

No. 21-6248 ORIGINAL

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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Oliver Vaughn: Denee Alday ^{Sui Iuris} — PETITIONER
(Your Name)

vs.

N.J.D.C. & Pa. Permanency et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Supreme Court from 3rd Circuit Ct
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Oliver Vaughn: Denee Alday Sui Iuris
(Your Name)

1208 Clay Avenue Apartment 1 Suite
(Address)

Bronx New York 10456-9998
(City, State, Zip Code) M2k020@yahoo.com

518-244-7971

(Phone Number)

i
QUESTION

- 1/Whether federal court U.S. judge bias abuse discretion. Or error over look 28 USC 1441
- 2/Whether IV-D agency may deprive a parent, daughter of fit natural biological survival father of decease mother by, 3rd party to uncle, without clear convince evidence presented or witness to testify.
- 3/whether Section N.J.S.A 9:2-9 was followed or violated, N.J.S.A 9:2-5. Is challenge R.5.1
- 4/whether IV-D officer over reach its authority, conflict or violations 18 USC 3231 of Art 3 judge or violated requirement of Title 4 USC 101, was due process violated, Did 3rd Circuit error in its opinion after 14 days,
- 5/whether agency lost jurisdiction after decease mother, was due process violated.
- 6/Whether constitutional requirement have been met to deprive parent, of is daughter. Constitutionality.

LIST OF PARTIES TO THE PROCEEDINGS BELOW

**NEW JERSEY DIVISION CHILD PROTECTION AND PERMANENCY
MADELIN F.EINBINDER, KERI POPKIN, MELISA H.RASKA, MICHELE
SCENNA, MORGAN KOWSKY, ALEXIS POLLOCK, KEITH MILLER,
CARINA SHORTINO, PAMELA PETERSEN, KENNETH MCTIGUE,
DR.PUGLIA, LORI LESSIN PSY, DEPARTMENT OF CHILDREN AND
FAMILIES, TOMS RIVER HOSPITAL.**

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PETITION FOR WRIT OF CERTIORARI

Oliver-Voughn:Douce Al Dey Sui Juris Petitioner respectfully wish that a Writ of Certiorari issue to review the ex parte judgment of the UNITED STATES DISTRICT COURT for a claim that was filed in District Court of the United States New Jersey, against IV-D agent New Jersey Division Child Protection and Permanency enter denied opinion memorandum by Judge Micheal A. Shipp, on March 4, 2021 3 out of 4 issues, filed except, the claim at law 3-20-cv-02619.

OPINION ORDER BELOW

The March 4, 2021 the United States District Court of the United States for new Jersey, whose judgment and opinion is sought to be reviewed and by found under Docket 3-20-cv-02619, against New-jersey Division of Children Protection and Permanency illegally holding his offspring in violation of petitioner natural biological survival fit parental right of a decease mother, 3/4/ 21 the court error and abuse discretion its authority by refuse motion order to show cause, motion for Habeas corpus, motion for injunction, left out the Claim at law for damages, a copy of opinion attach.

JURISDICTION

The Jurisdiction UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT Rule 4. Appeal as of Right. 28 USC 2244., Rule 4 a.1. Notice of appeal. Sup. Ct Rule 10 c. And Rule 12

Constitutional issues of this case involve violations Petitioner's constitutional 1st 5th and 14th amendment's protected rights Equal and Due process clauses and Statutory Provisions Involve The relevant statutes and case law are attach and the Appendix A.

I. parental rights under the 1st Amendment access

II. Violation Parental rights Equal Protection law And Due Process Under 5th 14th Amendment

If a public official violates statute he has no judicial or sovereign immunity 1602., 18 USC 3231, 1441, 46,

INTRODUCTION

A. Nature of the Case

Issue. Is the New Jersey statute permitting the State to terminate the rights of parents in their natural offspring upon a finding that the State has no proved, by a preponderance of the evidence that the offspring is permanently neglected constitutional?

Held. The Due Process Clause of the 5th and Fourteenth Amendment requires more than a preponderance of the evidence standard in a termination of parental rights hearing.

Appellees commissioner claim appellant's has no rights and they can do whatever they want with is offspring prior 2yrs ago by blocking off contact or even visitation, by their communistic ideological unauthorized action in conversion by exercise dominion of appellant's property PD, no standing for 3rd party.

Statement of the Case

1/ New Jersey authorizes its officials to remove a offspring from the home if the offspring appears neglected. If convinced that positive, nurturing parent-child relationships no longer exist, the State may initiate permanent neglect proceedings to free the child for adoption. However, New Jersey permits the establishment of permanent neglect by a preponderance of the evidence, "while father's rights abuse, by" a lower standard than most states.

BACKGROUND

2/ Oliver-Vaughn:Douce Al Dey Sui Juris non-lawyer moving inpropra persona as **Sims v. Ahrens** own Consul have sole custody for P. D power of attorney over is property daughter as consul, 1988 at the Court an witness with first hand knowledge with evidence, 8 USC 1101.a21 as state Citizen private legal status free white person freeholder at Article 4 Section 1 Article of the confederation by petitioner for Art 4 section 4 republican court, retain all rights did demand Art iii section 2 .Cl3 trial by jury under 7 amendment. I am the natural biological surviving father fit parent by law of the decease mother, wife **Lisa Mctigue** end, now that she died on 8/20/18 i have full permanent custody. We had close contact, after i had not heard from her about 8 months prior at the time i tried calling her but no answer, or knew who to contact, i did a search on line found out she had died. I immediately sent a challenge by affidavit **acknowledgment** App-b to the child services agency new jersey to locate is offspring her P.D, to pick her up she was eight yrs old at the time she is the youngest of my 9th children's i have 5 boys 4 girls, when on around June 6, 2019 to July 3,2019 i only intervene as natural biological fit parent at that time, to get my property daughter, but not to get rap up, in there fake tribunal.

B. The Course of the Proceedings

3/ Then i saw that the administrative agency officer seem to not want, to release my offspring, but wanted to per long, so i challenge their status jurisdiction and venue 551, 552a.001 because i knew that my daughter needed a surgery from a prior medical malpractice problem to her included, in the federal claim at law bifurcation, 241,242, 1983-6, before district court. The mother had prior told me about the Dr. caused from her delivery at birth that should have been done at 4 years old, the agency over my objection ignored appellant on 8/8/19 they put my offspring, under 9 1/2 hours surgery without appellant's consent my daughter it can affect her by sterilization, and could have died, so i tried to get a interlocutory appeal to enforce FOIA QUO Warranto, their appeal court denied, then i request permission to the District court in Newark NJ if appellant if could file a suit for deprive of right in law filed a suit, for fraud up on the court #App-c See in **Pearson v. Ray et,al et,al 79.Sup.Ct. US 1/11/87 resided. They okeyed it, so i file IFP Claims at law Stump v. Sparkman 435,US. 349(1978)Sup Ct. And 28 USC 1441, 241,242, 1988, as private attorney general false claim 1986 1983, 1964 RICO, 31 USC 3729 #1 medical malpractices damages claim separately App C #2 separately a motion to show cause, when appellant not accuse and,**

#3 and motion for habeas corpus to release, #4 and injunction to stop the defendants form test and injection vaccination assault and battery arm danger, without consent from appellant, for my daughter because its a micro chip sterilization for every one mRNA to change there DNA, Once you take that injection experimental vaccine its no reversal you're finish trans-human you will die within 2 years i know this fact from Doctor R.201 who can testify that work for the very same Pharma, that are not held liable, its why they have full immunity for killing people. Dr. Sherry tenpeny, Dr. Judy Mikovits PHD, Dr. Rashid, Dr. Andrew refutes isolation of SARS-Cov-2 he dose step by step analysis of typical claim of isolation;there is no proof that the virus exists .Robert J. Kennedy Jr attorney from the children fund. Appellant is anti vaccine non of my kids are vaccinated, very healthy.

