us to produce proof of income and financial records, said our homeschool would be closed, and threw our daughters in foster care for 10 days, thus changing the trajectory of their lives. All these actions were done in violation of our civil rights. We had to fight the system to get them back, and under duress, we were made to re-enroll them back in the school that caused all the harm in the first place.

Justice Maureen McLeod illegally closed our homeschool, and we believe, made the recommendation to Justice Richardson to put us on trial for educational neglect. We are certain he assigned the matter to trial in retaliation for getting her taken off the bench.

Our daughters were officially withdrawn from their school with a code 444 placed on their public school folders by the homeschool official, to establish them as being part of the homeschool division. When we produced the necessary information to her, the case should've ended and been dismissed with prejudice. However, Justice McLeod showed her racial prejudice and hidden agenda that illegally closed our homeschool. (App.) 8. She kept calendaring us to court appearances and had the Administration for

Children's Services to monitor our home weekly for the next 2+ years.

Justice McLeod's intent was to take our daughters and keep them in foster care permanently. We alerted top court officials about her misconduct. A letter dated July 4, 2003, addressed to those officials and agencies described in detail her attitude and demeanor when we appeared. She didn't care about our homeschool. Her intentions were to take our children to help fill the state's coffers, no matter what.

The ultimate insult was disregarding valid credentials. I am a teacher. Before arriving to New York, I was a teacher. While living in New York, I taught for the New York City Department of Education, and retired from teaching in the Chicago Public Schools.

I know the importance of education. I'm certified, qualified, and bonafide. Our homeschool was in place and Judge McLeod illegally closed it.

Disgraced Judge McLeod's past caught up with her when we presented proof that she had violated another family's civil rights in the same way as ours. (United States Court Of Appeals For The Second Circuit August Term Docket No. 00-9121, *Alvin A. Rivers, Sr, v. Maureen McLeod*, a Judge of the New York State Family Court in and for the County of Kings, and the Salvation Army, bandits agents) Justice SOTOMAYOR also agreed with the decision of pro se Rivers. Maureen A. McLeod violated our civil

rights in 42 U.S.C. Subsection 1983, under color of law.

The Bronx County Family Court, and disgraced Justice Maureen A. McLeod never had jurisdiction on the allegation of Educational Neglect against us. The family court clerk never validated the petitions, or gave proper service by mail. The stamp of the court clerk never got placed upon the petitions for official legal commencement of the action. The New York State Unified Court System is liable to the four of us on her and everyone else's behalf. The court never established a cause of action upon which relief could be granted. This seems to be the norm in the Bronx County Family Court. Black people are regularly discriminated against and denied their civil rights.

The irony here is that she receives a pension from the New York State Unified Court System, but her pension should be revoked. The NYS Unified Court System is liable for her actions. She convinced another judge to put us on trial without legally sufficient cause.

After her forced recusal, we were sent to Supervising Judge Clark V. Richardson, who told us the matter was going to trial. We didn't see why or how was it going to trial! Justice Richardson didn't say why and assigned us to Justice Gayle P. Roberts. Justice Gayle P. Roberts of the Bronx County Family Court, was our **SECOND** and last judge under Docket Numbers: **N-21787-02 & N-21788-0-02.**

VIII. REASONS FOR GRANTING THE WRIT

This important matter needs to be rectified by this Court. New York State Laws have been knowingly broken by the former supervising judge of the Bronx County Family Court, and no one seems to care. Our civil rights have been violated in 42 U.S.C. subsection 1983, under color of law. Laws that have since been changed while we were in the U.S. Court of Appeals for the Second Circuit attempt to give Respondents the edge to excuse the harm, but it doesn't reach back far enough.

Case Number **N-21787-02 & N-21788-02** ended with an Omnibus Motion from us as the Petitioners/Plaintiff(s). Judge Richardson, being unhappy with the outcome, lied and wrote his order to taint the case and besmirch us in favor of the Bronx County Family Court's image. This Court is the only one that can decide the true and just outcome. We want justice for ourselves in the laws we didn't break. We fail to see how the respondents chose not to respond to our complaint in the U.S. District Court Southern District of New York, and prevailed. They also refused to respond in the U.S. Court of Appeals for the Second Circuit, and prevailed there too. The Supreme Court now must review this case! Without this review, the wrong decision will remain in place on facts that were never presented or proven. Injustice can't be allowed to prevail.

IX. CONCLUSION

For the foregoing reasons, we respectfully request this Court to review the record below and issue a writ of certiorari of the judgement of the U. S. Court of Appeals for the Second Circuit so that justice will be served.

DATED this 2nd day of December 2021.

Respectfully submitted,

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