

SEP 27 2021

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No. 21-804

In the
Supreme Court of the United States

PHILIPPE ZOGBE ZATTA,

Petitioner,

v.

STEVEN CHARLES ELDRED, ET AL.,

Respondents.

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

PETITION FOR A WRIT OF CERTIORARI

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NOVEMBER 23, 2021

SUPREME COURT PRESS

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BOSTON, MASSACHUSETTS

QUESTIONS PRESENTED

1. Whether Petitioner, a Black father, raising his daughter since birth in California and supporting his child in Missouri at all times after separation or divorce according to the preponderance of proofs or evidence, can be prosecuted, have judgments entered against him and his property seized by California and Missouri child support services for "having not provided support to his child since birth"?
2. Whether judgments entered against Petitioner for "having not provided support to his daughter since birth" in spite of all proofs or evidence presented by Petitioner in court clearly establishing that Petitioner was raising his daughter since birth and supporting her at all times are valid and enforceable judgments against Petitioner?
3. Whether judgments secured against Petitioner through frauds, child support frauds, frauds upon the court, in the complete absence of all jurisdiction or in violation of due process are valid or enforceable judgments against Petitioner in California or Missouri?
4. Whether 42 U.S.C. § 651 creates any exception(s) allowing child support services of California to seize Petitioner's property by enforcing a nonexistent child support order allegedly secured for Petitioner's son born in 2002 in France now living with Petitioner in California or by enforcing a nonexistent judgment of Alimony against Petitioner?
5. Whether the States of Missouri and California child support agencies or Superior Court of California can infringe on or interfere with Petitioner's fundamental parental rights in spite of the preponderance of proofs or evidence clearly establishing that Petitioner

was raising or carrying for his daughter or his son since birth?

6. Whether Superior Court of California County of Orange can prosecute Petitioner for "having not provided support to his daughter since birth" and impose on him \$831 to \$892 monthly child support orders even though Petitioner presented in court proofs or evidence that Petitioner was raising his daughter since birth in California and that he was paying monthly child support between \$1,000 to \$1,600 monthly to his child's mother in Missouri?

7. Whether the *Rooker-Feldman* doctrine can be used to dismiss Petitioner's lawsuit with several claims independent of the state child support action and with five private individuals all of them already in default including four private individuals not party to the state court action?

8. Whether state child support officials, state court clerks, state court commissioner or state judges still enjoy immunity when they knowingly or willfully acted *ultra vires* beyond their official authorities or without probable cause, when they acted in violation of their oath to the United States Constitution, when they knowingly engaged into fraud(s), frauds upon the court, unconstitutional practices or when they knowingly acted in the complete absence of all jurisdiction to issue, maintain, protect or enforce void judgments or nonexistent judgments against Petitioner?

PARTIES TO THE PROCEEDINGS

Petitioner

- Philippe Zogbe Zatta

Respondents

- Steven Charles Eldred
- Matthew Lunn Reichman
- Russel Villasenor
- Keith D. McHorney
- David A. Kilgore, Jr.
- Paul T. Minerich
- Lon F. Hurwitz
- David H. Yamasaki
- Eileen C. Moore
- Richard M. Aronson
- David A. Thompson
- Kevin J. Lane
- Lisiane Dohi Lepe
- Robert P. McCulloh
- Steve Corsi
- Israel Louis Cross, Jr.
- Venus Valine Harry
- Goli Marius Beugre
- Florence Loba,

LIST OF PROCEEDINGS

United States Court of Appeals for the Ninth Circuit
No. 19-56483

Philippe Zogbe Zatta, *Plaintiff-Appellant* v.
Steven Charles Eldred, in His Person and Official
Capacities; Et Al., *Defendants-Appellees*.

Date of Final Opinion: March 18, 2021

Date of Rehearing Denial: July 1, 2021

United States District Court for the Central District
of California

Case No. SACV 18-02280-ODW (JEM)

Philippe Zogbe Zatta, *Plaintiff* v.
Steven Charles Eldred, Et Al., *Defendants*.

Date of Final Judgment: December 4, 2019

Superior Court of California

Case No. 17FL 100650

Lisiane Dohi Lepe, *Petitioner/Plaintiff* v.
Philippe Zogbe Zatta, *Respondent/Defendants*.

