

NO: 21-360

Supreme Court, U.S.

FILED

AUG 31 2021

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Joseph Constant

Petitioner

v.

DTE Electric company, aka DTE Energy, aka Detroit Edison Company, aka DTE; Leland Prince, Shalina D. Kumar, Michael David Warren Jr., Deborah A. Servitto, James M Hammond, Cheryl A Matthews, Rae Lee Chabot, Karen M Ft Hood, Jane M Beckering, Nanci J Grant
Respondents.

On Petition for a Writ of Certiorari

To The United States Sixth Circuit Court of Appeals

PETITION FOR A WRIT OF CERTIORARI

Joseph Constant
Pro Se Petitioner
49 Highland Drive
Bloomfield Hills Michigan 48302-0355
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QUESTIONS PRESENTED

In 1936, Halsted L. Ritter, U.S. District Court for the Southern District of Florida was Impeached by the U.S. House of Representatives, March 2, 1936, on charges of favoritism in the appointment of bankruptcy receivers and practicing law while sitting as a judge; Convicted by the U.S. Senate and removed from office, April 17, 1936.

Other judges that made similar acts to Ritter's and met the same similar fates are:

1. Robert W. Archbald, Commerce Court and U.S. Court of Appeals for the Third Circuit. Impeached by the U.S. House of Representatives, July 11, 1912, on charges of improper business relationship with litigants; Convicted by the U.S. Senate and removed from office, January 13, 1913.
2. Alcee L. Hastings, U.S. District Court for the Southern District of Florida. Impeached by the U.S. House of Representatives, August 3, 1988, on charges of perjury and conspiring to solicit a bribe; Convicted by the U.S. Senate and removed from office, October 20, 1989.
3. G. Thomas Porteous, Jr., U.S. District Court for the Eastern District of Louisiana. Impeached by the U.S. House of Representatives, March 11, 2010, on charges of accepting bribes and making false statements under penalty of perjury; Convicted by the U.S. Senate and removed from office, December 8, 2010.

The source of the above information is:

<https://history.house.gov/Institution/Impeachment/Impeachment-List/>

1. There is a Michigan judges RICO Enterprise that was involved in the proceedings of the lower courts both state and federal.
2. The Enterprise is an illegal, illicit law firm that is owned, managed, operated, controlled and directed by Michigan judges which includes but are not limited to Kumar, Matthews, Grant, Warren, Chabot, Servitto, Becker-ing and Ft Hood
3. The Enterprise is masked, cloaked and disguised in business by attorney Lincoln G Herweyer, Timothy Young, and the Cummings, McClorey, Davis, Acho PLC and they have posed as attorneys for the Enterprise's client – DTE.
4. DTE has an open contract with the Enterprise for litigation services in PO A32211400.

5. Judge Kumar and the Executives of the Judges' RICO Enterprise made frauds upon the court when:
 1. They litigated cases for DTE under DTE-to-Enterprise PO A32211400 between 2/5/2013 and 6/21/2021,
 2. They furthered the specialized 2013 conspiracy and contract between DTE, Judge Kumar and the Enterprise to defraud the court for court orders, which DTE would otherwise, not have been able to obtain by law, facts and evidence,
 3. They violated Canon 4(H) of the Michigan code of Judicial conduct, the RICO Act and my civil rights.

The Questions Presented are:

- I Did Judge Kumar and the Executives of the Judges' RICO Enterprise made frauds upon the court when:
 1. They litigated cases for DTE under the DTE-to-Enterprise PO A32211400 between 2/5/2013 and 6/21/2021,
 2. They furthered the specialized 2013 conspiracy and contract between DTE, Judge Kumar and the Enterprise to defraud the courts for court orders, which DTE would otherwise, not have been able to obtain by law, facts and evidence,
 3. They violated Canon 4(H) of the Michigan code of Judicial conduct, the RICO Act and my civil rights?
- II Can Res judicata, the Rooker-Feldman Doctrine and Judicial immunity bar and dismiss my complaints, when their elements have not been met?
- III Does The Supreme court's rules 10(a), (b), (c) provides strong and compelling reasons for Grant of this Petition?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES	
1.	DTE Electric v Joseph Constant, 2013-132055-CH, Oakland CTY 6 th . Cir. CT.
2.	DTE Electric Company v Joseph Constant, 317976, Michigan Court of Appeals, Decision Date: December 4, 2014
3.	DTE Electric Company, v Joseph Constant, 150846, Michigan Supreme Court Discretionary Court Decision Date:September 29, 2015
4.	Joseph Constant, Petitioner v. DTE Electric Company, aka Detroit Edison Company, 15-8040, U.S. Supreme Court Decision Date: September 29, 2015
5.	Joseph Constant v Michigan State Attorney General, 2016-153074-AW, Oakland CTY 6 th . Cir. CT.
6.	Joseph Constant v, DTE Electric, 2016-153631-CZ, Oakland CTY 6 th . Cir. CT.
7.	Joseph Constant v DTE Electric Company, 339034, Michigan COA
8.	Joseph Constant v DTE Electric Company, 338686, Michigan COA
9.	Joseph Constant v DTE Electric Company, 158461, Michigan Supreme Court
10.	Joseph Constant v DTE Electric Company, 338685, Michigan COA
11.	Joseph Constant v DTE Electric Company, 338471, Michigan COA
12.	Joseph Constant v DTE Electric Company, 336620, Michigan COA
13.	Joseph Constant v DTE Electric Company, 158458, Michigan Supreme Court
14.	Joseph Constant v James M Hammond, 2016-155099-CZ, Oakland CTY 6 th . Cir. CT.
15.	Joseph Constant v James M Hammond, 336489, Michigan Court of Appeals
16.	Joseph Constant v James M Hammond, 158457, Michigan Supreme Court

RELATED CASES

17.	Joseph Constant v James M Hammond, 339311, Michigan Court of Appeals
18.	Joseph Constant v Leland Prince, 2016-155238-CZ, Oakland CTY 6 th . Cir. CT.
19.	Joseph Constant v Leland Prince, 338455, Michigan Court of Appeals
20.	Joseph Constant v Leland Prince, 337483, Michigan Court of Appeals
21.	Joseph Constant v Leland Prince, 158459 Michigan Supreme Court
22.	Joseph Constant v Leland Prince, 158460, Michigan Supreme Court
23.	Joseph Constant v Attorney Grievance Commission, 153609, Michigan Supreme Court
24.	Joseph Constant v. Shalina Kumar, 2:15-cv-11926, U.S. District Court, Eastern District of MI
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27.	Joseph Constant v DTE Electric et al., 2:15-cv-11927, U.S. District Court, Eastern District of MI
28.	Joseph Constant v. DTE Electric, et al., 15-1886, U.S. Court of Appeals for the sixth circuit.
29.	Joseph Constant v. Bill Schuette, et al., 2:15-cv-11928, U.S. District Court, Eastern District of MI
30.	Joseph Constant v. Bill Schuette, et al., 15-1882, U.S. 6 th . Circuit
31.	Joseph Constant v. Bill Schuette, et al., 2:16-cv-11639, U.S. District Court, Eastern District of MI
32.	Joseph Constant v. Bill Schuette, et al., 16-2077, U.S. 6 th . Circuit
33.	Joseph Constant v. Bill Schuette, et al., 16-2078, U.S. 6 th . Circuit
34.	Joseph Constant v. Bill Schuette, et al., 2:16-cv-11639, U.S. District Court, Eastern District of MI
35.	Joseph Constant v. Hammond, 2:16-cv-10629-SFC-RSW, U.S. District Court, Eastern District of MI
36.	Joseph Constant v. Rae Chabot, 2:17-cv-10018, U.S. District Court, Eastern

