

AUG 17 2021

OFFICE OF THE CLERK

No. 21-5458

IN THE
SUPREME COURT OF THE UNITED STATES

Henry J. DuLaurence, III,

Petitioner,

v.

Judge Douglas P. Woodlock, individually and
in his official capacity,

Respondent.

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

PETITION FOR A WRIT OF CERTIORARI

Henry J. DuLaurence, III
1 South Union Street, #114
Lawrence, MA 01843
(978) 208-1399

Petitioner

QUESTIONS PRESENTED

1. Whether the May 21, 2021 dismissal in the instant case must be declared void, as Appeals Court Judges Howard, Thompson, and Kayatta not only aided Judge Woodlock in the underlying case in his intentional endeavor to perpetuate systemic criminal corruption in the Massachusetts courts, 18 U.S.C. §§ 242, 1503, and 1505, but had to make sure they were the ones sitting in the immediate case so they could cover up their obstruction of justice in the underlying case, all in violation of 28 U.S.C. § 455, and due process of law?

2. Justice Stephen Breyer in his September, 2006, *Implementation of the Judicial Conduct and Disability Act of 1980-A Report to the Chief Justice*, stated:

The federal judiciary, like all institutions, will sometimes suffer instances of misconduct... [A] system that relies for investigation solely upon judges themselves risks a kind of undue 'guild favoritism' through inappropriate sympathy with the judge's point of view or de-emphasis of the misconduct problem. Page 1.

Although Justice Breyer admits that some federal judges are guilty of misconduct, courts are still consistently rendering decisions of absolute judicial immunity, even when judges have criminally obstructed justice. DuLaurence has claimed that Judge Woodlock and

Judges Howard, Thompson, and Kayatta criminally obstructed justice, whether there is any manner in which a litigant can redress these Constitutional grievances?

3. Whether the United States Supreme Court is the only Court that can address and put an end to obstruction of justice "multi-judge corruption rings" (page 14)?

4. Whether Judge Woodlock is entitled to claim absolute judicial immunity for aiding and abetting the Massachusetts courts' "multi-judge corruption ring", a process used by the Massachusetts courts to prevent Due Process for those who report a judge for misconduct?

5. Whether Justice Potter Stewart's dissenting opinion in the Supreme Court decision *Stump v. Sparkman*, 435 U.S. 349, 367 (1978), must be revisited by addressing the facts in this case, as set out in *Stump, supra*, at 360?

6. Whether Judge Woodlock has forfeited his right to claim absolute judicial immunity by intentionally committing criminal acts which obstructed DuLaurence from his Constitutional and Civil Rights as set out in 18 U.S.C. §§ 242, 371, 1503, and 1505, and "fraud upon the court", as they are not "judicial function(s)" in the first place?

7. Whether Judge Woodlock and Judges Howard, Thompson, and Kayatta were disqualified by law pursuant to *Caperton v. A.*

T. Massey Coal Co., Inc., 129 S. Ct. 2252 (2009), as

DuLaurence was not afforded due process of law?

8. Whether, when there is disqualification of a judge by law or bias pursuant to 28 U.S.C. § 455 or due process of law, that judge is absolutely without jurisdiction in the case, and any judgment rendered by that judge, or judges, is void and without effect because it impacts a litigant's right to Due Process; the failures to disqualify in this case and in the underlying case directly conflict with all decisions of the United States Supreme Court on the issue?

9. Whether DuLaurence can maintain his United States Supreme Court derived private right of action for monetary damages against Judge Woodlock pursuant to *Bivens v. Six Unknown Named Agents*, 403 U. S. 388 (1971)?

10. Whether DuLaurence is entitled to damages pursuant to *Bivens* and the Ninth Amendment to the Constitution, which addresses rights retained by the people not specifically enumerated in the Constitution, part of the Bill of Rights?

11. Whether DuLaurence is entitled to damages pursuant to Article I, Sec. 9, Clause 8 of the United States Constitution, "The Title of Nobility Clause"?

12. Whether DuLaurence is entitled to damages pursuant to *Bivens* and Article III of the U. S. Constitution?

TABLE OF CONTENTS

	Page
QUESTIONS PRESENTED.....	i.
TABLE OF CONTENTS	iv.
TABLE OF CASES and TABLE OF OTHER AUTHORITIES.....	vii.
TABLE OF APPENDICIES	xi.
OPINIONS BELOW	1.
STATEMENT OF JURISDICTION	1.
CONSTITUTIONAL AND STATUTORY PROVISIONS	4.
STATEMENT OF THE CASE	6.
REASONS FOR THE ALLOWANCE OF THE WRIT	9
<i>Bivens v. Six Unknown Named Agents</i> , 403 U.S. 388 (1971)	9.
28 U.S.C. § 455	11.
Criminal intentional obstruction of justice	12.
Judge Woodlock's obstruction of justice	13,
"Multi-judge corruption rings"	14.
<i>Sua Sponte</i> dismissals were wrongly made	15.
Judicial discretion	17.
Improper ruling of no federal court jurisdiction	19.
Fraud upon the court and structural error	20.
<p>I. REVIEW IS WARRANTED TO RESOLVE THE QUESTION AS TO WHETHER <i>BIVENS V. SIX UNKNOWN NARCOTICS AGENTS</i>, 403 U. S. 388 (1971), CAN EVER BE USED AGAIN AS A FEDERAL CAUSE OF</p>	

ACTION, ALTHOUGH IT IS UNITED STATES SUPREME
COURT DERIVED 21.

Bivens v. Six Unknown Narcotics Agents,
403 U.S. 388 (1971) 21.

Article I, Sec. 9, Clause 8 of the U. S.
Constitution, "The Title of Nobility
Clause" 22.

The Ninth Amendment to the U.S.
Constitution 23.

Article III and the Code of Conduct for
United States Judges render adjudications
void when the correct law as to subject
matter jurisdiction is not applied 23.

II. REVIEW IS NECESSARY TO RESOLVE THE
APPLICATION OF 28 U.S.C. § 455 IN THE INSTANT
AND UNDERLYING CASES, AS THEY CONFLICT WITH
ALL U. S. SUPREME COURT CASES AS TO BIAS AND
DISQUALIFICATION. 24.

DuLaurence alleges that pursuant to both
28 U.S.C. § 455, and the denial of due
process, Judge Woodlock in the underlying
case and Judges Howard, Thompson, and
Kayatta in the instant case were
disqualified by law, rendering their
decisions void 24.

THE GUARANTEE OF DUE PROCESS MUST BE
ADEQUATELY IMPLEMENTED..... 26.

III. REVIEW IS WARRANTED AS TO WHETHER WHEN
A JUDGE INTENTIONALLY CRIMINALLY OBSTRUCTS
JUSTICE, HE OR SHE CAN CLAIM ABSOLUTE
IMMUNITY 26.

ABSOLUTE IMMUNITY CAN NOT BE CLAIMED
WHEN A JUDGE INTENTIONALLY OBSTRUCTS
JUSTICE 30.

