

No. 21-360

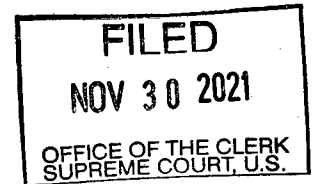
ORIGINAL

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 Court of
Appeals for the Sixth Circuit

PETITION FOR REHEARING

Joseph Constant
Pro Se Petitioner
49 Highland Drive,
Bloomfield Hills, MI 48302-0355
(248) 599-2680

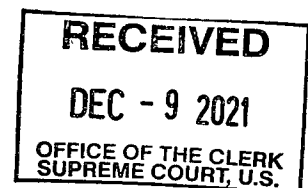


TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
TABLE OF AUTHORITIES.....	iii
PETITION FOR REHEARING.....	1
REASONS FOR GRANTING THE PETITION.....	1
I. The proceedings of the lower courts (state and federal) that led-up to the filing of my Petition for certiorari on 8/31/2021 were litigated for the DTEs by a syndicate of the Michigan Judiciary, who by law are not allowed to practice law, while sitting as judges. The judges were masked by LGH PC and CMDA PLC and the syndicate also racketed against me, and influenced every judge involved, to sign and issue orders that it drafted, and the Supreme court have omitted these factors in its consideration of my Petition.	
II. There is inferred and implicit consent by the Syndicate that it was the litigators for the DTEs in the courts where DTE and I were opposing litigants.....	7
III. The Syndicate influenced, made and set the decisions and orders, that other judges signed and issued, in the courts, where DTE and I were opposing litigants.....	9

IV.The dismissals of my complaints were
improper for reasons: I, II, III in above.....13

CONCLUSION.....14

CERTIFICATE OF PRO SE PETITIONER

TABLE OF AUTHORITIES

CASES

<i>Kenner v. C.I.R.</i> , 387 F. 2d 689 * COA, 7th Cir. 1968.....	5, 10, 12
<i>Dennis v. Sparks</i> , 449 U.S. 24 (1980).....	6
<i>Stump v. Sparkman</i> , 435 U.S. 349 (1978).....	6

STATUTES

18 USC § 1343.....	11
42 USC § 1983.....	6
The RICO Act.....	5, 6

OTHERS

Conspiracy.....	7
Fraud upon the court.....	5, 6, 10, 12
Judicial Immunity.....	6, 13
Misconduct - Canon 4(H) of the Michigan code of Judicial conduct.....	5, 6
Res judicata.....	5, 12, 13
Rooker-Feldman Doctrine.....	6, 13
MCR 2.119.....	12

PETITION FOR REHEARING

Pursuant to Rule 44.1, I, Joseph Constant Pro Se Petitioner, respectfully petitions this Court for rehearing.

REASONS FOR GRANTING THE PETITION

- I. The proceedings of the lower courts (state and federal) that led-up to the filing of my Petition for certiorari on 8/31/2021 were litigated for the DTEs by a syndicate of the Michigan Judiciary, who by law are not allowed to practice law, while sitting as judges. The judges were masked by LGH PC and CMDA PLC and the syndicate also racketed against me, and influenced every judge involved, to sign and issue orders that it drafted, and the Supreme court have omitted these factors in its consideration of my Petition.

The Judiciary in Michigan is syndicated, and a syndicate of it is entrenched in both the state of Michigan courts and the U.S. Federal courts under the territorial jurisdiction of the U.S. 6th circuit court of appeals and it has engaged in: (1) the ownership and operating of an illegal law-firm, (2) a racketeering Enterprise by calculated abuses of the processes of the courts and (3) a scheme that scraps and expunges "Due Process", ex-cathedra in courts,

that are controlling cases involving its client, DTE Electric company. It intimidates the judges to rule according to its terms in cases involving its client, DTE.

The syndicate, abuses lawsuits and the processes of the courts, to make its rackets. It has a contract with DTE Electric company in POA32211400 to provide DTE with legal services and for DTE to assist it with racketeering acts, against DTE's lured, trapped, provided and targeted victims. The contracts start date was no newer than 1/1/2005.

The Syndicate was masked, cloaked, disguised and concealed in business by Lincoln G Herweyer PC (LGH PC), whose sole employee, is Attorney Lincoln Glen Herweyer P55742 and by CMDA PLC, a sub-contractor to LGH PC.