Opinion

4/ Here the federal Judge who is not a delegated, Article iii sec. 2 judge error 3/4/21 in ruling that state agency pge 4 memorandum claim review, wrong there was no parental right termination or final order wrong, in objection, the case at the agency tribunal were 8th month prior on decease mother only, were temporary placing, App-C2 to locate appellant not known, but should of terminated when mother died, and appellant come forward, claiming is heir offspring, appellant name title, was just then, only added illegally to decease mother already caption, the agency state case is fictitious there, and no charge for any involvement, no R.19 joinder, or any wrong related to appellant pending pursuant to R.17, when a natural biological fit competent father, came forward see **Youmans v. Ramos**, The long-standing jurisprudence of the Commonwealth has been to deny custody and visitation rights to third parties unless extreme circumstances exist, such as abuse or neglect.²⁷ "State intervention in the parent-child relationship is justified only when parents appear unable to provide for their children's care and protection." *Custody of a Minor* (No. 1), [377 Mass. 876, 882 (1979) and visitation privileges of third parties do not exist without statutory authorization. For which no provision is made does not justify judicial legislation." *Alguila v. Safety Ins. Co.*, 416 Mass. 494, 499 (1993)

5/ and a pending status challenge to the agency commissioner **EINBINDER MADELIN F. Quo Warranto where dose this person derive its delegation authority from?** 45 CFR Sec.75.2 IV-D violated 18 USC 912 is null and void any prior allege orders if any it end, not a judicial court lost jurisdiction therein.

That 4-d agency also has bias financial conflict of interest to recuse R.170.3.6. appellant have, not been to there agency hearing for lack standing, from August 8, 2019. **Caption Now at district court US appellant file Claim at law 3-20-v-cv-02619, 241, 242, did demand for, Art. 3 sec. 2 Cl 3 pursuant to 7 amendment trial by jury have the right to try all cases in law under, The constitution for The united States republic over \$20, the jury was also deprive of that right**, not for a Ex parte Article IV judge, over \$20,000,000 in objection, see claim #App C, pge 2, under diversity of Citizenship against all these parties in caption, agency has conflict of financial, interest. 45 CFR Sec. 302.34 contract IV-D to comply 45 CFR Sec. 303.107c. 6/ The court in error in rulings. That a 501 Independent unit, lack judicial powers, in its Capacity for the IV-D The Contractor and its agent, employees, and subcontractors, act in performance of there IV-D contract, in an independent capacity, and not as officers employees or agents of the state agency CSEA. has no qualify immunity in violation of rights protected guaranteed by The U.S. Constitution for America. Congress created All regulation Code Ordinances rules only apply to the government its agencies by The U.S. const. by Art 1 sec. 8 Cl.14. An 17., for all attorneys under 28 USC 530.B violated. Not for The People.

Definition New Jersey Revised Statutes Title 9 (2019) - Children--Juvenile and ...

7/ Justia Law > codes > new-jersey > title-9 Justia Free Databases of US Laws, Codes & Statutes. ... Section 9:3A-17 - Annual consultation. ... Section 9:17A-1.3 - Definitions relative to parental notification for abortion - Section 9:17A-1.4 - Written notice of ... Section 9:23-12 - Court to notify Compact Administrator of child brought into State Section 9:23-13 - Placement ...apply to license agents.

foot note

Opinion of the **Court Santosky v. Kramer**, 455 U.S. 745 (1982), is a Supreme Court case involving the burden of proof for the revocation of parental rights. In a 5-4 opinion written by Justice Harry Blackmun, the Supreme Court of the United States vacated the Appellate Division's ruling,

holding that states seeking to sever parental rights irrevocably must show at least clear and convincing evidence of neglect Writing for a majority of the Court, Justice Harry Blackmun held that natural parents have a right to due process under the Fourteenth Amendment, and that the burden of proof used by New York State is not stringent enough to satisfy the constitutional requirements of the due process clause. In striking down New York's burden, the Court utilized the Mathews test to determine what burden of proof was due. [10]

Argument

8/ The Matthews test employed consists of three considerations: the private interests affected, the risk posed by erroneous judgment, and the government interest affected. The Court found that private interests were substantially affected by the law noting that "[w]hen the State initiates a parental rights termination proceeding, it seeks not merely to infringe that fundamental liberty interest, but to end it" and that such a termination was irreversible.[11] In analyzing the second factor, the Court stated that the interests of the parents and the child in their natural relationship are not distinct and thus the balancing factors are between the parents and the State. The Court then found that the "fair preponderance" burden did not fairly allocate risk and that a higher burden would be practically and symbolically important.

[USC02] 28 USC 1738: State and Territorial statutes and ...

uscode.house.gov > view

§1738. State and Territorial statutes and judicial proceedings; full faith and credit. The Acts of the legislature of any State, Territory, or Possession of the United States, or copies thereof, shall be authenticated by affixing the seal of such State, Territory or Possession thereto.

No state legislator or executive or judicial office can war against The constitution without violating his oath undertaking to support it **Cooper v. Aaron** 358 US 1, 78 S. Ct. 1401

MARBURY V. MADISON

9/ The federal court error, in its ruling protecting the state agency in its deception abuse of power and crime under color of law, Federal IV-D supersede State IV-D Law IVD ' case"mean where a party has assign to the state rights to child support because of the receipt of public assistance as defined in section 256.74 or has applied for child support services under title IV-D of the Social Security Act. United States Code, Title 42, section 654 (4). Art 6 section 2 of The const. Is the supreme law of the land.

C. Relevant FACTS

- Because the instant decision rests on §26.10.160(3)'s sweeping breadth and its application here, there is no need to consider the question whether the Due Process Clause requires all non parental visitation statutes to include a showing of harm or potential harm to the child as a condition precedent to granting visitation or to decide the precise scope of the parental due process right in the visitation context. There is also no reason to remand this case for further proceedings. The visitation order clearly violated the Constitution, and the parties should not be forced into additional litigation that would further burden. See **Granville's parental right. Pp. 14-17.**

POINT 1

What Happens to a Child Custody Order After a Parent's Death?

December 13th, 2018 Court Ruling for semi-lure issues. Herein pursuant to 28 USC 1738

The death of a child's parent presents complex legal issues in situations involving an existing child custody

9/ order or a pending custody case in court. In North Carolina, laws and court decisions establish specific rules about what happens to a child custody order after a parent's death.

Among the "fundamental rights and liberty interests" protected by the United States Constitution and North Carolina Constitution is the right of a parent to make decisions about a child. North Carolina laws and courts consistently recognize this right and consistently limit the ability of non-parents to interfere with decisions of a parent.

Court-established rules regarding the effect of a parent's death on a custody order or court case are consistent with this long-established principle. **North Carolina courts distinguish between situations in which only the child's parents are the only parties to a custody order from those in which other parties have rights.**

When non-parent family members — such as the child's grandparents (parents of the deceased person) — wish to seek custody or visitation, the nature of the custody order or court case determines whether the non-parent can pursue those wishes in a court action.