Appendix Exhibit L shows without a doubt

that the Massachusetts Appeals Court was intentionally showing DuLaurence that he was being punished for reporting a Superior Court judge to the Judicial Conduct and Ethics Commission	32.
CONCLUSION	33.

TABLE OF CASES

	<i>pages</i>
<i>Bivens v. Six Unknown Named Agents</i> , 403 U.S. 388 (1971).....	<i>passim</i>
<i>Browning v. Clinton</i> , 352 U.S. App.D.C.4, 292 F.3d 235 (D.C. Cir. 2002).....	22
<i>Bulloch v. United States</i> , 763 F.2d 1115 (10th Cir. 1985).....	20.
<i>Caperton v. A.T. Massey Coal Co., Inc.</i> , 129 S. Ct. 2252, 173 L. Ed. 1208 (2009)	ii, 26
<i>Chambers v. NASCO, Inc.</i> , 111 S. Ct. 32, 115 L. Ed.2d 27 (1991)	15, 16
<i>Cooter & Gell v. Hartmarx Corp.</i> , 496 U.S. 384 (1990)	17
<i>Corr. Servs. Corp. v. Malesko</i> , 534 U.S. 61 (2001)	22
<i>Dart Cherokee Basin Operating Co. v. Owens</i> , 574 U.S. 81 (2014).....	17
<i>Demanjuk v. Petrovsky</i> , 10 F.3d 338 (6th Cir. 1993).....	20
<i>Ellerth-Faragher</i> scheme-“supervisor-employer vicarious liability” law	14.
<i>Glebe v. Frost</i> , 574 U.S. 21 (2014)	20.
<i>Grable and Sons Metal Products v. Darue Engineering</i> , 545 U.S. 308 (2005).....	9, 19
<i>Hart v. Massanari</i> , 266 F.3d 1155 (9th Cir. 2001).....	24
<i>Iannelli v. United States</i> , 420 U.S. 770 (1975)	17
<i>Independent Oil and Chemical Workers of Quincy, Inc. v. Proctor & Gamble Mfg. Co.</i> , 864 F. 2d 927 (1st Cir. 1986)	16
<i>In re Boston’s Children’s First</i> , 244 F.3d 164 (1st Cir. 2001)	25
<i>In re Sch. Asbestos Litig.</i> , No. 83-0268, 1988 U.S. Dist. LEXIS 11480 (E.D. Pa. Oct. 7, 1988).....	16

<i>James v. City of Boise, Idaho</i> , 577 U.S. ___, 136 S. Ct. 685 (2016) (per curiam).....	xii, 13, 24
<i>Kashner v. Davidson Sec. Corp. v. Mscisc</i> , 601 F.3d 19 (1st Cir. 2010).....	8
<i>Lassiter v. Alabama A & M University Board of Trustees</i> , 28 F.3d 1146 (11th Cir. 1994) (en banc).....	18
<i>Liljberg v. Health Services Acquisition Corp.</i> , 486 U.S. 847, 108 S. Ct. 2194 (1988).....	25
<i>Link v. Wabash R.R. Co.</i> , 370 U.S. 626 (1962).....	15
<i>Liteky v. U.S.</i> , 114 S. Ct. 1147 (1994).....	24
<i>Mims v. Arrow Financial Services</i> , 132 S. Ct. 740 (2012)	19
<i>Mireles v. Waco</i> , 502 U.S. 9 (1991).....	28
<i>Mitchum v. Foster</i> , 407 U.S. 225 (1972)	29
<i>NLRB v. Goodless Bros. Elec. Co.</i> , 285 F.3d 102 (1st Cir. 2002).....	8
<i>Resolute Insurance Co. v. State of North Carolina</i> , 397 F.2d 586 (4th Cir. 1968).....	17
<i>Rooker-Feldman</i> doctrine.....	6, 28
<i>Stump v. Sparkman</i> , 435 U.S. 349 (1978)	ii, 27
<i>United States v. Balistrieri</i> , 779 F.2d 1191 (7th Cir.1985).....	25
<i>United States v. Boch Oldsmobile, Inc.</i> , 909 F.2d 657 (1st Cir. 1990)	15
<i>United States v. Olano</i> , 507 U.S. 725 (1993).....	18
<i>United States v. Sciuto</i> , 531 F.2d 842 (7th Cir. 1976).....	25
<i>United States v. Sprecher</i> , 783 F. Supp. 133 (S.D.N.Y. 1992).....	30
<i>Wendt v. Leonard</i> , 431 F.3d (4th Cir. 2005)	17

<i>Zenon v. Guzman</i> , 924 F. 3d 611 (1st Cir. 2019).....	27
<i>Zinerman v. Burch</i> , 494 U.S. 113 (1990).....	6, 19

OTHER AUTHORITIES

United States Constitution, Amendment XIV, Due Process and Equal Protection.....	<i>passim</i>
Article I, Sec. 9, Clause 8 of the United States Constitution, “The Title of Nobility Clause”	iii, 4, 10, 21, 22, 23, 31
United States Constitution, Article III	iii, 3, 4, 21, 23, 31
The Ninth Amendment to the United States Constitution, with the Bill of Rights	4, 21, 23
18 U.S.C. Sec 4	17, 18
18 U.S.C. Sec. 242.....	ii, 4, 8, 11, 16, 31, 34
18 U.S.C. Sec. 371.....	ii, 4, 8, 31, 34
18 U.S.C. Sec. 1503	ii, 4, 8, 30, 31, 34
18 U.S.C. Sec. 1505	ii, 4, 8, 11, 30, 31, 34
28 U.S.C. Sec. 144	25
28 U.S.C. Sec. 352(b)(1)(A)(ii)	32
28 U.S.C. Sec. 455.....	<i>passim</i>
28 U.S.C. Sec. 1254	1
28 U.S.C. Sec. 1291	1
28 U.S.C. Sec. 1294	1
28 U.S.C. Sec. 1295	2
28 U.S.C. Sec. 1331.....	2, 3
28 U.S.C. Sec. 1343(a)(3) and (4).....	2, 3

28 U.S.C. Sec. 1367	2, 3
28 U.S.C. Sec. 1391	3
42 U.S.C. Sec. 1983	xii 2, 5, 6, 7, 8, 11, 13, 15, 16, 19, 29, 31
Code of Judicial Conduct for United States Judges	5, 25
Rule 60(b) ..	8
37 C.J.S. <i>Fraud</i> , sec. 105 (2008)	33
37 C.J.S. <i>Fraud</i> . Sec. 107 (2008)	33
<i>Judicial Conduct and Disability Act of 1980-A Report to the Chief Justice</i> by Supreme Court Justice Stephen Breyer (September 2006)	i, 12, 32
Flamm, Judicial Disqualification, <i>Recusal and Disqualification of Judges</i> , 2d ed. (2016), at 1032- 1033	26
The Yale Law Journal, <i>Corruption in Our Courts: What It Looks Like and Where It Is Hidden</i>	14

TABLE OF APPENDICIES

Exhibit A - Appeals Court Judges Howard, Thompson, and Kayatta's May 21, 2021 JUDGMENT.