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	District of MI
37.	Joseph Constant v. Rae Chabot, 17-1236. U.S. 6 th . Circuit
38.	Joseph Constant v. Cheryl Matthews, 5:16-cv-14501, U.S. District Court, Eastern District of MI 08/03/2018
39.	Joseph Constant v. Cheryl Matthews, 17-1750, U.S. 6 th . Circuit
40.	Joseph Constant v DTE Electric et. al., 19-10339, U.S. District court, Eastern District of Michigan
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3. They violated Canon 4(H) of the Michigan code of Judicial conduct, the RICO Act and my civil rights.

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IN THE SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

I, Joseph Constant, in pro se, respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

The opinion of the United States court of appeals appears at Appendix-A to the petition and is unpublished.

The opinion of the United States district court appears at Appendix-B to the petition and is published at

https://www.govinfo.gov/content/pkg/USCOURTS-mied-2_19-cv-10339/pdf/USCOURTS-mied-2_19-cv-10339-0.pdf

JURISDICTION

The date on which the United States Court of Appeals decided my case was 4/29/2021.

A timely filed petition for *En Banc* rehearing was denied on 6/21/2021, and a copy of the order denying rehearing appears at Appendix-C.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Article 6, Clause 2 · The Supremacy Clause of the United States (APPENDIX-I)

Amendment 4 – Search and seizure (APPENDIX-J).

Amendment 14 · Citizenship Rights – Due process and Equal Protection of the Laws Section 1. (APPENDIX-L)

18 USC § 1341 · Frauds and swindles (APPENDIX-M)

18 USC § 1343 · Fraud by wire, radio, or television (APPENDIX-N)

18 USC § 1962— Racketeer Influenced and Corrupt Organizations Act
(APPENDIX-O)

18 USC § 1964 · Civil remedies (APPENDIX-P)

28 USC § 454. Practice of law by justices and judges:

“Any justice or judge appointed under the authority of the United States who engages in the practice of law is guilty of a high misdemeanor.”

42 USC § 1983. Civil action for deprivation of rights (APPENDIX-Q)

STATEMENT OF THE CASE

A. There is an Enterprise as defined by the RICO Act, that is central in this matter. It is a Michigan Judges' owned Law-firm.

1. The Enterprise is an unconscionable, underground, private, illegal, illicit nefarious, pernicious criminal Racketeering Scheme – A law-firm, that offers litigation services to clients, that promises its clients to win, shield and protect that impossible-to-win lawsuits when the facts, evidence and the laws to make it winnable through the normal due processes of the law and of the courts can not do it. It is owned, managed, controlled and directed by at least, the Michigan judges named in the TABLE below:

TABLE-2

Cheryl A Matthews	Elizabeth T. Clement	Michael Riordan
Deborah A Servitto	Elizabeth L. Gleicher	William Saad
Jane M Beckering	Kathleen Jansen	Michael J Talboth
Nanci J Grant	Hala Jarbou	Jonathan Tukel
Karen M Fort Hood	Mary Beth Kelly	David F. Viviano
Michael D Warren, Jr.	Joan L. Larsen	Kurtis T. Wilder
Shalina D Kumar	Stephen J. Markman	Robert P. Young, Jr
Rae Lee Chabot	Bridget M. McCormack	Brian K. Zahra
Richard H. Bernstein	Colleen A. O'Brien	Denise Page Hood

2. These judges exploits and abuses their official positions as judges to make and enact intentionally and purposefully corrupt judicial acts (which are permitted by judicial immunity) that furthers the private illicit aims, objectives, mission, purpose, business contracts and agenda of the Enterprise, which is at work, surreptitiously as a lead-litigator for at least a litigant within the proceedings of the

cases in the very courts, that these judges often adjudged. And they stifle and obstruct the administration of justice, when justice is sought against them and their clients, by their victims like me, who have dared to seek justice against them.

3. The Enterprise is masked, cloaked and disguised outwardly in this matter as Attorneys: Lincoln G Herweyer, Timothy Young, Acho and the Cummings, McClorey, Davis, Acho PLC, and have filed their appearances in courts as attorneys for DTE.
4. Herweyer wrote the orders that the judges signed and prepared the documents that the judges filed. Young provided Pre-signed signature pages for concluding documents that Herweyer and the judges prepared and filed.
5. The Enterprise is assisted, aided and abetted by the silence, cooperation, complicity and loyalty of some federal judges who were former state judges (Denise Page Hood of USDC-MIED included) when cases are brought against them and/or their clients in federal courts.
 - B. Judge Kumar made a fraud upon the courts for the Enterprise and DTE and violated Canon 4 (H) of the Michigan code of judicial conduct.
6. Kumar litigated cases for DTE between 2/5/2013 and 6/21/2021.
7. Kumar made the frauds for the Enterprise, which DTE had hired to litigate cases for it under DTE-Enterprise contract: PO A32211400.

C. Judge Kumar and DTE conspired and violated 18 USC §§ 1343 & 1341, the RICO Act, 4th, 14th Amendments, 42 USC § 1983, conspiracy-to-conceal and frauds-upon-the-court

8. Kumar and the Enterprise furthered a specialized 2013 conspiracy between DTE and the Enterprise to defraud the courts and award to DTE a judgment of property easements rights over my property for free plus two injunctive orders against me.

9. Kumar used the internet to transmit to me, the DTE captioned motion for an order of preliminary injunction against me with its many bogus contents on 2/6/2013, when the document was never legally presented to the court by DTE, and there was no associated filed Praeclipe that legally invoked her jurisdiction over the motion. (MCR 2.119 and LR 2.119 requirements). It is not the job of a judge to serve complaints document on a litigant.

10. Kumar directed Heidi Walling, who transmitted to me, by Internet-email, several DTE's court related documents that contained purposefully falsified and perjured contents in violation of 18 USC § 1343.

11. DTE's Karen Bradley mailed to me, the same bogus contents as Kumar and Walling had done in violation of 18 USC § 1341.

D. There is a DTE-to-Enterprise Purchase-order A32211400.

12. DTE is an intense frequent litigant in Michigan courts (from courts' case registers). It has a contract PO A32211400 with the Enterprise that predates 1/1/2005 for litigation services and for conspiring with individual judges to undermine, corrupt, control, influence the judicial and decision-making processes of the state courts, to fit its aims, where it is a litigant in a court case.