When Parents Are the Only Parties Involved in the Custody Order or Court Case

10/ Under a general rule established by the North Carolina Supreme Court and followed in cases decided by the Court of Appeals, a trial court's jurisdiction over a child custody order or court case solely involving the parents terminates completely on death of a party. In this situation, when a parent who is party to the custody order dies, the court no longer has jurisdiction to hear or determine issues related to custody of the child.

An existing custody order that only involved the parents ceases to control the custody rights of the surviving parent. The court no longer has jurisdiction to hear matters relating to custody of the child. Even where North Carolina statutes permit another party to intervene in an existing custody action, those laws do not allow a third party to seek custody or visitation rights after death of one of the parents.

11/ A child's surviving parent has the right to custody of the child, regardless of the terms of the custody order in effect when the parent died. The first case in which the North Carolina Court of Appeals applied this rule was a case involving a court order giving a father primary physical custody of his children. Under the order, the mother received visitation rights. Two years later, the mother died in a car accident.

The maternal grandmother filed a court action for visitation with her grandchildren. The trial court dismissed the grandmother's claim on the basis that a pending custody dispute ceased to exist on the mother's death.

D. Rulings Below

The Court of Appeals affirmed the trial court, holding that "the trial court's jurisdiction over the issues of visitation and custody regarding the children herein terminated upon the death of plaintiff's daughter."

Two years later, the Court of Appeals considered another case raising a similar issue. In this case, a grandmother attempted to get visitation rights for her deceased daughter's children. Prior to the mother's death, the parents were involved in a custody case in court.

12/ In upholding the trial court's dismissal of the grandmother's claim, the appeals court stated "where one parent is deceased, the surviving parent has a natural and legal right to custody and control of the minor children." The court further determined that the father's natural right following death of the children's mother does not depend on whether the father was the custodial parent at the time the mother died. A child's surviving parent has the right to custody of the child, regardless of the terms of the custody order in effect

when the parent died. The surviving father is competent and fit claiming is offspring property.

Reason for Granting the Writ

13/ I challenge any one that want to challenge me. **The uncle neglect an contribute to decease, an has no standing herein within, there 8th month are trying to fabricated created scheme psychological strategy against.** Appellant daughter is only ten she can not take care of herself i have to take care of her i know whats not good for her, from the understanding i found out In there prior report, is why appellant daughter kept away from her father, in violation of 5th 14h amend, with no contact is to ensure there illegal interruption strategy for defendant to get closer as away to circumvent, the compelling requirement of **NJSA 9:2-5, 9:2-9 and NJSA.9:2-10** to fabricate with Dr. a conspiracy psychological parental relationship, to the offspring. With "uncle", she will suffer irreparable harm, by the severing of contact with, the uncle confusion by defendants, who have contributed to her mother death with there methadone proscription drugs overdose, which cause her overdose, the uncle was and could have step in but did nothing, appellant in objection to his, daughter growing up being around a transgender as 3rd party, an did nothing to save is sister but put both them out on the street, the very daughter now he's trying to steel for, uses in conversion financial interest to use daughter for ransom to get money to pay is mortgage what, he could not get from the mother, ? how did i know this, she told appellant on the phone, when she needed help, how they treated her, was neglected her, he has no legal standing, appellant told the mother back then to come back and live in New York with appellant but she died.

POINT 2

14/ if he wants a child he can have is own all he had to do is change is life style, according to Lisa, they never had a father in their life, gowing up Lisa told appellant she was even rape in her family at 7 yrs old, no mansion of this by any one ? why is this silence, about ?

why when ask by the case worker on the day 8/20/18 when Lisa died, why he had no kids of his own he reply that he work too much, and was too busy, and concealed that he had a guy life style too men can have kids, and claim he wanted some financial help to keep appellant offspring, fact Lisa never trust any of her family with her daughter she was treated badly by them she could not depend on them, they all was selfish all bad attitude problems, 1 day Lisa called left massage for me to pick her up, one of her brother when I called once said to appellant nagger don't call my fucking house in 2008, for Lisa this was before she got pregnant, they just only wanted to use her for favors as baby sitter, they never respected her, may be that was one of the reasons she had drugs addicted from not, had a father growing up, all that hurt from family,

15/ appellant do not want his daughter around that life style, 'what a kid see's they will remember and follow my daughter is a very shay little girl, so i don't want her to get hurt, my descendant daughter is my asset my resource my property am the only parent to protect her, its my job for her healthy safety until she is of age to take care of herself and to bond with her an other offspring and siblings, she was my idea her mother was not interested at 1st in having kids it was my idea, she had three miscarriages it was very difficult, so i will never give offspring up now, I been waiting to get my daughter for 8yrs, and 2yrs =10 enough lost of time that will never come back, impostors defendants been illegally holding her after the DNA paternity and assessment done August 2019, now appellant want is offspring now, but is block from contact, i am been discriminated against by there abuse an bias racist action, done by defendants, her mother died while, a 3rd party who lack standing, knew mother prior issues and never step in to help her, but state agency who also lack authority now incorporate this action. because of race, define Status Free White Person, Blk Law 4th Edit pge 792 Nationalization Act, as amended by Act July 14,1870 used 1 Stat. 103,c.3, I am **Saba Al Moroccan Moorish American nationality Wasitha Moors tribe.** Defendants are trying to take away break up cut off destroy appellant offspring, kidnap holding her creating away to turn into, as ward of the state to deliver my offspring

16/ to a 3rd party gay Caucasian male to make it look like, as if she is dependent, or abandonment, over appellant objection, frivolous where it appears from inspection to be lacking in legal sufficiency, without consent, with bias prejudice retaliation, because the appellant Sui Juris, challenge there status jurisdiction venue, abuse of process, mail fraud malfeasance, false claim against the treasury IV-d A, I have sole parental custody rights as natural biological fit surviving parent, of deceased mother, who is out of the picture ended. Unless a compelling prove evidence prior, to 7/3/19 filed against appellant, not for protection or, have 4 elements danger, harm, abuse abandonment, or neglect. When there is only a financial government interest for ransom, no standing hearing. See **Miranda v. Arizona 1795**.

Sec.1441, 46 after prior agency lack standing 552a.001 00 still holding offspring no joiner or final yet by Art 3 judge, and the unlawful restrictions on PD, violate 5th, 14 amend due process of right law protected guarantee, liberty outweighs the otherwise compelling interest in finality of litigation. Because this interest in personal liberty is one of our most highly valued constitutional rights, those who are in "custody" pursuant to a judgment of a court are, in almost all cases, people are permitted to raise their federal claims in federal court, even those claims had once before been adjudicated. As Justice Brennan wrote for the Supreme Court majority in *Fay v. Noia*, 372 U.S. 391, 83 S. Ct. 822, 9 L. Ed. 2d 837 (1963).

POINT 3

Elements of human trafficking the agency are engage in herein by using of IVD

17/ On the basis of the definition given in the Trafficking in Persons Protocol, it is evident that trafficking in persons has three constituent elements;

The Act (What is done) Recruitment, transportation, transfer, harboring or receipt of persons

The Means (How it is done)

Threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim

The Purpose (Why it is done)

For the purpose of exploitation, which includes exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices and the removal of organs.

To ascertain whether a particular circumstance constitutes trafficking in persons, consider the definition of trafficking in the Trafficking in Persons Protocol and the constituent elements of the offense, as defined by relevant domestic legislation.