Exhibit B - Appellant's Opposition To Appellee's Motion For Summary Disposition

Exhibit C - Judge Laplante's dismissal Order of August 6, 2019

Exhibit D - Judge Laplante's denial of "plaintiff's motion to vacate, alter, or amend the judgment".

Exhibit E - Judge Joseph Laplant Order of May 8, 2019, requesting list of issues for DuLaurence to review which were set out in DuLaurence's Verified Civil Rights Complaint.

Exhibit F - Plaintiff's Response to the above Order.

Exhibit G - Amended Notice Of appeal.

Exhibit H - Appeals Court Judges Howard, Thompson, and Kayatta's JUDGMENT of November 30, 2016 affirming the District Court Order of Dismissal, but allowing DuLaurence to proceed *in forma pauperis*, overturning Judge Woodlock's Order that DuLaurence's claims were frivolous, but denied the motion to recuse Judge Woodlock as being "moot".

Exhibit I - Appeals Court Judges Howard, Thompson, and Kayatta's ORDER OF COURT, entered January 5, 2017, denying DuLaurence's petition for rehearing.

Exhibit J - Appeals Court Judges Howard, Thompson, and Kayatta's ORDER OF COURT, entered October 12, 2017, denying DuLaurence's Motion to Vacate Judgments Pursuant to Rule 60(b), and Title 28 U.S.C. § 455.

Exhibit K - The above Appeals Court Judges' ORDER OF COURT entered November 29, 2017, denying DuLaurence's petition for rehearing and rehearing en banc.

Exhibit L - Part of DuLaurence's underlying complaint

evidencing Judge Woodlock and Appeals Court Judges Howard, Thompson, and Kayatta helped to perpetuate "multi-judge corruption rings".

Exhibit M - DuLaurence's Verified Civil Rights Complaint against Judge Woodlock, showing federal jurisdiction in the court of the first instance, and the facts showing that the federal questions were first raised at the time the Complaint was filed, and further showing the manner in which they were raised.

Exhibit N - Partial copy of Judge Woodlock's MEMORANDUM AND ORDER of March 31, 2015, showing that he never had any intention of addressing the federal statute 42 U.S.C. § 1983, as he had an 'obligation to give full faith and credit to the state court judgments'. (Pages 1, 2, 8, and 11.)

The Court in *James v. City of Boise, Idaho*, 136 S.

Ct. 685 (2016) (per curiam), ruled:

Section 1983 is a federal statute. 'It is this Court's responsibility to say what a federal statute means, and once the Court has spoken, it is the duty of the other courts to respect that understanding of the governing rule of law'. (Citation omitted.) *Id.* at 686.

At pages 6-7. Judge Woodlock acknowledges DuLaurence's federal statute criminal obstruction and 42 U.S.C. § 1983 claims; and at page 13, that DuLaurence "makes repeated allegations about unethical, criminal, and illegal conduct by judges that presided over the case in state court". Page 22 shows that Judge Woodlock not only sided with the state courts in changing the facts in the case, but stated that DuLaurence "continue[s] challenging, without good reason" the state court judgment...For that reason, he faces state court sanctions". If Judge Woodlock had read any of the Verified Complaint, he would have seen that DuLaurence challenged the "malice" jury verdict based on the United States Supreme Court *Ellerth-Faragher* scheme for "supervisor-employer vicarious liability" law, attributing the jury's "malice" verdict to employer Liberty Mutual. (Ex. L, pgs. 31-32.)

OPINIONS BELOW

The May 21, 2021 opinion of the U. S. Court of Appeals Judges Howard, Thompson, and Kayatta is set out in the Appendix, as Exhibit A. The District Court opinions are set out in Appendix Exhibits C and D. The opinion by Appeals Court Judges Howard, Thompson, and Kayatta in the underlying case supporting Judge Woodlock's obstruction of justice is set out in the Appendix at Exhibit H.

STATEMENT OF JURISDICTION

This Court's jurisdiction is invoked under 28 U.S.C. § 1254.

BASIS FOR THE JURISDICTION OF THE COURTS OF APPEALS

(a). 28 U.S.C. § 1291, provides in part: "The courts of appeals...shall have jurisdiction of appeals from all final decisions of the district courts of the United States..."

(b). 28 U.S.C. § 1294: [A]ppeals "shall be taken ...

(1)[f]rom a district court of the United States to the court of appeals for the circuit embracing the district...

(c). 28 U.S.C. § 1295, provides that the Federal Circuit is the only court that has its jurisdiction based wholly upon subject matter, rather than geographic location. It can deal with unlawful criminal takings such as denial of redress, the integrity of the judicial system, and cases involving money damages against the United States government. It addresses issues involving the improper process used by a district court to reach its decision.

BASIS OF JURISDICTION FOR THE DISTRICT COURT

(a). 28 U.S.C. § 1331, provides: "[D]istrict courts shall have original jurisdiction of all civil actions arising under the Constitution, laws or treaties of the United States".

(b). DuLaurence brings this action against Judge Woodlock pursuant to 28 U.S.C. § 1331 for violations of federal constitutional rights guaranteed by the U.S. Constitution and redressable pursuant to *Bivens v. Six Unknown Narcotics Agents*, 403 U.S. 388 (1971).

(c). 28 U.S.C. § 1343(a)(3), provides original jurisdiction of any civil action "to redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens..."

(d). 28 U.S.C. § 1367, Supplemental jurisdiction, provides in part for part for all other claims which are related to civil action claims in which the court has original jurisdiction.

(e). This action was brought pursuant to 42 U.S.C. § 1983 pursuant to *Bivens* for violations of certain protections guaranteed DuLaurence under the federal Constitution,

against Judge Woodlock under color of law.

(f). Article III, Section 2 of the U. S. Constitution, which extends the federal jurisdiction to cases arising under the U.S. Constitution. Standing; Case or Controversy-Necessary to Establish Jurisdiction. Among the essential elements of what the Court considers a case or controversy is an injured plaintiff. Article III of the Constitution requires that plaintiffs demonstrate injury-in-fact, that the injury is fairly traceable to the defendant's challenged action, and that the injury is one that could be redressed by a favorable decision. Judge Woodlock criminally changed law and facts, and "waived" DuLaurence's Constitutional rights so as to preclude DuLaurence from pursuing his Federal claims, which included 42 U.S.C. § 1983, and 28 U.S.C. § 455. Federal law created the 42 U.S.C. § 1983 right of action, with jurisdiction conferred to the district courts pursuant to 28 U.S.C. § 1343(a)(3).

(g). Article I, Sec 9, Clause 8 of the U.S. Constitution, "The Title of Nobility Clause".

(h). The Ninth Amendment to the Constitution.

Judge Woodlock precluded DuLaurence's claims by not adhering to 28 U.S.C. § 1331; 28 U.S.C. § 1343 (3) and (4); and 28 U.S.C. § 1367.