13. The terms of the PO as applicable in my complaints are inferred from a combination of documents that identifies the activities performed under the PO, who performed them, and what methods, channels and instruments were used.

14. From the 2017 billing invoices that were submitted to DTE by Herweyer, Young, Acho for litigating the case for Hammond (APPENDICES: BF, BH) the following are revealed:

- (1)** The PO A32211400 was for on-going litigation services for DTE.
- (2)** The Services rendered was for litigating the case for the DTE litigant: Hammond.
- (3)** Attorney Paula Johnson-Bacon is the DTE contract administrator and Herweyer is her counter-part at the Enterprise end.
- (4)** The actual litigators (team) who performed the litigating services for Hammond in the state trial court were Johnson-Bacon, Herweyer, Timothy Young, Ronald Acho, Leland Prince, and Attorney H Scott Garrison of Judge Chabot's chambers and Warren and all these but Young, were never registered in the Oakland county 6th circuit court as counsels for Hammond.

(5) The Enterprise and its privies, decoys and agents included: Lincoln G Herweyer PC (LGHPC), Cummings-McCloreys-Davis-Acho PLC (CMDA), Attorneys: Herweyer, Young, Acho, Judge Chabot and her chamber's attorney - H Scott Garrison and Judge Warren.

(6) The litigation Acts are identified as: Emails exchanges, telephone calls, conferences, discussions, defense strategies' developments, court documents preparations and reviews for the defense of Hammond, instructing, directing and influencing Judge Warren not to conduct a live hearing of the motion for summary disposition of my case against Hammond which he had planned and scheduled

15. From the 2017 billing invoices that were submitted to DTE by Herweyer, Young and Acho for litigating the case for DTE (APPENDICES: BG, BI), the following are revealed:

(1) The electronic copies of the records were not filed in court and only heavily redacted printed hard-copies were provided directly to Judge Warren and myself and this was done to perfect the concealment of damning data on the records which electronic copies may not do.

(2) The data on the invoices were intentionally, heavily redacted beyond what is necessary or required by FRCP 5.2, and were meant to conceal damning and revealing data against DTE and the Enterprise and the heavy extents of the litigating acts and conferences with Judge Mathews, emails and telephone communications (wire frauds acts).

(3) The litigating acts though heavily concealed by extreme redaction were an echo and reflection of what were on the billing invoices for Hammond (APPENDICES: BF, BH) and is nearly twice the acts.

(4) The litigation team for DTE were the same as were for my case against Hammond with judges: Kumar and Matthews and their chambers' attorneys added on, here.

(5) The PO on the invoices is the same as are on the invoices for Hammond and is A32211400.

16. From the Oakland county register of actions for my 3 separate cases against DTE, Prince and Hammond (APPENDICES: AL, AM, AN) it shows that the litigating acts were a mirror and echo of each other - similar motions and documents were filed by the Enterprise.

17. In January 2017, Judge Grant denied my fee waiver applications based on the directives of the Enterprise to constrict my litigating acts and her chamber's attorney presented to me, the Federal Judge Cox's 2015 order that denied my fee waiver application as authority.

E. Judge Kumar's and the Enterprise's Litigating Acts Provides Abounding Direct and Empirical Proof of the Enterprise.

18. On 9/21/2010, DTE entered my homestead property and cut several of my trees at the west edge, in an area where it had never in its history cut any trees, be-

cause none existed there, until I planted them in 1998 and DTE did not have an expressed or prescriptive property easements right-of-way to cut trees there.

19. On 12/28/2010, DTE resident counsels, Michael Solo and Gary Kravitz and Hammond telephoned me and offered me a settlement that did not include any cash, and I responded in a later writing, with a counter terms which included some cash (\$16,000). But DTE did not accept the offer and instead, by 1/24/2013, Hammond's boss, Edward Halash informed me by telephone and email that DTE does not pay cash for property easements rights, that the negotiation between DTE and myself had failed and that, they will see me in court, pretty-much (APPENDIX-AI).

20. By 2/5/2013, DTE, the Enterprise and Judge Kumar conspired to defraud the court and defraud me with a bogus lawsuit against me to secure a Judgment of property easements rights over my property for free to DTE, circumvent DTE paying me for it, plus 2 injunctive orders of preliminary and permanent injunctions against me.

21. By 2/5/2013, Attorney Prince signed the DTE bogus complaint documents as being the truth, while he knew them to not be the truth and were false and misleading statements and were in violation of MCR 2.114(D).

22. By 2/5/2013, Judge Kumar was in the private possession of a DTE motion for an order of preliminary injunction against me contained in APPENDIX-S. The motion was never legally presented in court (MCR 2.119), and no Praecept (LR 2.119) that invoked her jurisdiction over the motion existed.

23. Judge Kumar edited several portions of the documents as I had detailed in my filings in the US District court case No 19-cv-10339, and she then signed a DTE proposed order for me to appear in court on 2/20/2013 and show cause why an order of preliminary injunction shall not issue against me.

24. On 2/20/2013 and well before court started for everybody else waiting in court-room 1C, Judge Kumar directed her chamber's staff to lead the litigants for the DTE case to a back-office conference room. There, she herself presented the DTE motion. (This is direct courtroom litigating of a case for the litigant DTE by the judge). Throughout, the DTE attorney named on the court documents - Prince did not say a word. This demonstrated that the real attorney on the case for the litigant DTE, was Judge Kumar and not Prince, and that Prince was a level of cloaking and was there as a cover and decoy for Judge Kumar's litigating the case for DTE and that the Power-of-attorney to litigate the case for DTE rested with Judge Kumar and the Enterprise in the PO A32211400 and not with Prince.

25. Judge Kumar knew that her actions and conducts were a fraud on the court and was a crime, and that is why she had purposefully moved the proceedings out of Courtroom 1C to where it could not be captured by the courtroom's recording devices and not be available for transcription, or noticed by an astute observant person present, as an improper conduct.

26. The case's register of actions shows that the motion for me to show cause, why a preliminary injunction shall not issue against me, was heard and an order is sued and filed (APPENDIX-T) but the request for transcripts from the court re-

porter shows that the court had none that existed to be transcribed (APPENDIX-BE – Court reporter's email).

27. On 2/26/2013 Hammond made a perjured affidavit (MCL 750.423 violation) to support the DTE complaint and motion (APPENDIX-AH, page: App-251)).

28. Judge Kumar, the Enterprise, DTE, Prince and Hammond defrauded the court and caused to be issued 5 court orders on a motion for preliminary injunction against me that DTE never legally presented:

(1) The 2/5/2013 order for me to appear in court on 2/20/2013 and show cause why an order of preliminary injunction against me shall not issue (APPENDIX-S).

(2) The 2/20/2013 order: (1) for me to provide a supplemental brief and an Affidavit to support my defenses of the DTE Motion for an order of preliminary injunction against me, and (2) adjourned the decision on the motion to a later unspecified future date (APPENDIX-T).