I. parental rights under the 1st Amendment access

18/ 18th century Supreme Court **Penhallow v. Doane Administrator 1795** 3 U.S. The quotation says "inasmuch as every government is an artificial person an abstraction and creature of the mind only government a government can interface only with artificial person, it goes on to state that governments includes their courts,

IVD is a debt collection agency. 45 USC Sec. 75. 4d contract County Agency, 45 cfr 26.30 all men are place on that list by fraud, 45 USC 301.1 separate agency from state, R. 60 pt 4. fed question, see **513 n Matthew v. Burn** of limited jurisdiction or family court. not judicial. not positive law. *Blessing v. Freestone*, IV-D not for parent or offspring, only for government,

19/ 2Am jur 2d section 129. 301 held that an administrative agency may not create a criminal liability offense or any liability not sanction by the law making authority and specially liability for a tax or inspection fees. There isno Statute grant 3rd party right over natural parent, no compelling evidence.

Congressional Intent

Title IVD definition legal phase needy dependent congressional intent-Appropriation -Original Act 1935 United States Code the title IV Appropriation SECTION 401 for the purpose of enabling each State to furnish financial assistance, as far as practicable under the condition in such State, to needy dependent children, there is hereby authorized to appropriated for the fiscal year ending June 30, 1936 the sum of \$24,750,000, and there is hereby authorized to be appropriated for each fiscal year thereafter a sum sufficient to carry out the proposes of this title the sums. made available under this section shall be used for making payments to states which have submitted, and had approved by the board State plan for aid to dependent children,

20/ If none of the compelling issues present by defendants, this is how the private agency steel kidnap hold children for ransom, human trafficking are 3 element to prove, to turn them in ward of the state to get money as my daughter, PD has her father fit serving, 4d program are strick definition needy mean when a children have no father mother or relative to take care of them, part of the social security has 21 title, IV-D NEEDY Family Child welfare grant to States for aid and services to needy families and children and for welfare services, limited Class of People or dependent on government to intervene, now the natural biological father fit of decease mother appellant come forth. **without compelling danger harm neglect misconduct court of appeals must reverse remand order back to federal court and to release daughter, for constitutional rights protection, and for violation of due proceed of law an for violation under color of law 242, 242. 1983 diversity suit claim for damages, see Stump v. Sparkman and,**

REGULATION MUST BE FOLLOW

21/ There must always be a 45 CFR Sec. 302. 34 contract where ever federal title IVD funding is being providing to an entity that in providing title IVD service the contract set forth the service to be provided the reporting requirement for reviving funding and must contain a provision that the entity reviving title IVD funding will comply with all federal laws **45 CFR Sec. 303.107(c)** and requirement as a condition for reviving the funding. was depiction,

status appellant Sui Juris have part and parcel rights over is daughter retain and reserved all rights without waiving any procedural or defenses common law trial as real party in action R.17 verified claiming N.J.S.A. 9:2-4. The defendants and 3rd party have no standing to file any motion in a prior agency state case, when status jurisdiction venue agency are challenge, agency refuse to recuse pursuant to disqualification Ca. cc. R. 170.3.6 financial interest to, lack status 4 USC 101, pursuant 556,D Melo v U.S. 505 fed 2d v1026 cease. Where no prior order judgment has been made. Join or bring forth under any other theory, rely on Santosky v. Cramer, without 1st proving parent, unfit finding by a competent Art 3 court.

foot note

One of the main constitutional interests at issue in **Santosky**, was affirmed in **Troxel v. Granville** when the Court struck down a Washington law that allowed for third parties to petition for visitation rights over parental objections.

22/ Appellant 3/11/20 bifurcate bring a damage counterclaim by select forum, at District Court of The united States removal by 28 USC 1441-46 241,242, 1986 1983 1988 false claim 31 USC 3729, private person non entity, see **Monell v. New York, for violation by 4D Entity 45 CFR 302.34, 45 302.7C 107C, 603 RICO 1964 against defendants; in district court relief plus punitive damages for \$20,000,000 damage diversity Citizenship deprivation rights under color of law due process of law violation infringement of rights protect by 5th 14th amendment and bifurcation, with file 3-20-cv-02619 #App for P.D. **medical malpractice 8/26/10 suit Toms River Hospital**, remains all parties include lawyer case workers, the agency administrator officer 4d Madelin F. Einbinder on the taking tribunal actor separate unit from state. Financial conflict of interest, recused. Miss**

River Hospital, remains all parties include lawyer case workers, the agency administrator officer 4d Madelin F. Einbinder on the taking tribunal actor separate unit from state. Financial conflict of interest, recused. Miss

An "attorney at law" is an arm of the state and their FIRST duty is to the court, then the government... NOT to you! Furthermore, whenever any "duty" to you interferes with their first duty, YOU are the one that is to take "back seat."

• According to 27 CFR 72.11, burglary; counterfeiting; forgery; kidnapping; larceny; robbery; illegal sale or possession of weapons; prostitution; extortion; swindling; and many other things, like simple addiction to drugs or marijuana use, are considered and defined as "Commercial Crimes" where you are converted to an object for "commercial use" and Due Process of Law becomes a farce!

23/ Agency is 45 USC 301.1 commissioner violate separation of powers by impersonation violate 18 USC 912 fraud, lack oath, for Article 3 judge, lack title 4 USC 101 oath Status, now warrant intervention by Fed Civ R.60 sec. 4., 513 n **Matthew v. Burn, has no judicial or equity power pretending to be judge without the proper oath and seal 28 USC 1691 not a judge. See **Stump v Sparksman** without authority no consent over appellant objection to order operation on is daughter PD 8 yr old in August 8, 2019 and toms river hospital, pending damages claim at law not sure on the status at this time, separate action. The motion order to show cause, and habeas corpus was for illegally holding P.D. in custody, by contractor under contract 45 CFR 603.**

24/ The supremacy Clause Article 6 Sec.2 prohibit states from interfering with the federal government exercise of its constitutional powers. and Separation of power the power is divided into three distinct breathes, legislative, executive, and judicial, no person or person charge with the exercise of power properly belonging to one branch shall exercise any power belonging to either of the other except as in the constitution expressly directed or permitted

Therefore Article Vi Paragraph 2 of the Constitution for the united States of America is violated by both State and federal judge judicial fraud on the court, required a relief reversal remand release PD, to continue suit for damages no attorney may file any case or represent any agency corporation entity with out a license endorse on the back .B.P.C. 6002,license, US V. High Country broadcasting co, 2d Cir Ct US, the first thing come before a court is jurisdiction.

Opinion

25/ 18 USC Code District Courts The district court of the United States shall have original jurisdiction, exclusive of the courts of the States of all offenses against the laws of the United States . nothing shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof. June 25, 1948 CH 645, 62 SAT. 826. see claim caption.