There is also the fact that 28 U.S.C. § 455 also disqualified Judge Woodlock as a matter of law from rendering any judicial opinion, therefore precluding him from invoking absolute judicial immunity.

VENUE IS APPROPRIATE UNDER 28 U.S.C. § 1391, as the events which gave rise to this Complaint occurred in this district.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

NINTH AMENDMENT (to the United States Constitution) -
See page 17 of Petition.

AMENDMENT XIV (to the United States Constitution)--...
PRIVILEGES AND IMMUNITIES; DUE PROCESS; EQUAL
PROTECTION...ENFORCEMENT (Bill of Rights).

*Section 1...*No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

UNITED STATES CONSTITUTION, ARTICLE I.

Section 9, Clause 8, "Title of Nobility Clause" - See page 17 of Petition.

UNITED STATES CONSTITUTION, ARTICLE III.

Section 1. The judicial power of the United States, shall be invested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish...

Section 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution [and] the laws of the United States...[As to the above], the Supreme Court shall have appellate jurisdiction, both as to law and fact...

Criminal obstruction of justice, see Petition:

Title 18 United States Code, Section 242.

Title 18 United States Code, Section 371.

Title 18 United States Code, Section 1503.

Title 18 United States Code, Section 1505.

Title 42 United States Code, Section 1983:

Every person who under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, or subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, Suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in his judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable.

28 U.S.C. § 455:

(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might be reasonably be questioned.

(b) He shall also disqualify himself in the following circumstances:

(1) Where he has personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.

(d) For the purposes of this section the following words or phrases shall have the meaning indicated:

(1) "proceeding" includes pretrial, trial, appellate review, or other stages of litigation...

Code of Conduct for United States Judges:

Canon 1: A Judge Should Uphold the Integrity and Independence of the Judiciary.

Canon 2: A Judge Should Avoid Impropriety and the Appearance of Impropriety in All Activities.

STATEMENT OF THE CASE

The instant case involves a Civil Rights Complaint brought by DuLaurence against Judge Douglas Woodlock individually and in his official capacity, which is set out in the Appendix, Exhibit M. Exhibit M shows federal jurisdiction in the court of the first instance, and the facts showing that the federal questions were first raised at the time the Verified Complaint was filed. It further shows the manner in which they were raised, which included *Bivens V. Six Unknown Named Agents*, 403 U. S. 388 (1971). Neither the District Court nor the Appeals Court found it necessary to address the *Bivens* cause of action, although it is a United States Supreme Court derived cause of action.

DuLaurence's underlying Civil Rights Complaint was assigned to Judge Woodlock, who applied *Rooker-Feldman* and "full faith and credit" (Ex. N.), instead of Title 42 U.S.C. § 1983, a Federal statute set out to address the intentional failure of a state court to provide "procedural Due Process". See *Zinerman v. Burch*, 494 U.S. 113 (1990). The State Courts had not only intentionally changed facts, and but also intentionally did not apply the correct law (See Ex. L.), as did Judge

Woodlock. This was then supported by Judges Howard, Thompson, and Kayatta in their Appeals Court ruling. Judge Woodlock's dismissal and the *sua sponte* "waiver" of the plaintiff's civil rights claims, were based on the fact that federal courts do not have jurisdiction to adjudicate 42 U.S.C. § 1983 claims because federal courts must give "full faith and credit" to state court adjudications (Ex N.) Judge Woodlock's language and acts prompted DuLaurence to file a motion with Judge Woodlock that he recuse himself pursuant to 28 U.S.C. § 455, which he denied. (Ex. C, at pg. 2.)

The plaintiff filed an appeal of that 28 U.S.C. § 455 denial, which after several months was denied by Judges Howard, Thompson, and Kayatta, the same Appeals Court judges sitting in the instant case, not on the merits, but as "moot" (Ex. H.), based on their ruling which upheld Judge Woodlock's *Rooker-Feldman* dismissal (Ex. H.) that Federal Courts do not have "jurisdiction" to hear claims brought under Federal statute 42 U.S.C. § 1983.

The plaintiff took this to the U. S. Supreme Court, which was denied, as was his petition for rehearing.

The plaintiff then filed "Plaintiff/Appellant's

Motion to Vacate Judgments Pursuant to Rule 60(b), and 28 U.S.C. § 455" with the Appeals Court. (Ex. J.) Judges Howard, Thompson, and Kayatta construed the plaintiff's motion "as one seeking to recall the mandate", which they denied. (Ex. J.) In the first place, there was no mandate to be recalled as to the plaintiff's claims pursuant to 28 U.S.C. § 455, as: "An appellate Court's mandate controls all issues that were actually considered and decided by the appellate court". *Kashner v. Davidson Sec. Corp. v. Mscisz*, 601 F.3d 19, 24 (1st Cir. 2010); *NLRB v. GOODLESS Bros. Elec. Co.*, 285 F.3d 102, 107 (1st Cir. 2002). These Appeals Court judges never adjudicated the issue on the merits, as they found the issue to be "moot" (Ex. H.); however, they did cite *Kashner*.

Secondly, Judges Howard, Thompson, and Kayatta ruled there were no "extraordinary circumstances", again citing *Kashner, supra*. (Ex. J.) What more extraordinary circumstances could there be than a federal court ruling that federal courts do not have jurisdiction to adjudicate Federal civil rights claims like 42 U.S.C. § 1983, and 18 U.S.C. §§ 242, 371, 1503, 1505, or fail to address Federal statute causes of action like 28 U.S.C. §

455(a)? See *Grable and Sons Metal Products v. Darue Engineering*, 545 U.S. 308, 312 (2005).

Had Judges Howard, Thompson, and Kayatta in the underlying case ruled that Judge Woodlock was biased, and not ruled the 28 U.S.C. § 455 motion "moot" (Ex. H.), the instant case would never have come about. That ruling conflicted with all United States Supreme Court decisions on the issue.

This Petition for Certiorari follows Judges Howard, Thompson, and Kayatta dismissing the case subsequent to Defendant Judge Woodlock filing a Local Rule 27(c) motion which provides in part: "At any time...the court may dismiss the appeal...if it shall clearly appear that no substantial question is presented". DuLaurence responded that if one read his Brief, "that there are many substantial questions" (Ex. B.), but to no avail. These questions" were raised by DuLaurence (see page 10) on several occasions. In fact, there was no analysis of any questions raised, and no mention of the United States Supreme Court derived cause of action *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971).