(3) The 3/27/2013 order of preliminary injunction against me (APPENDIX-U).

(4) The 8/14/2013 Order of (voluntary) dismissals of the DTE case against me, well ahead of the 12/13/2013 trial date (APPENDIX-V).

29. Between 5/23/2013 and 5/31/2013, DTE used the corruptly issued 3/27/2013 Order of Preliminary injunction against me and executed a search on my property, seized, cut and trimmed several of my trees and this is property injury and violation of my 4th Amendment rights.

30. By 8/1/2013, Hammond was served a subpoena to appear in court to alibi his perjured affidavit of 2/26/2013 and DTE line clearance contractors (Asplundh, Nelson and Davy Trees) were also served subpoenas to produce records that would substantiate the DTE complaint's claims that its line clearance contractors had been denied access unto my property for the span of 22 years (approximately 10/1991 to 2/5/2013).

31. In response, Hammond refused to appear in court and to avoid contempt of court, DTE filed a motion for voluntary dismissal and praecipitated it for hearing on 8/21/2013. DTE proffered six intentionally falsified statements as its reasons for filing the motion, digging itself deeper, into the mud of fraudulent claims.

32. I then, filed an objection to the terms of the dismissal and praecipitated 13 of my previously filed motions for hearing on 8/14/2013.

33. In reaction, just prior to 8/14/2013, Judge Kumar held and conducted a private litigation strategy planning meeting and conference with Prince and Herweyer for DTE's defense, during which they reached an agreement to bring forward from 8/21/2013 to 8/14/2013 the hearing of the DTE motion for voluntary dismissal, which the Enterprise had filed and praecipitated for 8/21/2013 hearing, through their decoy - Prince, in order to hear the motion first and ahead of mine, then grant it, and pre-empt the hearing of my 13 motions on the dockets that day, and end the lawsuit. The Transcripts APPENDIX-Z, page 3 reads in part:

"THE CLERK: Your honor, calling 14 from the docket, DTE v Joseph Constant, case number 2013-132055-CH.

MR. PRINCE: Good morning, your honor. Leland Prince on behalf of the Plaintiff.

THE COURT: Where is the DTE Lawyer? Where is the DTE lawyer

MR. PRINCE: I represent DTE.

THE COURT: Oh sorry, sorry, sorry.

MR CONSTANT: Joseph Constant

THE COURT: Okay. Go ahead.

MR PRINCE: Its not my motion.

"THE COURT: Well, arent we hearing a motion from you today?

MR PRINCE: Well, I do have a motion but I had praeciped it up for next week. But if the Court wou--

THE COURT: Right, but we said we were gonna hear it today.

MR PRINCE: Okay we're gonna hear it today. Well, my motion is to dismiss volunteer--

THE COURT: Right, yes.

MR PRINCE: - - Voluntarily

THE COURT: Yes."

34. Clearly from the above, Judge Kumar have admitted to being part of the litigating team meeting that pre-planned and litigated the DTE motion for voluntary dismissal on 8/14/2013 for the litigant: DTE, in the very court that she controlled. The rest of the Transcripts showed Judge Kumar going back and forth, negotiating with me, the terms of the dismissal and this, further demonstrated her litigator status in the proceedings.

35. Attorney Herweyer would later implicitly admit that he was part of the DTE litigating team when he wrote in a document that DTE had suddenly decided to end the lawsuit on 8/21/2013 before trial, because I was too litigious and it was not

worth the midnight candle to the \$26 billion rich DTE with its 66 in-house lawyers (See APPENDIX-BM).

36. On 8/14/2013 in Courtroom 1C, Judge Kumar and Prince co-presented the same motion that she, the Enterprise, Herweyer and Prince had co-strategized, and, at the same time adjudged and then granted the motion in the same integrated acts, and then closed the case (See APPENDIX-Z - Transcripts). The Order was secured by fraudulent claims in the DTE motion for voluntary dismissal which Prince had signed as being the truth, when he knew them to not be the truths.

The real truths for the motion are these:

- (1)** It was determined that judge Kumar was not following Enterprise protocols – She was supposed to have disallowed and denied the signing of the subpoena for Hammond to appear in court to alibi his intentionally and purposefully perjured affidavit.
- (2)** Judge Kumar had made judicial acts without a Praecepce and this failed to convey on her jurisdiction over the motion and as such, she was no longer protected by absolute judicial immunity, under *Stump v Sparkman*.
- (3)** Hammond had refused to appear in court as ordered and fearing further legal consequences against his person for his perjured affidavit, and to avoid contempt of court, voluntary dismissal of the case was the safe-harbor best option.
- (4)** The Enterprise was convinced that I was litigious and posed predictable risk of litigation against them and DTE for recovery.

(5) Most of all, Judge Kumar - a fairly new inductee and rookie to the judge's schemes, was no longer at ease, with the entire racket-run.

37. In the end, DTE did not win its most sought-after goal, a judgment of property easements rights over my property and it did not win an order of permanent injunction against me either. Eight+ years on, DTE have not moved the courts again for a judgment of property easements rights over my property. So, DTE never had any honest legal entitlement to the claim in the first place before 2/5/2013 and had filed the fraudulent lawsuit against me, to force the failed negotiation between it and I, its way. In short, DTE's motive for the suit was pure fraud against me, and a straight-face bold defiance of the US constitution and the rule of law.

38. On 9/3/2013, I appealed the case to the extents that I understood it, to the Michigan COA in case No 317976. The court affirmed the trial court's decisions on 12/4/2014.

39. On 1/15/2015, I applied to the Michigan supreme court for leave to appeal in case No 150846 and the court denied the application on 9/29/2015.

40. On 2/4/2016, I petitioned the U.S. Supreme court in case No 15-8040 for a Writ of Certiorari and the court denied the petition on 4/18/2016 and denied my motion for rehearing on 6/20/2016 and this concluded the proceeding.

41. Because, when a fraud has been made upon the court, there is no decision, and there is no final judgment and under these condition, claims can be made

against the frauds even if the case has reached the U.S. Supreme court, such as the cases listed below:

(1) Hazel-Atlas Co. v. Hartford Co. 322 US 238, 64 S. Ct. 997, 88 L. Ed. 1250 - Supreme Court, 1944.

(2) Patricia Herring v. US, 424 F. 3d 384 - COA, 3rd Circuit 2005.

42. DTE was poised to win the judgment of easements rights over my property plus the permanent injunctive order against me by 12/13/2013 but had suddenly filed a motion in August 2013 to quit, because Hammond would not appear in court to alibi his affidavit, demonstrated there was a crime beneath the lawsuit.

43. Prince avoided appearances for all 3 case status conferences before judge Kumar in 2013. Kumar's office telephoned him severally, but he ignored their calls. He was limiting his decoy role in the scheme.