Date of Final Judgment: August 10, 2017

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PETITION FOR WRIT OF CERTIORARI

INTRODUCTION

Philippe Zogbe Zatta, a private U.S. Citizen, a Black father, entitled to all rights granted, secured and protected by the United States Constitution, federal laws and statutes, exercising his rights as a parent to properly care for his daughter and his son, without undue intervention(s) of government(s) or court(s), petitions the United States Supreme Court for a Writ of Certiorari to review the judgment of the United States Court of Appeals upholding dismissal of his lawsuit with prejudice against five private parties already in default, and against all county and state officials from the states of Missouri and California allegedly under the *Rooker-Feldman* doctrine.

The five private parties including four individuals not party to the state child support lawsuit against Petitioner have literally ignored Petitioner's lawsuit filed in the U.S. District Court. Petitioner has secured a default against all five private defendants pursuant to Fed. R. Civ. P. 55. Petitioner sued county and state officials from the states of Missouri and California for secretly building a child support case against him for "having not provided support to his child since birth" around January 2016. Missouri and California child support services kept the prosecution case in the secret, never sent a notice to Petitioner and secured a judgment against him in February 2017 at the time of filing the child support lawsuit against him in California. Ever since, officials from county and state child support services have been

seizing Petitioner's property, bank accounts, wages, tax returns of others for "having not provided support to his child since birth" in spite of the preponderance of convincing proofs and evidence clearly showing that Petitioner attended the birth of his daughter, that Petitioner was raising his daughter since birth (June 16, 2013) and that Petitioner kept supporting his child at all times after separation or divorce (April 30, 2015). In addition, child support services have been seizing Petitioner's property by enforcing against him a nonexistent child support judgment allegedly for his son born in France in 2002 and living with Petitioner in California. California child support services are also enforcing a nonexistent judgment of alimony against Petitioner. Petitioner was seeking to recover damages from both private parties and officials sued in the U.S. District Court for their willful or reckless actions that violated his rights and caused him damages. Petitioner was also attacking all child support judgments in the U.S. District Court as void and not enforceable anywhere in the United States of America. *Steinfeld v. Hoddick*, 513 U.S. 809 (Ill. 1994). This United States Supreme Court has ruled in *Elliot v. Piersol*, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828) that "without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers." *World-Wide Volkswagens Corp. v. Woodson*, 444 U.S. 286 (1980).



OPINIONS BELOW

The U.S. Court of Appeals of the Ninth Circuit upholding the decision of the U.S. District Court of California dismissing the lawsuit with prejudice of Petitioner, a pro se litigant, is attached at App.1a. The denial of Petitioner's motion for rehearing en banc is also attached at App.38a. The U.S. District Court has dismissed the entire action of Petitioner (App.4a, 5a) based the finding and recommendations of the Magistrate Judge (App.7a) in spite of Petitioner's objections clearly showing that the report were egregiously and unprecedently flawed (App.40a). Five private individuals were already in default at the time of dismissal including four not party to the state child support action sued for claims independent of the state court child support lawsuit. Petitioner was also suing county and state officials from Missouri and California for knowingly or willfully interfering with or infringing on his fundamental rights as a parent to properly care for his daughter using a false, fraudulent or malicious accusation never supported by any proof or evidence. They have acted and are still acting without probable cause, *ultra vires* beyond their official authorities, in the complete absence of all jurisdiction or in violation of due process of law. As of today, county and state officials are still maintaining their unlawful actions against Petitioner with the full knowledge that no probable cause exists and in spite of the fact there is absolutely no proof or evidence of any wrongdoing by Petitioner. Petitioner was seeking to recover damages for their willful or reckless actions

of all defendants violating his rights, causing him damages, financial losses and irreparable harms.

**This Is an Unprecedented Case of Egregious
Violations of Constitutional Rights and a Gross
Misuse of *Rooker-Feldman* to Protect State
Actors Trespassing the Law**

In this lawsuit, Petitioner was asserting among others his constitutional or statutory rights as a parent to properly care for his daughter without undue government(s) or court(s) intervention(s) that shall not be violated. In his Appeal, Petitioner has raised numerous concerns about his constitutional rights to equal protection of law violated by his prosecution without probable cause, without any fault or wrongdoing of his own, without any proof or evidence of any wrongdoing by Petitioner, entry and enforcement of judgment(s) against Petitioner secured through frauds, frauds upon court, without due process of law, enforcement of nonexistent judgments against Petitioner. Finally, Petitioner complained about the failure of the U.S. District Court of the Ninth Circuit to give a notice to Petitioner, a pro se litigant, to remedy the deficiencies in his complaint in order to ensure that the Petitioner uses the opportunity to amend effectively before dismissal. The Ninth Circuit has consistently ruled that a pro se litigant must be given an opportunity to amend effectively his complaint before dismissal. *Ferdik v. Bonzelet*, 963 F.2d 1258, 1261 (9th Cir. 1992) and *Noll v. Carlson*, 809 F.2d 1446, 1448-49 (9th Cir. 1987). However, the U.S. Court of Appeals of the Ninth Circuit made an exception to this uniformity of its rulings and denied Petitioner's motion for rehearing on July 1, 2021.