REASONS FOR ALLOWANCE OF THE WRIT

The First Circuit's disregard for *Bivens v.*

Six Unknown Named Agents, 403 U. S. 388 (1971), which is a United States Supreme Court derived cause of action, and the various laws surrounding it. This includes the Ninth Amendment to the Constitution, which addresses rights retained not specifically enumerated in the Constitution; Article I, Sec. 9, Clause 8 of the United States Constitution, "The Title of Nobility Clause"; and Article III of the U. S. Constitution. This cause of action was one of those brought by DuLaurence against Judge Woodlock (Exhibit M.), with DuLaurence requesting both the District Court (Ex. C, p.2; Ex. E, pgs. 2-3; Ex. F, pgs. 6-7.), and the Appeals Court to address it (Ex. B, p.3; Ex. G, pgs.6-7.), to no avail. Review of this case is essential not only for DuLaurence seeking redress for his Constitutional rights which have been criminally obstructed, but for all others who have been, or will be, so situated in the future. This Court must address this issue, unless It admits that the *Bivens* case was an exercise in futility. This cause of action must be more fully developed for use. It is also important for the integrity of the judicial system. In *Bivens*, one must prove that a Constitutionally protected right has been violated. It is a cause of action against an individual

personally for unconstitutional conduct committed by the individual as a federal official acting under the color of law. *Bivens*, at 392-397. It is the federal equivalent of 42 U.S.C. § 1983. 'Under color of law authority' is a legal phrase indicating that a person is claiming or implying the acts he or she is committing are related to and legitimized by his or her role as an agent of governmental power, especially if the acts are unlawful. The deprivation of rights under color of law is a federal criminal offense which occurs when any person under color of any law or statute, willfully subjects any person to the deprivation of any rights or privileges secured or protected by the Constitution or laws of the United States. Color of law may include public officials and non-government employees who are not law enforcement officers, such as judges. See 18 U.S.C. § 242, 18 U.S.C. § 1505, and other federal statutory criminal claims by DuLaurence. (Ex. M.)

28 U.S.C. § 455 is based on due process. The May 21, 2021 decision conflicts with all United States Supreme Court decisions on the issue. If this Court does not declare the May 21, 2021 Federal Appeals Court decision void, this Court will be disregarding concerns as to bias and disqualification which are deeply imbedded in American

jurisprudence. The allegations are set out at QUESTIONS PRESENTED, page i, number 1.

As stated in QUESTIONS PRESENTED, page i, number 2, Justice Stephen Breyer's admission that some federal judges are 'guilty of misconduct', there must be in place a structure to address civil rights violations which provides (1) an effective deterrence to governmental misconduct, (2) compensation to individuals for violations and deprivations of their Constitutional rights, and (3) enforcement mechanisms that ensure compliance with Constitutional and statutory norms, and maintain the integrity of the judicial system. This certainly does not allow for "absolute judicial immunity" in all cases no matter what the circumstances, as the District Court and Appeals Court have held in this case.

Judge Woodlock not only did not believe in any of the above, thus perpetrating criminal obstruction of justice, but he allowed the Massachusetts courts to perpetrate criminal obstruction of justice as well, and "multi-judge corruption rings". (See Exhibit L.) Appeals Court Judges Howard, Thompson, and Kayatta joined him in this endeavor. DuLaurence raised these claims in his Verified Complaint against Judge Woodlock (Ex. M.).

Exhibit N is a partial copy of Judge Woodlock's MEMORANDUM AND ORDER of March 31, 2015, showing that he never had any intention of addressing the federal statute 42 U.S.C. § 1983, as he had an 'obligation to give full faith and credit to the state court judgments'. (Pages 1, 2, 8, and 11.) The Court in *James v. City of Boise, Idaho*, 136 S. Ct. 685 (2016) (per curiam), ruled:

Section 1983 is a federal statute. 'It is this Court's responsibility to say what a federal statute means, and once the Court has spoken, it is the duty of the other courts to respect that understanding of the governing rule of law'. (Citation omitted.) Id. at 686.

At pages 6-7. Judge Woodlock acknowledges DuLaurence's federal statute criminal obstruction and 42 U.S.C. § 1983 claims; and at page 13, that DuLaurence "makes repeated allegations about unethical, criminal, and illegal conduct by judges that presided over the case in state court". Page 22 shows that Judge Woodlock not only sided with the state courts in changing the facts in the case, but stated that DuLaurence "continue[s] challenging, without good reason" the state court judgment...For that reason, he faces state court sanctions". If Judge Woodlock had read any of the Verified Complaint, he would have seen that DuLaurence challenged the "malice" jury

verdict based on the United States Supreme Court *Ellerth-Faragher* scheme for "supervisor-employer vicarious liability" law, attributing the jury's "malice" verdict to employer Liberty Mutual. (Ex. L, pgs. 31-32.)

"Multi-judge corruption rings".

This Court is the only Court that can address and put an end to "multi-judge corruption rings", which is not only an unconstitutional practice, but undermines the integrity of the judicial system. Exhibit L, which Judge Woodlock and Judges Howard, Thompson, and Kayatta had before them, shows that the Massachusetts Appeals Court intentionally changed the facts and law to deprive DuLaurence of his Constitutional rights. Massachusetts judges have a list of people who have brought charges against another judge, and punish them in this manner. These judges have been able to act corruptly without consequence. This is revelatory of the investigating inefficiencies in our anti-corruption institutions. These secretive relationships by the courts 'should be subject to prosecution, which is the only way to be effective in breaking into these otherwise secretive relationships'. The Yale Law Journal, *Corruption in Our Courts: What It Looks Like and Where It Is Hidden*, page 17.

Sua Sponte Dismissals Were Wrongly Made.

Sua Sponte dismissals cannot be made by the District Court (Judge Woodlock) when there is an alleged injury to the integrity of the judicial system like "fraud upon the court" (see page 20), nor can they waive a litigant's Constitutional rights when they are alleged, "or in circumstances in which the court's action amounts to a plain usurpation of power constituting a violation of due process" (Citations omitted.) *United States v. Boch Oldsmobile, Inc.*, 909 F.2d 657, 661 (1st Cir. 1990).

Sua sponte dismissals are based on two issues, (1) "power"; and (2), "waiver".

1. Power

"Power" involves the "inherent power invested in the courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases". *Link v. Wabash R. R. Co.*, 370 U.S. 626, 630-631 (1962). Power also involves the necessity to preserve the integrity of the court. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 44 (1991). Judge Woodlock was required to address DuLaurence's allegations pursuant to 42 U.S.C. § 1983, 28 U.S.C. § 455, and Rule 60(b)(6) "fraud upon the court" other than *sua sponte*, to protect the integrity of the judicial system.

The harm inflicted influences issues that are broader than the parties to the suit. This affects the entire judicial system. *Chambers v. NASCO, Inc., supra.*

2. Waiver

"Waiver" involves a litigant's Constitutional rights. Only the litigant can waive his or her Constitutional rights, not the court. It was clear from DuLaurence's federal claims like 42 U.S.C. § 1983, 28 U.S.C. § 455, and 18 U.S.C. § 242 claims, that he had not waived his Constitutional rights. If a court waives a litigant's Constitutional rights, the waiver is considered a "contumacious action..directed against the roots of our system of federalism". *In re Asbestos Sch. Litig.*, No. 83-0268, 1998 U.S. Dist. LEXIS 11480, at 32-33 (E.D. Pa. Oct. 7, 1988).