THE case was file under Article iii 18 USC 3231 District court of the united States?, is the UNITED STATE DISTRICT COURT, an Article 4 court a legislative court R 201, its not a constitutional court to hear private a claim, or a territorial court, these question must be answer, because it affect appellants domestic right 552.001 FOIA. Sup. Ct. US. **Chief justice John Marshall** already address this issue in the Cotton case USDC dose not have the

same badge, as Article 3 judge and can't even sit on an appeal bench. All judicial powers are in the Article 3 Sec. 2 Court. There are two class of Citizen in America, 1/, in D.C. and the other 1, in the states republic protected by The constitution and restrain. Article 6 Cl.2. this is a constitutional republican form of government. Article 4 Section 4-New Yorker., define in fed style manual 5.23 state Citizen private. and public is US CITIZEN. Ca 1849 judge sign The Constitution, mean state united see **Texas v. White 74 US 227.**

26/ To see 18 USC 3132 to release PD in violate of 8th amend 4th 5th and 14th rights, the injunction stay, was to stop, no consent, flu shots no liability, any and all vaccine never work are harmful cause sterilization, an Micro Chip being downloaded to alter DNA to control for there new digital financial system sinister with no disclosure. Which federeal judge Micheal Shipp error memorandum pge 4, in ruling on 3/4/2021 grand IFP, and denied order to show cause, habeas corpus, judge claim lack jurisdiction, and claim that federal court case, was review of agency case judgment without proof or discovery is wrong. As an Article 4 judge as, Claimed was a review from a final, no such state judgment. Court error, pursuant to R.60 is at any time to correct because, no such thing accrued or any such evidence existed, therefore the appeal court case must relief by reverse and remand back to federal court for continue proceeding with a competent judge and trial discovery to be conducted, rely on same issues in stare decisis **Troxel v. Granville** case. The agency may be on there own with no consent of appellant to circumvent violate NJSA 9;2-9 not met. IT violate Removal 1441 and mothers death stop, There action, agency tribunal, is unconstitutional on it face.,

Synopsis of Rule of Law. The Due Process Clause of the Fourteenth Amendment requires more than a preponderance of the evidence standard in a termination of parental rights hearing.

NOTICE AND AFFIDAVIT OF FACTS Art. IV Court Lack Jurisdiction over judicial Suit.

27/ ALL Judicial powers of inferior courts come from the Judicial Act of 1789 as the Attorney General position. Judicial power" come from Article iii Section 2 of the Constitution. The Eleventh Amendment removed All Judicial powers in law and equity Treaty contracts and the right of the State to bring suit against the people, there are no judicial Courts in America and there has not been since 1789 Judge do not enforce Statute and codes Executive administrator enforce statutes and code, there have not been any judge in America since 1789 there have just been administrators FRC.v GE 281, US 464, Keller v PE 261 US 428 1 Stat. 138 -178., the position of the Attorney General and prosecutor, of both the United States and several States comes under the judicial branch not the executive branch of the government all Attorney comes under the judicial branch and are judicial officers under the Supreme Court, not under the secretary of State as license professionals which means they can only represent the courts not the people or the state the eleven amendment removed all judicial power from inferior court and the prosecutors office as well as from all court officer in law equity and both the eleven amendment makes a foreign State separation from the position of the public office position to throw off the people the people have eleventh amendment immunity because there is no judicial power of the inferior court and the people have foreign Sovereign immunity Article iii Section 2 diversity U S Constitution, the judicial powers shall extend to all case in law and equity arising under this constitution the laws of the united states and treaty made or which shall be under there authority to all case in affecting Ambassadors other public minister and Consul ;- to all cases of Amorality and maritime jurisdiction ;- to controversies to which the united States shall be a party;-to controversies between two or more States;- between;- a State and Citizens of another State and between Citizen of different States; between Citizen of the same state claiming land under Grant of different states and between a state or the Citizens thereof, and foreign States Citizen or subjects". Eleventh Amendment" the judicial power of the united states shall not be construed to extend to any suit in law or equity commence or prosecuted against one of the united

28/ states by citizen of another State, or by Citizen or Subjects of any foreign states,

The article starts with a conflict over the concept of individual sovereignty as viewed by the Supreme Court in the Chisholm vs Georgia case of A.D. 1793 and the Wong Kim Ark case of A.D. 1898: Appellant Claim at law file in DCUS Art iii sec.2, 18 USC 3231 March 42021 by Art 4 is null and void.

The United States territorial courts are established in territories of the United States by the Congress. Though the courts are named as district courts, they are not Article III courts, but are created in accordance with the power granted under Article IV of the United States Constitution.[1] The judges of the territorial courts are Article IV federal judges that are appointed by the president to 10-year terms.[1] Certified delegation of authority.

29/ The Supreme Court has previously held that citizens have certain fundamental rights upon which the government cannot infringe, unless the deprivation of that right is necessary to achieve a compelling government interest. This doctrine, arising from the "liberty clause" of the Fourteenth Amendment, is known as substantive due process.[1] The right to privacy was found to be fundamental under this doctrine, and a number of rights to choice came out of it, such as in **Roe v. Wade**, where the Court found a right to have an abortion and in **Meyer v. Nebraska**, where the court found a parental right to raise their children as they wish.[1] In **Griswold v. Connecticut** the Court extended this doctrine to the right to procure contraception. Substantive due process was further expanded to encompass children with **In re Gault** establishing that children have a right to procedural due process when the state attempts to take custody of them.

30/ Procedural due process, arising from the Fifth and Fourteenth Amendments, is minimally the right to notice and a hearing, but has been held to include in some circumstances rights to counsel and rights to confrontation.[2] Procedural due process is required any time a person faces the deprivation of life, liberty, or property.[2] As substantive due process arises from the liberty clause, a deprivation of a substantive due process right is a deprivation of liberty and thus requires procedural due process.[3] The deprivation of rights secured by substantive due process requires some amount of procedural due process, but procedural due process can range from an administrative hearing to a jury trial.

Abstract

Guided by a life course perspective, attachment theory, and gender theory, this study aims to examine the impact of death of a father, a mother, or both parents, as well as continuously living with one or both parents dead (in contrast to having two parents alive) on multiple dimensions of psychological well-being (depressive symptoms, happiness, self-esteem, mastery, and psychological wellness), alcohol abuse (binge drinking), and physical health (self-assessed health). Analyses of longitudinal data from 8,865 adults in the National Survey

Argument

31/ appellant is natural biological fit father of, deceased mother end. for his child in interests we are 1988 in propria persona proceeding in this case the right to the custody and control of one's child is a fiercely guarded right in our society in our law it is a right that should only be infringed upon under most compelling circumstances and those are the words of this court back in 1986 since that time we have we do broke up here appellant in the case before us appellant faced the federal court that not only sees their children without

compelling circumstances but also deprived appellant of the most basic fundamental rights the agency court behind is back denied appellant their right to consult their right to notice their right to be heard and their right to confrontation all of these protections are guaranteed by the US and NY NJ Georgia constitutions and are codified by the Negro Pope as a result of these egregious violations appellant were rendered completely

32/ unable to prepare or present or get **discovery** 26 f the defense, to the accusations against them the deprivation of procedural due process combined with the absence of focus or any witness testimony whatsoever resulted in a null and void temporary placing order this Court has ruled extensively on the matters see Transy v. Pagliaro.

necessity for due process in Georgia proceedings, and the Georgia Legislature as I've said has codified all of the rights addressed here so there are three layers that can be looked at looking at the code we have answers to all of the issues in this case let me stop you here what's the difference in the protective order and a dependency there difference in terminology but what as, decision in,

Troxel v. Granville, 530 U.S. 57 (2000), is a case in which the Supreme Court of the United States, citing a constitutional right of parents to direct the upbringing of their children, struck down a Washington state law that allowed any third party to petition state courts for child visitation rights over parental objections.