Petitioner believes that dismissing his lawsuit is a flagrant denial of justice, a gross abuse or an unprecedented misuse of *Rooker-Feldman* by the Ninth Circuit that ultimately protect county or state officials acting without probable cause, lawlessly, in violation to their oath to the United States Constitution, in the complete absence of jurisdiction or in violation of due process of law.



JURISDICTION

This United States Supreme Court has jurisdiction under 28 U.S.C. § 1254(1) to review any judgment(s) entered by any court(s) of the United States or any judgment secured through frauds, in the absence of all jurisdiction, in violation of due process of laws or violating other provisions of the United States Constitution.



CONSTITUTIONAL PROVISIONS AND JUDICIAL RULE INVOLVED

U.S. Const. amend. IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

U.S. Const. amend. XIV, § 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.

Fed. R. Civ. P. 55 (Default; Default Judgment)

- (a) Entering a Default. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.
- (b) Entering a Default Judgment.
 - (1) By the Clerk. If the plaintiff's claim is for a sum certain or a sum that can be made certain by computation, the clerk—on the plaintiff's request, with an affidavit showing the amount due—must enter judgment for that amount and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent person.
 - (2) By the Court. In all other cases, the party must apply to the court for a default Judgment.

OTHER AUTHORITIES INVOLVED

This Supreme Court of the United States has ruled that "The Due Process Clause does not permit a State to infringe on the fundamental right of parents

to make childrearing decisions simply because a state judge believes a 'better' decision could be made" *Troxel v. Granville*, 530 U.S. 57 (2000).

"The custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the State can neither supply nor hinder." *Prince v. Massachusetts*, 321 U.S. 158, 64 S.Ct. 438 (1944).

"We have recognized on numerous occasions that the relationship between parent and child is constitutionally protected." *Quilloin v. Walcott*, 434 U.S. 246 (1978).

"There is no question of the general doctrine that fraud vitiates the most solemn contracts, documents, and even judgments" *United States v. Throckmorton*, 98 U.S. 61 (1878).

"Without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers." *Elliot v. Piersol*, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828).

"A judgment rendered in violation of due process is void in the rendering State and is not entitled to full faith and credit elsewhere." *Pennoyer v. Neff*, 95 U.S. 714, 732-733 (1878).

It is well-settled in law that:

"Judgment is a void judgment if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner incon-

sistent with due process. Fed. R. Civ. P. 60(b)(4), U.S. Const. amend. V, *Klugh v. U.S.*, 620 F. Supp. 892 (D.S.C. 1985)". *Milliken v. Meyer*, 311 U.S. 457, 61 S.Ct. 339, 85 L.Ed. 2d 278 (1940).

"A void judgment is one which, from its inception, is and forever continues to be absolutely null, without legal efficacy, ineffectual to bind the parties or to support a right, of no legal force and effect whatever, and incapable of enforcement in any manner or to any degree—*Loyd v. Director, Dept. of Public Safety*, 480 So. 2d 577 (Ala. Civ. App. 1985)".



STATEMENT OF THE CASE

A. Introduction to Facts, Factual Truth and Claims of Petitioner's Lawsuit Supported by Proofs or Evidence.

The following paragraphs detail the true facts, factual truth and real claims of Petitioner's lawsuit literally ignored by the lower courts of the Ninth Circuit:

i) Five Private Individuals Not Sued as State Officials Were Already in Default Pursuant to Fed. R. Civ. P. 55.

Both courts of the Ninth Circuit have literally ignored the facts that all five defendants sued as private individual were already in default. Four of the five defendants in default were not party to the child support lawsuit action against Petitioner. Petitioner was entitled to judgment(s) against the defendants in default.

ii) Petitioner Was Raising His Daughter Since Birth and He Kept Supporting Her at All Times According to Proofs.