LGH PC's incorporation date is 5/23/2005 and Herweyer's start of employment at LGH PC is September 2005.

LGH PC billed DTE for litigation services under POA32211400, and because the effective start date of this POA32211400 was older than the incorporation and start-date of LGH PC and Herweyer's employment start-date at LGH PC, the POA32211400 does not belong with LGH PC but rather, to an entity, who, Herweyer works for, and that entity is the Judges' Syndicate.

The executives of the Syndicate - most or all of who are judges have litigated the 22 cases listed in the TABLE-1 below for the litigants: DTE, Prince and Hammond. Judge Kumar kicked-off and led the litigating acts, live, and in real mode, on 2/5/2013, in the Oakland county 6th circuit court Case no: 2013-132055-CH and LGH PC, picked it up from there publicly, when it filed an appearance for DTE after 9/3/2013 in the Michigan COA case No 317976 and Michigan Supreme court case 150846.

TABLE-1 INTER 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.
3	Joseph Constant v Michigan State Attorney General, 2016-153074-AW, Oakland CTY 6th. Cir. CT.
4	Joseph Constant v, DTE Electric, 2016-153631-CZ, Oakland CTY 6 th . Cir. CT.
5	Joseph Constant v James M Hammond, 2016-155099-CZ, Oakland CTY 6 th . Cir CT.
6	Joseph Constant v Leland Prince, 2016-155238-CZ, Oakland CTY 6 th . Cir. CT.
7	Joseph Constant v James M Hammond, 336489, Michigan Court of Appeals
8	Joseph Constant v DTE Electric Company,

TABLE-1 INTER RELATED CASES	
	336620, Michigan COA
9	Joseph Constant v Leland Prince, 337483, Michigan Court of Appeals
10	Joseph Constant v Leland Prince, 338455, Michigan Court of Appeals
11	Joseph Constant v DTE Electric Company, 338471, Michigan COA
12	Joseph Constant v DTE Electric Company, 338685, Michigan COA
13	Joseph Constant v DTE Electric Company, 338686, Michigan COA
14	Joseph Constant v DTE Electric Company, 339034, Michigan COA
15	Joseph Constant v James M Hammond, 339311, Michigan Court of Appeals
16	DTE Electric Company, v Joseph Constant, 150846, Michigan Supreme Court
17	Joseph Constant v James M Hammond, 158457, Michigan Supreme Court
18	Joseph Constant v DTE Electric Company, 158458, Michigan Supreme Court
19	Joseph Constant v Leland Prince, 158459 Michigan Supreme Court
20	Joseph Constant v Leland Prince, 158460, Michigan Supreme Court

TABLE-1 INTER RELATED CASES	
21	Joseph Constant v DTE Electric Company, 158461, Michigan Supreme Court
22	Joseph Constant v Attorney Grievance Commission, 153609, Michigan Supreme Court
23	Joseph Constant v DTE Electric company et al., 20-1514, U.S. Court of Appeals for the sixth circuit

The judges' conducts are in violation of Canon 4 (H) of the Michigan code of Judicial conduct, are frauds upon the courts, misdemeanor crimes against the State of Michigan and the United States, and are in violation of my civil rights to the Equal protection of the law and the RICO Act.

In effect, Due process of the law were suppressed and disallowed and never occurred and the court's records of the 22 cases are as good as if they do not really exist.

Because of the conditions of the 22 cases that have been litigated by judges, masked as LGH PC, the courts have been defrauded lock-stock and barrel 44 times over. The judges' syndicate - 22 times and DTE and its employees and the Judges - 22 times and pursuant to Kenner v CIR, the decisions from those cases are all null decisions: and res judicata can not be

applied to bar claims against the frauds and their makers.

Equally, the Rooker-Feldman doctrine cannot be applied to bar my claims, because the first element of the doctrine (The existence of a decision) cannot be met, when a fraud has been made on the court – no decisions are deemed to exist.

Because DTE had assisted the judges to break the law, pursuant to Dennis v Sparks, DTE is liable to me under Section 1983, and the U.S. 6th Circuit of appeals and the Detroit U.S. District court's extended immunity to DTE were unconstitutional.