Judicial Discretion

As set out in *Independent Oil and Chemical Workers of Quincy, Inc. v. Proctor & Gamble Mfg. Co.*, 864 F.2d 927 (1st Cir. 1986):

Judicial discretion is necessarily broad-but it is not absolute. Abuse occurs when a material factor deserving significant weight is ignored, when an improper factor is relied upon, or when all proper and no improper factors are assessed, but the court makes a serious mistake in weighing

them. Id. at 929

The Massachusetts courts' rulings were unconstitutional, and were "void" pursuant to Rule 60(b)(4), as they were entered in a matter inconsistent with due process, requiring automatic reversal. *Wendt v. Leonard*, 431 F.3d 410, 413 (4th Cir. 2005). A federal court "may entertain a collateral attack on a state court judgment which is alleged to have been procured through fraud, deception, accident, or mistake..." *Resolute Insurance Co. v. State of North Carolina*, 397 F.2d 586, 589 (4th Cir. 1968). Further, "[A court] would necessarily lose its discretion if it based its ruling on an erroneous view of the law or on a clearly erroneous assessment of the evidence". *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 405 ((1990), quoted in *Dart Cherokee Basin Operating Co. v. Owens*, 574 U.S. 81 (2014). Not only could Judges Woodlock, Howard, Thompson, and Kayatta see that the Massachusetts courts had procured their rulings by "fraud and deception" (Ex. L.), but that there had been a "multi-judge corruption ring" which should have been reported. This was a criminal violation pursuant to 18 U.S.C. § 4. The Supreme Court in *Iannelli v. United States*, 420 U.S. 770 (1975), stated that 18 U.S.C. § 371 encompasses "conspiracy" to commit a

criminal act:

[A] collective criminal agreement-[a] partnership in crime-presents a greater potential threat to the public than individual delicts. Concerted action both increases the likelihood that the criminal object will be successfully attained and decreases the probability that the individuals involved will depart from their path of criminality. Id. at 778.

Pursuant to 18 U.S.C. § 4, the above four judges should have reported the Massachusetts' criminal "multi-judge corruption rings" after having read Exhibit L, which was set out in the Civil Rights Complaint in the underlying Telegan and Liberty Mutual case. This presents a systemic corruption issue which cannot be tolerated.

"Clear error is error evident, obvious, and clear so as to likely affect the outcome of the case below in a significant way". *United States v. Olano*, 507 U.S. 725, 732 (1993). DuLaurence alleged acts by the Massachusetts courts and the above four judges which are "so obviously wrong in the light of preexisting law, that only a plainly incompetent officer or one who was knowingly violating the law would have done such a thing". *Lassiter v. Alabama A & M University Board of Trustees*, 28 F.3d 1146, 1149 (11th Cir. 1994).

District Court Judge Woodlock and Appeals Court Judges Howard, Thompson, and Kayatta All Improperly Ruled That Judge Woodlock Had No Jurisdiction To Hear the Federal Claims in the First Place.

When Federal law creates a claim and rules of decision governing it, federal jurisdiction exists. *Mims v. Arrow Financial Services, LLC*, 132 S. Ct. 740, 748-749 (2012). Further, a federal case arises under the Constitution for the purposes of 28 U.S.C. § 1331, supporting federal jurisdiction of the district courts, for causes of action created by federal statutes which explicitly authorize plaintiffs to enforce the rights created. *Grable and Sons Metal Products v. Darue Engineering*, 545 U. S. 308, 312 (2005).

The Court in *Zinerman v. Burch*, 494 U.S. 113 (1990), dealt with 42 U.S.C. § 1983, as to whether State action violated the plaintiff's due process rights:

"[I]n many cases there is 'no quarrel with the state laws on the books', instead the problem is the way those laws are or are not implemented by state officials"...[T]he Due Process Clause contains a substantive component that bars certain arbitrary wrongful government actions 'regardless of the fairness of the procedures used to implement them'...[T]he constitutional violation actionable under Sec. 1983 is complete when the wrongful action is taken (to prevent due process)". (Citations omitted.) *Id.* at 125-126.

Fraud Upon the Court and Structural Error

DuLaurence has alleged "fraud upon the court" in his Verified Complaint. (Ex. M, pg. 20.) The Court in *Bulloch v. United States*, 763 F.2d 1115 (10th Cir. 1985), stated:

Fraud upon the court is fraud directed to the judicial machinery itself...It is where the court or a member is corrupted or influenced or influence is attempted or where a judge has not performed his judicial function ...thus where the impartial functions of the court have been directly corrupted. Id. at 1121.

Judge Woodlock could see without a doubt that the Massachusetts Appeals Court intentionally change facts and law to deprive DuLaurence of his Constitutional rights (Ex. L.). He not only sided with the Court as did Judges Howard, Thompson, and Kayatta (Ex. H.), but stated that DuLaurence should be sanctioned by the Massachusetts courts for alleging this. (Ex. N, pg. 22.) *Demanjuk v. Petrovsky*, 10 F.3d 338 (6th Cir. 1993), holds that one only needs to show that a judge acted with reckless disregard for the truth in order to prevail. Id. at 349. Changing the law and facts certainly undermined the integrity of the court and its ability to function impartially. This Constitutional deprivation of DuLaurence's right to redress is a "structural error" claim, which requires automatic reversal. See *Glebe v. Frost*, 574 U.S. 21 (2014).

I. REVIEW IS WARRANTED TO RESOLVE THE QUESTION AS TO WHETHER *BIVENS V. SIX UNKNOWN NARCOTICS AGENTS*, 403 U.S. 388 (1971) CAN EVER BE USED AGAIN AS A FEDERAL CAUSE OF ACTION, ALTHOUGH IT IS UNITED STATES SUPREME COURT DERIVED.

Judge Woodlock not only violated due process of law, but denied equal protection under the law. This action was brought in part for his violations of these rights guaranteed by the United States Constitution, and redressable pursuant to *Bivens v. Six Unknown Narcotics Agents*, 403 U.S. 388 (1971). (Ex. M.) Judge Woodlock violated the plaintiff-appellant's Constitutional rights by foreclosing any opportunity to be heard on his federal Civil Rights claims. See pages 13-14 above.

Although requested to do so on numerous occasions in the District Court, and again in the Appeals Court, see pages 9-10 above, neither court thought *Bivens* was of any importance, although it is United States Supreme Court derived. It is requested that this Court address *Bivens*, and Article I, Article III, and the Ninth Amendment to the United States Constitution.

Bivens v. Six Unknown Narcotics Agents,
403 U. S. 388 (1971)

DuLaurence has claimed the federal equivalent of

42 U.S.C. § 1983, *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971) (Ex. M.), in which one must prove that a Constitutionally protected right has been violated. Under *Bivens*, and 18 U.S.C. § 242, the federal courts recognize a cause of action for damages against an individual personally for unconstitutional conduct committed by the individual as a federal official acting under the color of law. *Bivens, supra*, at 392-397. See *Corr. Servs. Corp. v. Malesko*, 534 U.S. 61, 66 (2001); *Browning v. Clinton*, 352 U.S. App.D.C.4, 292 F.3d 235, 250 (D.C. Cir. 2002). The deprivation of rights under color of law is a federal criminal offense which occurs when any person under color of any law or statute, willfully subjects any person to the deprivation of any rights secured or protected by the Constitution or laws of the United States. "Color of law" may include public officials and non-government employees who are not law enforcement officers, such as judges.