44. In May 2016 and before I filed the 3 lawsuits against DTE, Prince and Hammond, I wrote a letter to the DTE CEO Anderson and Hammond in which I notified them that I intended to take legal actions against DTE and Hammond for the 2013 fraudulent DTE lawsuit against me, and that they were to take actions and inform the courts of the true facts of their 2013 action against me – which was premeditated fraud against me.(see APPENDIX-BK).

45. DTE turned the letters over to the Enterprise who wrote to me by their decoy - Herweyer, who threatened me, not to dare bring any claims against DTE or Hammond - not even tangentially, or I will not like what will happen to me im-

plcitly. He directed that I send all future correspondences on the matter to him as the DTE attorney (see APPENDIX-BL).

46. Herweyer's 2016 letter to me, 2017 invoices to DTE and PO A32211400 connects and links him as a litigator for DTE in the 2013 lawsuit against me, even though Herweyer was never a counsel that had filed an appearance for DTE in the trial court were Judge Kumar co-litigated the case, with Prince.

47. On 11/23/2016, at the hearing of the motion to strike my complaint against Hammond, Young asserted that the 2016 lawsuit against Hammond was rooted on the original 2013 DTE lawsuit against me. In his 2017 billing invoice, for his litigating works for Hammond, the PO A32211400 is identified as the contract for his works and this links and places him and judge Kumar as being in the same litigating camp and is the Enterprise.

48. In his Affidavit (APPENDIX-BJ), Herweyer admitted that he was the behind-the-scenes author and reviewer of most of the documents (briefs, motions, answers, replies) that were filed in the Oakland county 6th circuit court for: DTE, Prince and Hammond. Yet, Herweyer was never an attorney who had filed an appearance in the trial courts as counsel for the trio. Young, Acho and CMDA were the official litigators for the trio, and they themselves, were actually decoys for the Enterprise.

49. Between 6/23/2016 and 9/26/2016, I filed 3 separate lawsuits in the Oakland county 6th circuit court, each against DTE, Prince and Hammond for remedies against their respective roles in the 2013 fraudulent DTE lawsuit against me

that violated the RICO Act, my civil rights and defrauded the courts between 2/5/2013 and 9/29/2015.

50. The Enterprise captured control of the adjudging of my complaints mostly by stipulated orders and assigned them to their members, Judges: Matthews, Chabot and Warren, and they jointly litigated the proceedings for DTE, Prince and Hammond through their decoys: the CMDA PLC and LGHPC.

51. The Enterprise waged a belligerent, hostile, mean, violent litigation campaign against me with a deluge and avalanche of motions after motions that sought the following:

(1) For more definite statements

(2) To strike my complaints

(3) To change captions removing my connections of all other DTE names

(4) For me to remove my references to the DTE CEO - Anderson and DTE's \$26+ billion worth, in the complaints, claiming that they were scandalous, indecent, improper, impertinent, when they were not.

(5))For Protective orders against my discovery requests.

(6) For monetary sanctions against me with almost every document/motion they filed.

52. They objected 100% to every single relief that I had sought from the court, such as motions for extension of time to file, amend and/or enlarge a document size with extreme violent, obnoxious and dehumanizing language.

53. They vilified and heaped on me a catalog of *ad hominem* attacks and made such bigoted claims that I hate women and have only sued the women judges involved in this matter – an uncalled-for, attack on my single person status and its broad connotations.

54. In the court that Matthews controlled (Constant v DTE), Matthews denied 100% of my motions and she granted 100% of the Enterprise's motions for DTE.

55. In the courts that Chabot and Warren controlled (Constant v Hammond) the Enterprise did almost the same as the above.

56. The combined register of actions events in the state courts alone is a staggering: 1,660 and in the lower Federal courts to date is 108 (see APPENDICES: AJ-BA). In contrast to a similar federal case with similar defendants and claims, Ingod-wee trust v DTE, Hammond et. al., and where the Enterprise is not verified to be active, the total register of actions events is a measly 12 from start to finish (see APPENDIX-BD).

57. Attorneys Young and Herweyer with more than 60+ years lawyer experience, mocked my pro-se citations to case laws that are not Michigan's and held that they were not bound by a decision of the 3rd Circuit, I had cited.

58. Matthews, in extreme discourteous language and arguments, refused to disqualify herself from adjudging my complaints against DTE - twice I motioned the courts, and twice she refused. She did this as a vested custodian of the Enterprise to keep its works within that case, going, well-shielded and protected. (see APPENDICES: F, App-40 to App-41).

59. Judge Warren in extremely discourteous language and arguments also refused to disqualify himself from presiding over my case against Hammond.

60. Matthews refused to sign my subpoena requests for discoveries, which I could not sign as a pro-se litigant in the court but she signed the Enterprise's ex-parte subpoena which was to determine my wealth and build a case around my indigent claim.

61. Matthews assessed me \$500 for filing a motion to set the 3/27/2013 Order of preliminary injunction against me aside because of fraud upon the court. She then reduced it to a judgment and issued a bench warrant for me to be arrested on a \$10,000 cash bond, for not appearing in court to answer questions on my finances to pay the \$500 in 2017 (APPENDIX-X). All this was while the \$500 sanctions was on appeal to the Michigan COA.

62. Matthews then issued another new bench warrant for me to be arrested on a \$10,000 cash bond on 6/7/2018 as I was expected to appear for the 7/12/2018 Oral arguments in the Michigan COA. There was no motion and no Praecipe to support the order (APPENDIX-Y). She just made it happen. Herweyer asked Matthews to issue the order.

63. Matthews mocked and ridiculed my English language writing skills in court orders and opinions and wrote that I had sought relief for “wrongful enjoyment”, when I had meant to write: “wrongfully enjoined”, and Judge Warren did the same – he wrote, that, my writings were *seriatim* and dilatory. The conducts of these judges were barred by the Supreme court's directives in *Haines v Kenner* that my writings as a *pro se* litigant is not to be held, to the same high standards, as are held for professional lawyers, and should be construed liberally. They ignored this Federal law.

64. On 9/28/2016 at a hearing of the Enterprise's motion to strike my complaint against DTE, Matthews insisted that she did not understand my complaint and as such it must be stricken, and it was. But everybody else did (MPSC, Judge Chabot, all other courts). At the end, I asked her a simple question to explain her order, and she mocked me to get a lawyer. Matthews knew that no lawyer can make a difference for me, since she was both the judge on the case and the co-litigator with Judge Kumar and the Enterprise for my opponent - DTE.

65. Judge Warren demanded that I post a \$2,500 cash bond to amend my complaint against Prince which MCR 2.119 says that I should be freely permitted to do. I could not post such huge amount of money and he tactically denied my motion.

66. Judge Warren was prevented by the Enterprise from holding a live-hearing of their motion for summary dismissal of my complaint against Hammond, which he had planned to conduct.

67. In March 2017, Matthews signed a purported DTE requested subpoena for my financial records. The information was already known and provided to DTE 1-1/2 months earlier in January 2017, as part of my re-enrollment in the DTE LSP program. So, the request was not from DTE, but from the Enterprise who had no knowledge of the DTE LSP program and me.