Concurrence: Souter

Full case name: Troxel et vir v. Granville

Dissent: Stevens

Prior: In Re Custody of Smith, 137 Wn.2d 1, 96

TROXEL V. GRANVILLE

www.law.cornell.edu › supct › html

33/ June 05, 2000 · Respondent Tommie Granville, the mother of Isabelle and Natalie, opposed the petition. The case ultimately reached the Washington Supreme Court, which held that §26.10.160(3) unconstitutionally interferes with the fundamental right of parents to rear their children. I. Tommie Granville and Brad Troxel shared a relationship that ended in June 1991.

Troxel v. Granville | Case Brief

www.casebriefs.com › troxel-v-granville

Tommie Granville and Brad Troxel had two daughters during their relationship, but never married. After the two separated, Brad lived with his parents (the daughters' paternal grandparents) and regularly brought his daughters to their home for weekend visitation.

3/4/21 Federal Judge Error pursuant to 28 USC.1441,46

COURSE

www.gpo.gov › pkg › pdfPDF

footnote,

In 2000, the right of parents to choose how to raise their child, one of the main constitutional interests at issue in Santosky, was affirmed in Troxel v. Granville when the Court struck down a Washington law that allowed for third parties to petition for visitation rights over parental objections.

28 U.S.C. § 1441(a)

Page 369. TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE. § 1441 ... 1446 . Procedure for removal of civil actions. 1447. Procedure after removal generally.

What happens after a notice of removal is filed?

Promptly after the filing of such notice of removal of a civil action the defendant or defendants shall give

33/ written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such State court, which shall effect the removal and the State court shall proceed no further unless and until ..

(a) Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending. For purposes of removal under this chapter, the citizenship of defendants sued under fictitious names shall be disregarded.

(b) Any civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be removable without regard to the citizenship or residence of the parties. Any other such action shall be removable only if none of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought

#1 start Diversity #APP C new Claim at common law for medical mil practice at birth file include misconduct on all officers agent 241,242 counter claim involve with Toms River Hospital this, case bifification IFP, not heard, still pending 3-20-cv-02619 not address over look it seems by judge as clerical error, #2. one habeas corpus, #3 one restraining order to stop illegal vaccine, #4 one ORDER to show cause Quo Warranto, the district court never really separated the claim at law from the rest of single issues raised but bungle its derision together denies or close the cases, it seem as only the IFP is left, or demand to amend, they were file together for different issues to stop daughter legal vaccine are detrimental cause death, once you get it there is no reversal from it, that's why this information relevant.

34/ Angela Merkel, the chancellor of Germany, in case you missed it (US major media under reporting), has refused to take the AstraZeneca jab in the arm. She states it is only approved in Germany for people 65 and under. She's 66. Very precise of her.

Emergency vaccine alert edition, podcast and article

The global vaccine push is transforming human beings into "super strain" factories who are churning out ("shedding") deadly viral strains that are far more dangerous than the original corona virus.

A top vaccine scientist has sounded the alarm that paints a devastating picture for humanity. If this scenario unfolds, it could mean mass death and the fall of entire nations over the next 1-2 years as a "second wave" of a super mutant covid-19 created in lab, strain is unleashed and widely circulated. Meanwhile, the vaccine is utterly destroying the immune systems of those who receive the vaccines, impairing their innate immunity and setting them up for mass death when the next vaccine-resistant super strain spreads around the world.

For the Reason why the restraining order added, was separated to prevent this damage by the 4d agency commissioner administer in July 2019, **28 USC 1441, 46 removal**, for an interlocutory NJ appeal mandamus to enforce challenge, agency prior claim they do not have to proof jurisdiction, reason , for FOIA refusal **552a.001** agency now default **556-d** cease any prior action order are Null and Void that tribunal lack equity and judicial

authority once jurisdiction challenge they cannot waive or proceed, Mello V US.

35/ The long-standing jurisprudence of the Commonwealth has been to deny custody and visitation rights to third parties unless extreme circumstances exist, such as abuse or neglect.²⁷ "State intervention in the parent-child relationship is justified only when parents appear unable to provide for their children's care and protection." Custody of a **Minor (No. 1)**, [377 Mass. 876, 882 (1979)]. . . . In that sense, the fitness of parents and the best interests of the child are related. . . . '[T]he critical question is whether the natural parents are currently fit to further the welfare and the best interests of the child.

Argument violation infringement damages

provides the history and evolution of the massive unwarranted and unauthorized overreach of the federal/state/county Title IV-D child support agency program into the private lives of families. Contrary to Congressional intent, the agency works to build their agency. Congressional intent is "cost recovery" and "cost avoidance" of government Title IV-A public assistance programs.

Instead, to grow the agency, this government program is incentive's the removal of one parent (most commonly the father) without just cause. **The IV-D child support agency DOES NOT represent children! See Blessing v Freestone the court ruled.**

Congress never intended this program to be "for children" or for all nonpublic assistance cases; nor did Congress intend for this program for involved fathers. The IV-D program is a massive waste of taxpayer money, in violation of Congressional intent; the V-ID agency is damaging children (and society) by incentivizing faithlessness.

This program must be reigned in to achieve the original intent and to limit the use of this agency in private cases. This program was meant for dads who had abandoned their children to public assistance.

This program should NOT be used and should be allowed to intervene when there is an involved father who is fulling supporting his children. This program should be restricted to states that support equal parenting time for fit, loving, responsible dads who are ready, willing, and able to step up to the plate to share now in the responsibility of raising their kids.

It is wrong for a government agency to incentive faithlessness, restrict children's time with fit fathers, the child, the agency commissioner over appellant, objection claim any one who has is daughter the uncle may vaccinate and test her, onces vaccinated you are finish sterilize can never reverse the damages, pharma are exempt beer no liability.

Single and separate unit 45 CFR Sec.301.1 under the dept of health with 45 CFR 302.34 cooperative 45 CFR 235.70 no judicial or equitable power fraud on the court FOIA OFFICES of attorney general contract when challenge the commissioner status she claim she is not going to answer, and defendant dose not have to prove anything 556 d. cease and decease.

Blessing v Freestone was never intent to benefit the child mother or father, you can sue 3rd part attorney general to produce the contract under **Luger v edmington**

Child support agreement are equivalent to interstate contract citting **U.S .v. Sage 92 F at 106 United States Court of Appeals Second Circuit New York,**

Padelford, Fay & Co. v. Mayor and Aldermen of City of Savannah

14 Ga. 438, 1854 WL 1492 (Ga., Jan Term 1854) (No. 64)

"No private person has a right to complain by suit in court on the ground of a breach of the United States constitution; for, though the constitution is a compact, he is not a party to it."

state claim that the Supreme Court of Texas is co-equal to the US Supreme Court,

If a public official violates statute he has no judicial or sovereign immunity 1441, 46, 1602 18 USC 3132

Article 1 Section 8 Cl 14 apply to the government , not the people 28 U.S. Code § 530B - Ethical standards for attorneys for the Government

(a) An attorney for the Government shall be subject to State laws and rules, and local Federal court rules, governing attorneys in each State where such attorney engages in that attorney's duties, to the same extent and in the same manner as other attorneys in that State.

(b) The Attorney General shall make and amend rules of the Department of Justice to assure compliance with this section.

(c) As used in this section, the term "attorney for the Government" includes any attorney described in section 77.2(a) of part 77 of title 28 of the Code of Federal Regulations and also includes any independent counsel, or employee of such a counsel, appointed under chap 40.