This constitutional tort holds that there is an implied right of action for monetary damages against any federal official who has violated a plaintiff's Constitutional rights, where no other remedy is available.

Article I, Sec. 9 Clause 8 of the U. S. Constitution

DuLaurence has a cause of action pursuant to "The Title of Nobility Clause". (Ex. M.) Congress must establish the inferior courts, and must do so in conformance with the Constitution. Congress can't appoint "judges" that are given their own domain, like a "king", anointed with absolute judicial immunity. Once Judge Woodlock was given the title of "judge", he was not given permission to obstruct justice in his own domain and claim "absolute judicial immunity", precluding any private right of action. The *Bivens* Court held that courts must "adjust their remedies so as to grant the necessary relief [when] federally protected rights have been invaded". *Bivens, supra*, at 392.

The Ninth Amendment to the U. S. Constitution.

Congress at the time of setting out powers of the inferior courts, had the availability of the Ninth Amendment to the Constitution, which addresses rights retained by the people which are not specifically enumerated in the Constitution. It is part of the Bill of Rights, and is fundamental. Neither the District Court nor the Appeals Court would address these claims.

Article III and the Code of Conduct for United States Judges render adjudications void when the correct law as to subject matter jurisdiction is not applied.

II. REVIEW IS NECESSARY TO RESOLVE THE APPLICATION OF 28 U.S.C. § 455 IN THE INSTANT AND UNDERLYING CASES, AS THEY CONFLICT WITH ALL U. S. SUPREME COURT CASES AS TO BIAS AND DISQUALIFICATION.

DuLaurence alleges that pursuant to both 28 U.S.C. § 455, and the denial of due process, Judge Woodlock in the underlying case and Judges Howard, Thompson, and Kayatta in the instant case were disqualified by law, rendering their decisions void.

[B]inding authority is very powerful medicine. A decision of the Supreme Court will control that corner of the law unless and until the Supreme Court itself overrules or modifies it. *Hart v. Massanari*, 266 F.3d 1155, 1171 (9th Cir. 2001).

Further, in the United States Supreme Court in *James v. City of Boise, Idaho*, 136 S. Ct. 685 (2016) (per curiam):

'It is this Court's responsibility to say what a federal statute means, and once the Court has spoken, it is the duty of the Other courts to respect that understanding Of the governing rule of law'. (Citation Omitted.) Id. at 686.

The United States Supreme Court in *Liteky v. U.S.*, 114 S. Ct. 1147 (1994), held:

Disqualification [of a judge] is required if an objective observer would entertain reasonable questions about the judge's impartiality. If a judge's attitude or state of mind leads a detached observer to conclude that a fair and impartial hearing is unlikely,

the judge must be disqualified. Id. at 1162.

An appearance of partiality can stem from a possibility of misinterpretation based on an ambiguity of a judge's statements. *In re Boston's Children First*, 244 F.3d 164, 170 (1st Cir. 2001). Positive proof is not required. What really matters is the appearance of bias or prejudice. *Liljberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 108 S. Ct. 2194 (1988), *United States v. Balistrieri*, 779 F.2d 1191 (7th Cir. 1985). "Should a judge not disqualify him or herself, the the judge is in violation of the Due Process Clause of the U. S. Constitution". *United States v. Sciuto*, 531 F.2d 842, 845 (7th Cir. 1976). Further, the Court stated: "The right to a tribunal free from bias or prejudice is based, not on section 144 [of title 28 U.S.C.], but on the Due Process Clause..." Id. Canon 3 of the Code of Conduct for United States Judges addresses recusals.

B. (1) Adjudicative Responsibilities.

A judge shall hear matters assigned to the judge
except those in which disqualification is required.

Commentary:

A judge must perform judicial duties impartially and fairly. A judge who manifests bias on any basis in a proceeding

impairs the fairness of the proceeding
and brings the judiciary in disrepute.

Flamm, *Judicial Disqualification, Recusal and Disqualification of Judges*, 2d ed. (2016), at 1032-1033.

**THE GUARANTEE OF DUE PROCESS MUST BE
ADEQUATELY IMPLEMENTED.**

In *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), the United States Supreme Court held that the Due Process Clause of the Fourteenth Amendment requires judges to recuse themselves when the facts create a good potential for bias. The Court found 'that there is no need to determine actual bias'. From all that is set out above as to the facts and law involved, it could easily be determined that there was actual bias by Judge Woodlock.

**III. REVIEW IS WARRANTED AS TO WHETHER WHEN A
JUDGE INTENTIONALLY CRIMINALLY OBSTRUCTS
JUSTICE, HE OR SHE CAN CLAIM ABSOLUTE
JUDICIAL IMMUNITY.**

**JUDGE WOODLOCK IS NOT ENTITLED TO
ABSOLUTE JUDICIAL IMMUNITY.**

There must be in place a structure to address civil rights violations which provides (1) an effective deterrence to governmental misconduct, (2) compensation to individuals for violations and deprivations of their Constitutional or statutory rights, and (3) enforcement mechanisms that ensure compliance with Constitutional and

in which he stated: "A judge is not free, like a loose cannon, to inflict indiscriminant damage whenever he announces he is acting in his judicial capacity". Id. at 367. There is also Justice Stevens' dissenting opinion in *Mireles v. Waco*, 502 U.S. 9 (1991), in which he stated that a judge ordering a battery on an individual after the judicial function of the order that he be brought into his courtroom, "has no relation to a function normally performed by a judge". Id. at 14.

The District Court in the instant case failed to address the fact *Rooker-Feldman*, underlying Judge Woodlock's rulings and Judges Howard, Thompson, and Kayatta's upholding them, has no application when a plaintiff alleges he was denied procedural due process by conspiracy. Courts have repeatedly recognized that real due process claims (as opposed to claims that in substance merely complain about state courts making a mistake), are not barred by *Rooker-Feldman*. DuLaurence filed his complaint alleging that his civil rights were violated and he was denied procedural due process. It is clear by Judge Woodlock's actions and the numerous comments made in his Rulings (see pages 12-14 above), including 'DuLaurence's "vitriolic language"' and "personal attacks on judges who

have decided his cases in the past", that DuLaurence had made these claims. Judge Woodlock felt that these allegations were highly disrespectful to the State court judges, stating: "For that exercise he faces state court sanctions". These were allegations necessary to support DuLaurence's 42 U.S.C. § 1983 claim, and were in part based on the Massachusetts Appeals Court's intentionally changing facts and law, as outlined in detail in DuLaurence's Civil Rights underlying case against Arthur Telegen and Liberty Mutual. (Ex. L.) The "very purpose of § 1983 was to interpose the federal courts between the States and the people, as guardians of the people's federal rights—to protect the people from unconstitutional action under color of law, 'whether that action be executive, legislative, or judicial'". *Mitchum v. Foster*, 407 U.S. 225, 242 (1972).