68. Judges: Ft Hood, Servitto, Beckering fined me \$250 for filing a letter in court notifying it of Matthews' new June 2018 bench warrant for me to be arrested without due process of the law.

69. As of 11/19/2019, the Enterprise have placed nearly \$100,000 in judgment liens against my property to pay themselves and their decoys.

70. I had zero chances to justice in the Michigan courts, and faced the risk of being killed by Judge Cheryl Matthews, Herweyer and the Enterprise. This is what I deeply feel, know, sense and believe.

71. On 12/22/2016 and 5/2/2017, Judge Warren dismissed my complaints against Hammond and Prince each, on res judicata, but he denied the Enterprise's motion for vexatious litigant against me (APPENDICES G, H).

72. I appealed each of the 3 cases to the Michigan COA.

73. While on appeal, on 6/1/2017, the Enterprise filed a new motion for determination that my complaints were frivolous and Judge Warren stayed the case pending the appeal but later on 5/21/2019, he obeyed their directives, and issued an

order that deemed my complaints frivolous, and after the stay on the case was lifted.

74. During my appeals to the MI COA, judge Matthews refused to stay the case (Constant v DTE) and she continued to generate new orders based on continuing Enterprise filed motions, each of which, I appealed to the Michigan COA.

75. On 8/16/2018, the Michigan COA judges: Fort Hood, Servitto and Beckering issued an order, that:

(1) Affirmed all the decisions of the state trial courts and stated in their order that my claims of frauds upon the court against DTE, Prince and Hammond could only have been made in the proceedings of the 2013 DTE case against me, where the frauds were committed and since, I did not do so back then, my claims of frauds upon the court were barred by res judicata.

(2) Denied that I had not claimed conspiracy against DTE, Prince and Hammond in the trial courts, when in fact I did, and that is exactly why Judge Chabot sua sponte disqualified herself from my case against Hammond on 11/23/2016, at the hearing of the Enterprise's motion to strike my complaints against Hammond and award sanctions to DTE and against me. I told the court that DTE was in a conspiracy with the courthouse judges and was indecently influencing the outcomes of decisions in that courthouse that involves it (see APPENDIX-AD - Transcripts). I also claimed conspiracy in the case Evaluation for my case against Prince before Judge Warren and Young had also based his submissions on that.

(3) Deemed my complaints vexatious and ordered the trial courts to assess me attorney fees (to pay their implicit selves).

76. The above order was corruptly designed to: (1) undermine the federal case law, Kenner v CIR's 7th. Circuit's exceptions to res judicata, that applies when a fraud has been made upon the court, (2) further the work of the Enterprise and Judge Kumar's who were the real true litigators in the proceedings of the courts for the litigants: DTE, Prince and Hammond, but were decoyed and disguised by, attorneys: Herweyer and Acho.

77. The judges and DTE, by their conducts and acts between 6/23/2016 and 2/4/2019, have violated anew, Canon 4 (H) of the Michigan code of judicial conduct, the RICO Act, 18 USC § 1343 - wire frauds, 14th Amendment and 42 USC § 1983 and these provided me the basis in law to seek remedies in the USDC-MIED on 2/4/2019.

F. The Proceedings in the Federal Courts.

78. On 2/4/2019, and well before the Michigan supreme court denied my application to appeal on 4/2/2019, I filed a single lawsuit in the USDC-MIED, case No 19-cv-10339 against DTE, Prince and Hammond and 8 of the Enterprise's executives: Judges: Kumar, Matthews, Grant, Warren, Chabot, Fort Hood, Beckering, Servitto, to secure the remedies for their various roles, acts and violations in the proceedings of the state courts regarding this matter that have caused the laws listed in the preceding paragraph to become violated.

79. Judge Kumar and the Enterprise made a fresh batch of frauds upon the federal court by litigating the case for the litigants: DTE, Prince and Hammond under the DTE-Enterprise PO A32211400, as they were the only two entities contracted and authorized by DTE to make the litigating acts. They were openly decoyed by Attorneys: Nolan, Acho and CMDA PLC and in the background by Herweyer.

80. On 7/16/2019, DTE, Prince, Hammond, Judges: Fort Hood, Servitto, Beckering, Matthews, Grant, Kumar, Chabot and Warren filed motions to dismiss my complaints on res judicata, the rooker-feldman doctrine and judicial immunity and they also sought an order that enjoined me from filing any new claims against them and the matter without permission of the court.

81. Around 6 PM on the same day, the same above judges filed a joinder concurrence with DTE. to strengthen their defenses and provide DTE a mechanism to escape liability and circumvent the provisions in Dennis v Sparks which holds that private entities who have assisted judicial officials to violate the law can be sued under 42 USC § 1983.

82. Seconds after the filing of the joinder-concurrence, Judge Hood issued an order for oral arguments on the motions for dismissals to take place on 9/11/2019 3:00 PM. (See APPENDIX-BB -Docket's history) The timing of the filing of the joinder-concurrence and the scheduling of oral arguments suggests that the filer of the two documents was one and the same and/or that federal Judge Hood was in private dialogue, discussions and possible negotiations with some of the state of Michigan judges that are linked in this complaint like Karen Fort Hood (a for-

mer relative of hers), Servitto, Beckering, Grant, Matthews, Chabot, Kumar and Warren.

83. The excepts from pages: 12-13 of the transcripts of the 9/11/2019 hearings (APPENDIX-AF) shows that Judge Hood knew these defendants to such in-depth extents and degrees that she should have upfront disqualified herself from presiding over the complaints, the first time, the case was assigned to her, which she did not do:

“ THE COURT: Okay, thank you. I should have said in the beginning that “I have been on the benches of the state court and the federal court and that therefore, I do and have knowledge of Mr. Prince who has practiced before me. I also know Judge Nanci Grant, Judge Rae Lee Chabot, Judge Deborah Servitto and I have or may have likely had contact with all the other judges. Judge Karen Ft Hood and I were related about almost 30 years ago and since the time that we have no longer been related I have had professional contact with her similar to the other judges on here. So I should disclose that, but I don’t think it prevents me from being fair and impartial

So, Mr. Constant, now that I’ve disclosed, you may have 10 minutes”

MR CONSTANT: Okay.

THE COURT: Maximum”

84. On Sunday 5/31/2020 around 8:00 PM, Judge Denise Hood issued an order that dismissed my complaints on res judicata, the rooker-feldman doctrine and judicial immunity and further enjoined me from filing any new complaints on this matter.

85. The order: (1) denied that the 9/11/2019 hearings had taken place, (2) held incorrectly that the Court had ordered briefs and had made its decisions on briefs, (3) held incorrectly that an order of permanent injunction was issued against me in the original 2013 DTE case against me.

86. But the court's docket history and the Transcripts filed by the court reporter Janice Coleman on 6/29/2020 in ECF 39 shows that a hearing had taken place, and the court had never ordered briefs upon which it had decided the motions to dismiss my complaint.