Administrative Particularly having the character of executive or ministerial action : In a sense, administrative functions or acts are distinguish from a JUDICIAL and such as are Synonymous with "executive" Black's Law Rev 4th Ed.p.66.

Appellant augment

36/ Objection there was no state competent judgment prior IVD order regarding permanency, only a temporary placing due to the mother death who had appellant's offspring, suit against all parties, now move for want for Art. 3 district court, for Quo Warranto therefore the agency lack authority to continue to do anything behind the appellant back, also after the NJ interlocutory notice of appeals court, was filed, and after the district court of the united States case started, according to **USDC judge memorandum** claim on pge 4 error 3/4/21 it has no jurisdiction, USDC is wrong, look like judicial fraud, by protecting the administrative agency conduct,"can be collaterally attack in any court at any time" Void order.

agency are engage in Abuse of process there has been no charge claim adjudication order loss of parental rights of appellant or prove unfitness, or compelling evidence injury harm damage abandonment prior the defendant are bias retaliation and demand, for the uncle intervene to file motion for custody, after appellant come foreword as biological natural parent after mother died,

which violate the fundamental rights and obstruct disrupt infringe on appellant protected rights interest both daughter and father 5th 14th amend as in Troxel case, this constitutional challenge R.5.1 for defendant

interference by discrimination background, if any a void judgment no entitlement, but may be entirely disregarded in violation of those constitutional limitation s guarantees. **Hanson v. Denckla** 357 US 235, 2L Ed 1283, 78 S Ct. 1228. 30A Am Jur Judgments "44,45.

POINT 4

• **Violation Parental rights Equal Protection law And Due Process Under 5th 14th Amendment**

Since there is evidence appellant's, offspring PD held, is in custody what's is define as in conversion and

Carafas was in custody within the meaning of the habeas corpus statute. The Court, in so holding, stressed that Carafas was subject to "collateral consequences," id. at 237, 88 S. Ct. at 1559, and "is suffering, and will continue to suffer, serious disabilities " Id. at 239, 88 S. Ct. at 1560. Proper role: the preservation of individual liberty and the relief from unlawful custody. This principle has been expressed by the Supreme Court in **Hensley v. Municipal Court**, 411 U.S. 345, 93 S. Ct. 1571, 36 L. Ed. 2d 294 (1973):

Title	9	CHILDREN--JUVENILE	AND	DOMESTIC	RELATIONS	COURTS
Section	9:1-1	- Equal rights of parents to services and earnings of minor child; action for injuries to child.				
Universal		Citation:	NJ	Rev	Stat	§ 9:1-1 (2013)

9:1-1. Equal rights of parents to services and earnings of minor child; action for injuries to child. The father and mother of a minor child are equally entitled to its services and earnings. If one of the parents be dead, has abandoned the child, or has been deprived of its custody by direction of court, the other is entitled to such services and earnings.

9:2-5. Death of parent having custody; reversion of custody to surviving parent; appointment of guardian by superior court; removal. In case of the death of the parent to whom the care and custody of the minor children shall have been awarded by the Superior Court, or in the case of the death of the parent in whose custody the children actually are, when the parents have been living separate and no award as to the custody of such children has been made, the care and custody of such minor children shall not revert to the surviving parent without an order or judgment of the Superior Court to that effect. The Superior Court shall have the right, in an action brought by a guardian ad lit-*em* on behalf of the children, to appoint such friend or other suitable person, guardian of such minor children, and shall have the right to remove such guardian, and to appoint a new guardian or guardians, and to make such judgments and orders, from time to time, as the circumstances of the case and the benefit of the children shall require.

Brief Fact Summary. Petitioner parents challenged the constitutionality of a New Jersey statute permitting permanent termination of parental rights based upon a preponderance of the evidence standard. **Troxell** Supreme court require compelling prove of unfitness.

NO TESTING IN VIOLATION ADA 42 USC 12132

A Texas woman suffered a horrific membrane rupture after a Wuhan corona-virus (Covid-19) nasal swab test punctured her brain tissue, resulting in spinal fluid leaking from her body.

Chari Timm of San Antonio went to the hospital for chest pain when she was told that in order to receive care, she would need to first be tested for the Chinese virus. As the nurse jammed the nose javelin up Timm's nasal cavity, however, it ruptured her brain membrane March 11, 2021 (LifeSiteNews) — Stanford University professor Dr. Jay Bhattacharya recently slammed COVID-19 lockdowns as the "biggest public health mistake we've ever made." "The harm to people is catastrophic," he told the Daily Clout in an interview last month.

Bhattacharya, an associate professor of medicine at Stanford University Medical School and an economist with the Freeman Spogli Institute, reiterated his comments to Newsweek, calling lock downs "the single worst public health mistake in the last 100 years."

The Pfizer vaccine for Covid-19 has the same ingredient used in executions.

This is what the fake pandemic is about trauma to kids. Micro chip. Damages.

And now we come to it. On Sunday March 21, 2010 the Senate Healthcare bill HR3200 was passed and signed into law the following Tuesday. Like I said before, there are a legion of horrible and just plain evil aspects to this bill and I'm sure you've heard a lot of them by now. I don't want to discount them but what cannot be missed here is this new law now opens a prophetic door on a magnitude not seen since the reformation of Israel.

ADA 42 USC 1213-2 EXEMPT any danger to health TO PD.

This new illegal law requires an RFID chip implanted in all of us. This chip will not only contain your personal information with tracking capability but it will also be linked to your bank account. And get this, Page 1004 of the new law (dictating the timing of this chip), reads, and I quote: "Not later than 36 months after the date of the enactment". It is now the law of the land that by March 23rd 2013 we will all be required to have an RFID chip underneath our skin and this chip will be link to our bank accounts as well as have our personal records and tracking capability built into it. a 5th amendment violation.

A review of the statutory and common law of custody disputes convinces us that in an action between a parent and a third party, a presumption of custody exists in favor of the parent. New Jersey's comprehensive custody-statutory scheme proclaims that "it is in the public policy of this State to assure minor children of frequent and continuing contact with both parents." N.J.S.A. 9:2-4. Furthermore, in any custody dispute, "the rights of both parents shall be equal." Ibid. Similarly, N.J.S.A. 9:17-40 declares that "[t]he parent and child relationship extends equally to every child and to every parent, regardless of the marital status of the parents."

A "parent," when not otherwise described by the context, means a natural parent or parent by previous adoption." N.J.S.A. 9:2-13(f). Grandparents are neither natural nor adoptive parents under the statute.

N.J.S.A. 9:2-4 refers only to parents and does not refer to third parties. However, N.J.S.A. 9:2-9 instructs that if a parent is "grossly immoral or unfit [...] any person interested in the welfare of such child" may institute an action in Superior Court. (Emphasis added). N.J.S.A. 9:2-10 then allows a court, in an action brought by a third party pursuant to N.J.S.A. 9:2-9, to award custody of the child to that third party. But such a custodial award is based on a finding of parental unfitness, which was never alleged or found to exist in the present case.

When read together, those statutory provisions indicate that in a custody dispute between a parent and a third party, the public policy of this State is that a presumption exists in favor of the parent. A third party can overcome that presumption by satisfying the standard required for termination of the rights of a non-consenting parent: unfitness, abandonment, gross misconduct, or "exceptional circumstances." A reading of the statutory scheme to generally afford a fit parent a superior right to the custody of his or her child as against third parties conforms to common sense and constitutional law.

foot note

(a) The Fourteenth Amendment's Due Process Clause has a substantive component that "provides heightened protection against government interference with certain fundamental rights and liberty interests," Washington v. Glucksberg, 521 U. S. 702, 720, including parents' fundamental right to make decisions concerning the care, custody, and control of their children, see, e.g., Stanley v. Illinois, 405 U. S. 645, 651. Pp. 5-8.