Fortuitously, DuLaurence ordered a transcript of the Appeals Court oral argument. This shows without a doubt that the Court intentionally changed the facts that DuLaurence had presented to It, and reworked them so as to deprive him of his Constitutional rights. This list of odious events is set out in his Verified Complaint, Appendix Exhibit L. DuLaurence then had to seek his remedy in the federal courts because of this obstruction of

justice. DuLaurence was denied that remedy by Judge Woodlock and by Judges Howard, Thompson, and Kayatta.

ABSOLUTE IMMUNITY CAN NOT BE CLAIMED WHEN
A JUDGE INTENTIONALLY OBSTRUCTS JUSTICE.

Prosecution for Ethics actions is within the purview of the Fraud Section of the U.S. Department of Justice. As part of his federal statute criminal violations, DuLaurence has claimed violations of 18 U.S.C. §§ 1503 and 1505. These provide: "Whoever...obstructs or endeavors to influence [to prevent the] proper administration of law...[shall be guilty of an offense punishable by a fine, up to five years imprisonment, or both]". Section 1505 is the Omnibus Provision, condemning obstructing judicial proceedings. The Omnibus Clause parallels § 1503.

A defendant may be found guilty under § 1505 if the government establishes that: "(1) there was a proceeding pending before a department or agency of the United States; (2) the defendant knew of or had a reasonably founded belief that the proceeding was pending; and (3) the defendant corruptly endeavored to influence, obstruct, or impede the due proper administration of the law under which the proceeding was pending". *United States v. Sprecher*, 783 F. Supp. 133, 163 (S.D.N.Y. 1992).

Article III, Section 2, Clause 1 states: "The judicial Power shall extend to all cases in Law and Equity, arising under the Constitution, (and} the Laws of the United States... DuLaurence has claimed he was deprived of rights secured by the United States Constitution and Federal statutes, Due Process, and the Right to Redress.

There are two types of Constitutional tort actions. Title 42 U.S.C. § 1983, creates a statutory cause of action against state or local officials. Judge Woodlock would not even acknowledge, and refused to address, that civil rights cause of action. In contrast, a *Bivens* action is judicially created and directed against federal officials. See pages 21-23.

Federal obstruction of justice statutes, like 18 U.S.C. §§ 242, 371, 1503, and 1505, bar anyone from interfering with the outcome of a case based on a "corrupt" motive. No person is above the law. See page 23, *Bivens*, and the "Title of Nobility Clause". Judges Howard, Thompson, and Kayatta refused to adjudicate on the merits DuLaurence's appeal of Judge Woodlock's denial of 28 U.S.C. § 455 as to him, declaring it "moot". (Ex. H.)

Article III of the Constitution and the Code of Conduct for United States Judges obligates judges to take

care that the laws be faithfully executed. Adjudications are "void" when a judge does not apply the correct law as to subject matter jurisdiction, not adhering to Federal statutes on that issue. As to federal statute 42 U.S.C. § 1983, the Judge Woodlock not only did not apply the correct law, but he applied no law. As set out at page 19, federal statutes and U.S. Supreme Court cases required his "jurisdiction".

Returning to Justice Breyer's admission that there are can be some bad judges, QUESTIONS PRESENTED, page i, a dishonest judge cannot be afforded absolute judicial immunity when ignoring evidence, twisting rules and procedure, obstructing the record, retaliating, manufacturing facts or ignoring others, and denying admission of evidence prejudicial to the favored party. When he or she does these things intentionally (motivation is a separate issue), he commits a crime. See 28 U.S.C. § 352 (b)(1)(A)(ii), Article I, 3(h): "Misconduct...prejudicial to the business of the courts". Appendix Exhibit L shows that without a doubt (see page 18) the Massachusetts Appeals Court wanted to make sure that DuLaurence knew he was being punished for reporting a Superior Court judge to the Judicial Conduct and Ethics Committee.

Right out from under Congress' nose, the judicial branch of our government placed itself out of reach, and eliminated all means for judges to be held accountable to the public for their actions. What judge, like Judges Howard, Thompson, and Kayatta, would not desire the power to block the investigation of his or her own crime? It is hard to imagine a more fundamental or structural conflict than that. Further, these judges authorized and ratified Judge Woodlock's actions. See 37 C.J.S. *Fraud*, sec. 107 (2008), and "one who participates in a fraud, and one who, with knowledge of the facts, assists another in the perpetration of the fraud is equally guilty". 37 C.J.S. *Fraud*, sec. 105 (2008). See also 18 U.S.C. § 4. The May 21, 2021 dismissal by those judges must be declared void. (QUESTIONS PRESENTED, page i.)

CONCLUSION

For the foregoing reasons, the petitioner respectfully requests that the Supreme Court grant review of this matter.

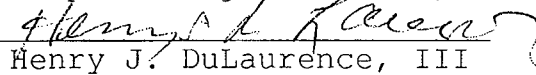
Unfortunately, ordinary citizens have no other means to enjoy or enforce their civil rights except through the court system. Without a mechanism for remedy, the court, you have no rights. If a judge refuses to order relief,

then you don't get any. Judges are paid to ensure that justice is done. 18 U.S.C. §§ 242, 371, 1503, and 1505, along with *Bivens* provide that judges are liable for criminal acts committed under "color of law". Further, this Court must set out a path to follow pursuant to a *Bivens* claim, as there has so far been none established with any certainty. This is U. S. Supreme Judicial Court derived.

This Supreme Judicial Court has rendered legal opinions pursuant to 28 U.S.C. § 455, and the Due Process Clause of the Fourteenth Amendment, which show that Judges Howard, Thompson, and Kayatta's May 21, 2021 dismissal in the instant case is void pursuant to 28 U.S.C. § 455, and this decision conflicts with all decisions of the United States Supreme Court on the issue.

Again, this Court is the only Court that can address and put an end to "multi-judge corruption rings", like the one in the instant case, which not only involve criminal acts, but undermine the integrity of our judicial system.

Respectfully submitted,


Henry J. DuLaurence, III

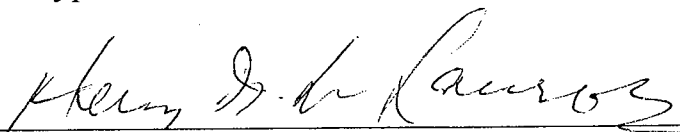
Petitioner

1 South Union Street, #114
Lawrence, MA 01843
(978) 208-1399
BBO# 137660

Dated: August 14, 2021

Certificate of Compliance With Type-Volume Limit,
Typeface Requirements, and Type-Style Requirements

This document complies with the type-volume limit of Fed. R. App. P. 32(a)(7)(B), because, excluding parts of the document exempted by Fed. R. App. P. 32(f), this document contains no more than 34 pages of Courier type-style, with a 12 point monospaced typeface.



Henry J. DuLaurence, III

Dated: August 14, 2021