87. An order of preliminary injunction was, what was issued against me on 3/27/2013 (one of 6 orders in the case), and even then, the order was never a true decision because Judge Kumar, the Enterprise, DTE, Prince and Hammond had defrauded the court to secure the orders.

88. The way the judges' RICO schemes works is that any judge who had ever made a judicial act that furthered the Enterprise's work, becomes trapped and implicated in liability for the acts of the Enterprise, and are bound to protect the Enterprise, if ever challenged, to ultimately protect themselves. **And that is why – in part, the judges, including Denise Hood made the orders they made. The order was drafted by the Enterprise for Judge Hood to implement.**

89. On 6/1/2020, I appealed the District court's decision to the US 6th Circuit COA in case No 20-1514.

90. On 7/6/2020, Herweyer filed an appearance and Corporate Disclosure for DTE, Prince and Hammond in the court, after Acho, Nolan and CMDA PLC did not file an appearance.

91. On 10/2/2020, I filed two motions in the court (dockets: 21-22) , that included a request for the court to strike Herweyer's appearance because it was a disguised and cloaked appearance for Judge Kumar and the Enterprise who alone held the

Power of attorney to litigate the case for DTE, Prince and Hammond (See APPENDIX-BN).

92. Herweyer did not respond to the filing and he stopped filings any new documents in the court altogether · No Appellee's brief were filed or the sort of fiery objections to my motions that he made in the State courts were he represented the Enterprise with impunity and total freedom. Herweyer's self-arrest and retreat, is consent that he was indeed a decoy and mask by which the Enterprise operated.

93. In contrast, Heather Meingast, filed the appearance for judges: Servitto, Fort Hood and Beckering and continued to file various court documents, motions and the Appellee's brief.

94. No appearance of counsel or documents were filed in the COA for judges: Kumar, Grant, Matthews, Warren and Chabot.

95. From the registers of Actions for my cases against Hammond, Prince and the Michigan Attorney-general et. al. (APPENDICES: AK, AL, AM, AN)) in the State trial court, Judge Warren have finally removed himself from presiding over my complaints involving DTE, as of 1/2/2021. I believe that he did this to curb the Enterprise's control and influence over him and limit debilitating claims against him, just like Chabot tactically did on 11/23/2016.

96. On 4/29/2021, the US 6th Circuit affirmed the district court's ruling, denied my pending motions to strike Herweyer's appearance as counsel for DTE, Prince and Hammond because it was a cloaked and disguised appearance for Judge Kumar

and the Enterprise, who alone held the POA to litigate the case for the trio, under the DTE-Enterprise contract No A32211400.

97. On 6/21/2021, the US 6th Circuit denied my petition for *En Banc* rehearing of the appeal.

REASONS FOR GRANTING THE PETITION

I Judge Kumar and the Executives of the Judges' RICO Enterprise made frauds upon the court when:

1. They litigated cases for DTE under the DTE-to-Enterprise PO A32211400 between 2/5/2013 and 6/21/2021,
2. They furthered the specialized 2013 conspiracy and contract between DTE, Judge Kumar and the Enterprise to defraud the courts for court orders, which DTE would otherwise, not have been able to obtain by law, facts and evidence,
3. They violated Canon 4(H) of the Michigan code of Judicial conduct, the RICO Act and my civil rights.

II Res judicata, the Rooker-Feldman Doctrine and Judicial immunity cannot bar and dismiss my complaints, when their elements have not been met.

III The Supreme court's rules 10(a), (b), (c) provides strong and compelling reasons for Grant of this Petition

98. I incorporate here by reference, all previous paragraphs as if fully re-stated.

99. 18 USC § 1962 (APPENDIX-O) holds the judges litigating acts and conspiracies with DTE as Prohibited Acts.

100. Canon 4(H) of the Michigan code of judicial conduct reads:

"A judge should not practice law for compensation except as otherwise provided by law"

101. Canon 4 (A) (5) – Code of conduct for US Judges reads:

"A judge should not practice law and should not serve as a family member's lawyer in any forum. "

102.28 USC § 454 reads:

"Any justice or judge appointed under the authority of the United States who engages in the practice of law is guilty of a high misdemeanor"

103. Judicial Immunity elements is set in: **Stump v. Sparkman, 435 US 349** -

Supreme Court 1978." and reads:

"A judge will not be deprived of immunity because the action he took was in error, was done maliciously, or was in excess of his authority; rather, he will be subject to liability only when he has acted in the "clear absence of all jurisdiction." 13 Wall.. at 351."

104. Accordingly, Judges: Kumar and the Enterprise's executives have no immunity because the litigating of a case by a sitting judge is a clear crime and are prohibited non-judicial acts and there is never a jurisdiction for a judge to make the acts, and as such the elements of judicial immunity, pursuant to **Stump v Sparkman**, have not been met to bar and dismiss my complaints.

105. DTE and the Enterprise separately conspired to defraud the court or orders which DTE would otherwise not have been able to obtain by normal due processes of the courts. The judges issued several court orders to the extents as I have briefly described in the narrative of my Statements.

106. Attorneys: Herweyer, Young, Acho, Kolobaric, Nolan, CMDA and Prince made frauds upon the court when they served as decoys' for Judge Kumar and the Enterprise's executives, litigating cases in courts, in 22/45 of the cases listed in the Table of Related Cases at pp iv to vi of this petition.

107. In Bulloch v. United States, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated

"Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. ... It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function --- thus where the impartial functions of the court have been directly corrupted."

108. In Demjanjuk v. Petrovsky, 10 F. 3d 338 · COA, 6th Circuit 1993, the court set

the elements of frauds upon the court as:

"consisting of conduct: (1) On the part of an officer of the court; (2) That is directed to the "judicial machinery" itself; (3) That is intentionally false, wilfully blind to the truth, or is in reckless disregard for the truth; (4) That is a positive averment or is concealment when one is under a duty to disclose; (5) That deceives the court."

109. Applying the elements of the law for frauds upon the court (¶¶ 107-108) over Judge Kumar's and the Enterprise's litigating acts, conspiracies with DTE that defrauded the courts, described fully in the narrative of my statements and in ¶¶ 105-106) affirms the acts, as affirmative frauds upon the courts.

110. **Res judicata** applies when three elements are present:

"(1) the first action was decided on the merits, (2) the matter contested in the second action was or could have been resolved in the first, and (3) both actions involve the same parties or their privies." *Dart v. Dart*, 597 N.W.2d 82, 88 (Mich. 1999). When the evidence or essential facts are the same as the prior action, res judicata bars a subsequent action between the parties. *Id.* "Michigan courts have broadly applied the doctrine of res judicata. They have barred, not only claims already litigated, but every claim arising from the same transaction that the parties, exercising reasonable diligence, could have raised but did not." *Id.*

111. Four requirements that must be met for the Rooker-Feldman doctrine to apply:

"(1) the federal plaintiff lost in state court; (2) the plaintiff "complains of injuries caused by the state-court judgments"; (3) those judgments were rendered before the federal suit was filed; and (4) the plaintiff is inviting the district court to review and reject the state judgments. *Exxon Mobil*, 544 U.S. at 284, 125 S.Ct. 1517."