That idea is "so rooted in the tradition and conscience of our people as to be ranked as fundamental." *Griswold v. Connecticut*, 381 U.S. 479, 487, 85 S.Ct. 1678, 1683, 14 L. Ed.2d 510, 517 (1965) (Goldberg, J., concurring) (citation omitted). The Supreme Court of the United States noted long ago that "[i]t is cardinal with us that the custody, care and nurture of the child reside first in the parents."

Prince v. Massachusetts, 321 U.S. 158, 166, 64 S.Ct. 438, 442, 88 L.Ed. 645 (1944); see also **Santosky v. Kramer**, 455 U.S. 745, 753, 102 S. Ct. 1388, 1394-95, 71 L. Ed.2d 599 (1982). Similarly, in *In re Baby M*, 109 N.J. 396, 537 A.2d 1227 (1988), this Court recognized that a parent has a constitutionally protected, albeit limited, fundamental right to the companionship of his or her child. *Id.* at 450, 452 n. 16, 537 A.2d 1227; see also *Adoption of Children* by G.P.B., 161 N.J. 396, 403, 736 A.2d 1277 (1999). Judge Michels best summarized the law when he wrote:

Indeed, the right of natural parents to the custody, care and nurturing of their children has risen to the stature of a fundamental right and deserves special protection. **Santosky v. Kramer**, 455 U.S. 745, 753, 102 S. Ct. 1388, 1394, 71 L. Ed.2d 599 (1982); **Stanley v. Illinois**, 405 U.S. 645, 651-652, 92 S. Ct. 1208, 1212-1213, 31 L. Ed.2d 551 (1972) (and cases cited); *In re Guardianship of Dotson*, 72 N.J. 112, 122, 367 A.2d 1160 (1976) (Pashman, J., concurring); **State v. Perricone**, 37 N.J. 463, 472, 181 A.2d 751 (1962), cert. den., 371 U.S. 890, 83 S. Ct. 189, 9 L. Ed.2d 124 (1962). See *In re N.*, 96 N.J. Super. 415, 424-425 n. 5, 233 A.2d 188 (App. Div. 1967). Since the right of parents to the custody of their minor children is both a natural and legal right, the law should not disturb the parent/child relationship except for the strongest reasons and only upon a clear showing of a parent's gross misconduct or unfitness or of other extraordinary circumstances affecting the welfare of the child. See 59 Am. Jr. 2 nd, Parent and Child, § 25 at 107-108 (1971). Thus, in determining a child's best interest, courts traditionally have been reluctant to deny a natural parent custody of his or her own child. *In re Mrs. M.*, supra, 74 N.J. Super. at 183-184, 181 A.2d 14. See *E.T. v. L.P.*, supra, 185 N.J. er. at 84, 447 A.2d 572; *Hoy v. Willis*, 165 N.J. Super. at 272, 398 A.2d 109; *In re N.*, supra, 96 N.J. Super. at 423-24, 233 A.2d 188.

[*In re D.T.*, 200 N.J. Super. 171, 176-77, 491 A.2d 7 (App. Div. 1985)]

The fact that the Legislature has provided visitation privileges in certain limited circumstances to a child's grandparents evidences its recognition that visitation privileges of third parties do not exist without statutory authorization. 25 The Appeals Court has construed this statute and reached a similar conclusion. *Enos v. Correia*, supra at 323, quoting *Bay State Gas Co. v. Local No. 273, Util. Workers Union of Am.*, 415 Mass. 72, 75-76 (1993). 26 Furthermore, we have opined that "[i]t is the function of the court to construe a statute as written and an event or contingency for which no provision is made does not justify judicial legislation." *Alguila v. Safety Ins. Co.*, 416 Mass. 494, 499 (1993), quoting *Prudential Ins. Co. v. Boston*, 369 Mass. 542, 547 (1976).

Conclusion Statement of the Case

Not surprisingly, the concept that a presumption of custody exists in favor of a parent, and that only a showing of unfitness, abandonment, gross misconduct, or "exceptional circumstances" will overcome this presumption, is steeped in the history and common law of this State.

foot note

A child's surviving parent has the right to custody of the child, regardless of the terms of the custody order in effect when the parent died. The court's decision *North Carolina* also rested on the court's conclusion that the custody case between the mother and father ended on the mother's death. Any prior allege state agency order null and void.

Public Law 856 CHAPTER 807 JOINT RESOLUTION August 1, 1956 Approving the relinquishment's of the consular jurisdiction of the United States [s. j. Res. 16;>]n Morocco. Whereas the laws of the United States invest the ministers and consuls of the United States in certain countries, including Morocco, with judicial authority so far as the exercise of the same is allowed by 774 PUBLIC LAW 8 57-AUG. 1, 1956 [70 ST AT .8 Stat. 484. 34 Stat. 2905. Relinquishment of consular jurisdiction i n Morocco .- 22 us e 141-183. by treaty with such countries and in accordance with usage in such countries; and Whereas the consuls of the United States in Morocco are permitted to exercise jurisdiction over American nationals under the treaty between the United States and Morocco signed September 16, 1836, and the Act of Algecira is signed April 7, 1906; and the exercise by custom and usage the same jurisdiction over subjects of Morocco or others who may be designated as "proteges" under the Convention of Madrid signed July 3, 1880; and Whereas Morocco is now the only foreign country where the consuls of the United States exercise such jurisdiction; and Whereas it is the policy of the United States to discontinue the exercise of extraterritorial jurisdiction in Morocco at such time as it becomes appropriate: Therefore be it Resolved by the Senate and House.

Article .6 Treaty of and Friendship

If any Moor shall bring Citizens of the United States or their Effects to His Majesty, the Citizens shall immediately be set at Liberty and the Effects restored, and in like Manner, if any Moor not a Subject of these Dominions shall make Prize of any of the Citizens of America or their Effects and bring them into any of the Ports of His Majesty, they shall be immediately released, as they will then be considered as under His Majesty's Protection.

22

If an American Citizen shall die in our Country and no Will shall appear, the Consul shall take possession of his Effects, and if there shall be no Consul, the Effects shall be deposited in the hands of some Person worthy of Trust, until the Party shall appear who has a Right to demand them, but if the Heir to the Person deceased be present, the Property shall be delivered to him without interruption; and if a Will shall appear, the Property shall descend agreeable to that Will, as soon as the Consul shall declare the Validity thereof.

Conclusion

The Court Santosky v. Kramer found that while the State had an interest, a higher burden would have little impact on the ability for the State to achieve its goal.[12] Following from this review, the Court held that "the State [must] support its allegations by at least clear and convincing evidence." [10][13] 28 USC 1738.

WHEREFORE, PREMISES CONSIDERED Petitioner respectful request this court to this petition for writ for Certiorari relief to reverse remand release and set the matter on the Court's docket for briefing in the interest justice on the issues raised on infringement of natural biological parental rights for is offspring, of decease mother be granted stay herein.

Respectfully presented.

Dated: 2021

Auth Rep by: 
Oliver-Vaughn: of the family Douce Al Dey Sui Juris

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