Because, a judge can only be sued in the absence of all jurisdiction, the executives of the Syndicate can be sued pursuant to Stump v Sparkman, and the RICO Act, because they had litigated cases for DTE and there is never a jurisdiction for a sitting judge to practice law for profits and pursuant to Canon 4(H) of the Michigan code of Judicial conduct.

II. There is inferred and implicit consent by the Syndicate that it was the litigator for the DTEs in the courts where DTE and I were opposing litigants.

In the U.S District court in Detroit, in Case No 19-cv-10339, I pleaded abundantly in my filings that the Syndicate (judges) were the

litigators for my opponents: DTE, Prince and Hammond.

At the 9/11/2019 oral arguments before Judge Hood, I claimed that DTE and the Judges were the ones that had sued me in 2013 before Judge Kumar in the Oakland county 6th circuit court case no 2013-132055-CH. At the end of my presentation, Judge Hood invited the DTE counsel Shane Nolan to reply and he declined. And this is implicit consent that My claims were correct, and he did not want to implicate himself further.

In October 2020, I filed a motion in the U.S. COA for the 6th circuit, in case 20-1514 for the court to strike Attorney Herweyer's appearance for the DTE's because it was a cloaked, camouflaged and veiled appearance for a Judge (Kumar) and the Syndicate, and to which Herweyer never responded to it, and then, he stopped filing any more documents in the proceedings of the courts and this is implicit admission and consent that he was indeed, a mask, cloak and disguise by which the sitting judges practiced law in court and racketed against me.

On 11/23/2016, I claimed in the Court before Judge Chabot, Oakland county case No 2016-155099-CZ, that the judges were in a conspiracy with DTE and DTE was dictating the outcomes of cases in the Oakland county 6th circuit courthouse. The DTE attorney, Timothy

Young, dodged and deflected responding to my claims, and instead continued to say that I was a disgruntled litigant who refused to accept defeat in the 2013 DTE case against me, before Judge Kumar.

But Judge Chabot responded in action, by voluntarily, disqualified herself from presiding over the complaint against Hammond and implicitly affirmed my claims, because she knew, that the counsel for Hammond was a mask for Judge Kumar and the Syndicate who were the true litigators for Hammond, and she needed to degrade and pre-empt liability claims against her, as she did not have real jurisdiction over the counsel and the syndicate.

On 1/2/2021, Judge Warren finally removed himself from presiding over the 3 cases, that involved DTE and I, which he controlled, under color of OJR (order of Judicial Review). Judge Warren picked up an old 2010 case I had against the Michigan Secretary of State that the Syndicate did not play a part in it (see appendices: AK, AM, AN of Petition for Certiorari).

- III. The Syndicate influenced, made and set the decisions and orders that other judges signed and issued, in the courts, where DTE and I were opposing litigants.

On 11/23/2016, Judge Chabot voluntarily disqualified herself from presiding over my case against Hammond, No 2016-155099-CZ to avoid being subjugated to the Syndicates control of the court and incurring liability for complicity with the scheme.

In April 2019, Judge Denise Page denied my fee waiver application in case 19-cv-10339, while Judge Sean Fox granted my fee waiver application in case No 18-13056 in the same U.S. District courthouse in Detroit in the same general times. The Syndicate influenced and made Judge Hood to issue the order in a scheme to preempt my case, from inability to pay filing fees.

In 2017, Judge Warren imposed a \$2,500 cash bond for me to amend my complaint against Prince, when the law held that I was entitled to amend my complaint freely. The Syndicate influenced and made him to issue the order.

In 2017 Judge Warren refused to disqualify himself from presiding over my complaints against Prince, in extreme vitriolic language, when he knew that he was part of a rigged tribunal against me. The Syndicate made him issue the order.

In 2017 Judge Matthews refused to disqualify herself from presiding over my complaints against DTE, when she knew that

she was part of a rigged tribunal against me. Matthews was a Syndicate leader in the courthouse and had set the order herself, with Attorney Herweyer's promptings.

In December 2016, Judge Matthews sanctioned me \$500 for filing a motion for the court to set aside the 3/27/2013 Order of Preliminary Injunction against me, because the order was secured by two parallel and concurrent acts of Frauds upon the courts: The first by DTE and its employees and the other by Judge Kumar's and the syndicate's litigating of the case for DTE. She went on to reduce the sanctions to a judgment and then placed a lien on my house and a bench warrant for me to be arrested with a \$10,000 cash Bond. Judge Matthews act was a deliberate, pre-meditated calculated racket against me, because federal law in Kenner v CIR, entitled me to the merits of the motion, because of frauds upon the courts.