112. Judge Kumar, the Enterprise's executives and their decoys (Herweyer, Acho, Nolan, Young, Kolobaric and CMDA)'s frauds upon the courts rendered the decisions from those courts as null decisions without a finality and this is pursuant to:

“We think, however, that it can be reasoned that a decision produced by fraud on the court is not in essence a decision at all, and never becomes final” Kenner v. CIR, 387 F. 2d 689 · COA 7th Circuit 1968.”

113. Because of the established absence of a decision or final judgment, the 1st elements of both Res Judicata and the Rooker-feldman doctrine (there is no state court looser or winner) are not met and as such, the dismissal of my complaints on these doctrines are improper and in error.

114. Judge Kumar and the Enterprise's litigating of the cases for DTE, Prince and Hammond between 2/5/2013 and ending on 6/21/2021 was a continuing activity and was not an issue that could have been raised only in 2013, under the doctrine of ripeness, conspiracy and the RICO Act (which allows up to 10 years with 2 predicate acts to bring a claim) and therefore the 2nd element of res judicata is not met to bar and dismiss my complaints.

115. Judge Kumar and the Enterprise's executives (the judges) were not parties in any of the state court proceedings and as such they have not met the 3rd element of res judicata to bar my complaints.

116. The source of my injuries is not in the state courts judgments but in Judge Kumar's and the Enterprise's executives' frauds upon the courts, made by: (1) their litigating of cases for DTE and (2) conspiracy to defraud the court to issue court

orders to DTE which DTE would otherwise not have been able to obtain by facts, law and evidence, to deprive me of compensations for property easements rights from DTE, violations of the RICO act and my civil rights to the equal protection of the law, and as such, the 2nd element of the rooker-feldman doctrine have not been met to bar my claims.

117. Because of the above reasons, the timings of the issuance of the state court judgments are irrelevant here and they provide no support for the 3rd element of the rooker-feldman doctrine to hold and be met.

118. I have not asked the lower federal courts to review and reject the state court decisions for errors per say, but rather:

(1) To find the embedded crimes of racketeering in the state court proceedings by

the very judges that were adjudging the cases and grant me the remedies for those RICO violations, and as such the 4th element of the rooker-feldman doctrine are not met.

(2) To take notice that the state COA order of 8/16/2018 was written purposefully,

to undermines the federal case law that provides exceptions to Res Judicata in Kenner v CIR and allowing the order to stand as a state case law violates the supremacy clause and stands to violate the rights of millions across the country to the equal protection of the US Constitution. Having said this, the order is still equal to all the others as products of frauds upon the courts, and are subject to be voided and vacated under Kenner v CIR, and by the au-

thority conveyed on the US District court under 28 USC § 1331, 18 USC § 1964 and because it was not a rooker-feldman doctrine matter.

119. Because Judges: Kumar, Matthews, Warren, Chabot, Fort Hood, Servitto, Beckering had adjudged cases, in which the litigators for the litigants: DTE, Prince and Hammond were the same exact judges adjudging the cases and were decoyed, cloaked and disguised as: Attorneys Prince, Young, Kolobaric, Acho, Nolan, Herweyer, LGHPC and CMDA, the court was defrauded multiple times by these officers of the courts (judges and attorneys). The adjudging judges never had jurisdiction over the litigating judges (their implicit selves) and as such, pursuant to *Stump v Sparkman*, these judges have no immunity because they too, had litigated cases while holding offices as judges, and every order they issued is not an order at all, because of frauds upon the court and further, because of *Kenner v CIR*, US 7th circuit. “A decision obtained by fraud upon the court, is not a decision at all”.

120. In *Dennis v. Sparks*, 449 U.S. 24 (1980), The Supreme court held: “The action against the private parties accused of conspiring with the judge is not subject to dismissal.” and as such, DTE, Prince and Hammond have no immunity, as they had assisted the judges to violate the law, and as such, the dismissal of my complaints were improper and in error.

121. Prince's 2013 falsified complaints statements for DTE and Hammond's perjured affidavit and their subsequent continuing concealments are the sort of conducts

that the US Supreme court considered in finding fraud upon the court in Hazel-Atlas Co. v. Hartford Co., 322 US 238 - Supreme Court 1944.

122. The Supreme court should grant Certiorari for the following 5 more reasons in addition to the preceding reasons that are based on the errors in the decisions of the lower US courts:

- (1)** The judges' litigating acts are crimes, and warrants the same determinations as the 1936 case of federal Judge Halsted L. Ritter, U.S. District Court for the Southern District of Florida. He was impeached by the U.S. House of Representatives, March 2, 1936, on charges of favoritism in the appointment of bankruptcy receivers and practicing law while sitting as a judge; He was convicted by the U.S. Senate and removed from office, April 17, 1936. (See APPENDIX-BO).
- (2)** Judge Kumar's practice of law and the Enterprise's Executives RICO operations in Michigan is a matter that the supreme court rule 10(c) provides authority for this court to invoke to review the matter.
- (3)** The 6th circuit's decision that suppressed the authority of the 7th Circuit's Exceptions to res judicata in Kenner v CIR when a fraud has been practiced on the court is unconstitutional and is a matter that the supreme court rule 10(a) and 10(b) provides authority for this court to invoke to review the matter.

(4) The 6th circuit's decisions that suppressed the authorities of the Supreme court's (1) elements for the rooker-feldman doctrine as specified in Exxon-Mobil, and (2) decision in Dennis v Sparks which holds that DTE, Prince and Hammond should not have immunity because they had assisted Judge Kumar and the Enterprise's executives to break the law are matters that the supreme court rule 10(a) provides authority for this court to invoke to review the matter.

(5) A Certiorari granted will curb the open flagrant practicing of law by state of Michigan judges while serving as judges, prevent other state judges from engaging in the practices and send a strong message to private entities who sponsor the schemes that they will be severely punished for hiring judges to litigate cases for them, and the constitution will be upheld in extending to me, the remedies that I have sought, for the judges frauds upon the courts that have caused several injuries to me.

(6) Not granting Certiorari will:

1. Legalize, boost and commercialize the business of sitting judges across America practicing law on the side, while holding offices as judges and give investors the incentives to invest in the Judges' schemes and build an unprecedented industry that could dwarf Walmart, Amazon, Apple and Microsoft combined, many-times over.
2. Alter and degrade the current values and meanings of res judicata, the rooker-feldman doctrine, judicial immunity, Supreme court's rulings in

Dennis v Sparks, Stump v Sparkman, the 14th. Amendment, 28 USC §454, 42 USC § 1983, the RICO Act and these will be unconstitutional.

3. It will boost Judge Kumar, the Enterprise and DTE's resolve to violate my civil rights and that of others in my situation and expect no repercussions.

123. Enjoining me from filing future lawsuits on this matter, is in open violation of my civil rights to the equal protection of the law.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Joseph Constant

Date: 8/31/2021