Judge Matthews continued to file and issue several court orders in my case against DTE, all through the while, that the case was on appeal in the Michigan court of Appeals.

Judge Matthews refused to stay the case (No 2016-153631-CZ), she controlled pending appeal. In contrast, Judge Warren stayed the two cases that I had against Prince and Hammond (Numbers 2016-155099-CZ, 2016-155238-CZ), that were in the courts that he adjudged, pending Appeal.

On 6/11/2018, Atty. Herweyer (the face of the syndicate at the MI COA, and purported attorney for DTE) exchanged several emails, telephone calls with Judges: Matthews and Grant, regarding my cases on appeals in the Michigan COA (numbers: 336489, 336620, 337483, 338455, 338685, 338686) and the upcoming 7/12/2018 Oral Arguments (See Appendix BG, pp App-414-416 of my 8/31/2021 Petition for Certiorari).

On the same day, Matthews issued a bench warrant in the Oakland County circuit court case No 2016-153631-CZ, for me to be arrested on a \$10,000 cash bond. There was no motion that requested the order and no Praeipce that invoked her jurisdiction to have issued the order. She just did it as a syndicate's directive and it was a crime and in violation of 18 USC §1343.

In June 2018, the Syndicate evaluated and assessed the panel of Michigan COA judges (Beckering, Fort Hood, Servitto) that were assigned to my cases (numbers: 336489, 336620, 337483, 338455, 338685, 338686, against DTE, Prince and Hammond, to strategize dealing with them. (See APPENDIX BG, page APP-415 of my 8/31/2021 petition for Certiorari)

In August 2018, Judges: Beckering, Servitto, Fort Hood fined me \$250 for filing a letter in the court regarding the June 2018 bench warrant that Matthews had issued

against me, without a motion and a praecipe as required by MCR 2.119. The syndicate calculated that I won't be able to pay and this will give the Michigan COA Panel an easy way out, to end the case against me.

On 8/16/2018, the above panel issued an Order that deliberately and purposefully relegated and denounced the authority of the federal case law: *Kenner v CIR* that provided exceptions to res judicata, when a fraud had been made upon the court and issued an order that held that My claims of fraud upon the court was barred by res judicata, because I could only have made the claims in the 2013 case where the frauds were made.

The order, also held the opinion, that I had made Judge Chabot afraid on 11/23/2016, and she disqualified herself, is incompatible with what Judge Karen Fort Hood would have written, because the language was racially biased and motivated. Attorney Herweyer and the Syndicate scripted and drafted the Order and made the panel sign it.

By Sunday night 8 PM 5/31/2019, U.S. Judge Denise Page Hood, told the Syndicate which included her former relative Judge Karen Fort Hood that I have proven my case. But the Syndicate insisted that she find a way out, because she too, was indirectly implicated in my claims, as a former state judge were she had

furthered the works of the syndicate in court proceedings.

IV. The dismissals of my complaints were improper for the above reasons: I, II, III.

Because of the above conditions raised in I, II and III, the decisions in the lower courts are Null decisions and as such, res judicata, judicial immunity and the rooker-feldman doctrines cannot, in any Good faith, be invoked to bar my claims, and because the elements of these doctrines have not been met, and the order that bars me from filing future claims on this matter is improper, is a Syndicate directed initiative, scheme and order, and is in violation of my civil rights to the equal protection of the laws.

Ultimately, the Syndicate have made a crime of hate, against me. They used the procedures of cases and processes of the courts, as the instruments, vehicles, means and methods, missiles, projectiles and weapons of choice to make the crimes.

CONCLUSION

I, Joseph Constant, respectfully requests, that this Court grant the petition for rehearing and order full briefing and argument on the merits of this case.

Respectfully Submitted,



Joseph Constant

Pro Se Petitioner

November 29, 2021

CERTIFICATE OF PRO SE PETITIONER

I hereby certify that this petition for rehearing is presented in good faith and not for delay.



Joseph Constant

Pro Se Petitioner