At all times between August 1, 2012 and February 18, 2015, Petitioner was living with his ex-wife Lisiane Dohi Lepe in California. Petitioner was the only one supporting his family, paying for all needs of the family including health insurance. At all times of Lepe's pregnancy between October 1, 2012 and June 15, 2013, Petitioner attended all pre-natal visits of his unborn baby girl with his ex-wife. Prior to or around the birth of their child, Petitioner, was working as a software consultant on a U.S. Navy drone project paid \$90 per hour and \$135 hour for overtime (App.185a). Around noon of June 15, 2013, Petitioner took his ex-wife to the Hoag Memorial Hospital of Newport Beach California for birth induced labor. Petitioner attended the birth of his daughter from June 15, 2013 through June 16, 2013. The child was born early in the morning of June 16, 2013. App.188a is the very first picture of Petitioner happily holding his newborn baby girl with Lepe, the nurse and the Medical Doctor. The photo has an inaccurate date stamp due to the improper settings of the camera timer. Petitioner signed the birth certificate of his newborn baby girl on June 17, 2013 as the father (App.164a-165a) before discharge on that day.

On June 23, 2013, Petitioner's family moved to a bigger house located at 25725 Marvick Way, Murrieta CA 9256 where the family happily celebrated the very first Christmas with the newborn baby girl on December 25, 2013 (App.189a). Petitioner, Lisiane Dohi Lepe and their baby girl lived together in Murrieta California from June 23, 2013 until February 17, 2015.

Petitioner and Lepe have jointly filed their 2013 tax returns as spouses with Petitioner's son Philip and his daughter listed as dependents as supported by App.180a. Petitioner has finalized Lepe's U.S. immigration proceedings while Petitioner and Lepe were living together at 25725 Marvick Way Murrieta CA 92563 as supported by App.179a.

On February 18, 2015, the family returned to Ivory Coast where Petitioner and Lisiiane Dohi Lepe split in April 2015 in part because of marriage fraud and U.S. immigration frauds by Lisiiane Dohi Lepe to circumvent U.S. immigration laws.

In April 2015, Petitioner and Lepe mutually agreed to divorce according to the customs and traditions of Ivory Coast. Petitioner later filed for dissolution of marriage into a court in Abidjan, Ivory Coast. At all times between February 2015 and May 2015 in Ivory Coast, Petitioner kept supporting both his daughter and ex-wife Lepe by providing mutually agreed on monthly lump sums for all of their needs. During the pending proceedings of dissolution of marriage in Ivory Coast, Defendants Goli Marius Beugre and Florence Loba have helped Lisiiane Dohi Lepe flee Ivory Coast and remove the child from Ivory Coast without the knowledge or consent of Petitioner. In June 2015, when Petitioner located his ex-wife and his child in O'Fallon Missouri, he travelled back to the United States, found them staying at the residence of Goli Marius Beugre and Florence Loba located at *4, Parsons Creek Court, O'Fallon, Missouri 63366*. Petitioner immediately started providing monthly financial support to his child ranging from \$1,000 to \$1,600 monthly from June 2015 through September 2015. Lepe refused to return to Ivory Coast with the

child but she freely accepted to enter into a separation and child support agreement with Petitioner in September 2015.

Per their September 2015 agreement, Petitioner rented an apartment for his ex-wife and his daughter located at *321 Chapel Ridge Dr Apt G, Hazelwood, Missouri 63042* (App.153a). As showed by App.153a, Petitioner was listed as a co-renter of the Hazelwood Missouri apartment even though he was not physically residing in Missouri. Per the separation and child support agreement of September 2015, Petitioner also purchased a car for his ex-wife (App.169a-170a). Starting September 28, 2015, per their mutual agreement, Petitioner was paying directly to his ex-wife \$1,600 monthly child support for his daughter until December 31, 2015 (App.42a, 53a, 54a). Petitioner was also providing health insurance to both Lepe and his child in Missouri as supported by App.182a-183a. The agreement between Petitioner and his ex-wife also included monthly payments of \$1,000 child support to Lepe from January 1, 2016 to December 31, 2016, payment of the rent of Hazelwood Missouri apartment along with reimbursements of all expenses incurred by Lepe related to clothes, toys, entertainment, medical copays, medication for their daughter. Petitioner abided by the agreements at all times since September 2015.

iii) Secret Prosecution of Petitioner Without Ever Sending Him a Notice and Entry of Void Judgment(s) Against Him Under 42 U.S.C. § 651.

After having collected the December 2015 child support payment in the amount of \$1,600 (App.54a), Lepe contacted child support services of Saint Louis

Missouri and falsely accused Petitioner of "having abandoned her while she became pregnant in California". She also falsely accused Petitioner of "having not provided support to his daughter since birth" and that "she did not know the whereabouts of Petitioner since the birth of his daughter". On or around early January 2016, child support services of the state of Missouri initiated a prosecution case of child support against Petitioner for "having not provided support to his child since birth" without any proofs or evidence supporting the false, fraudulent or malicious accusation of Lepe. On January 25, 2016, child support services from Missouri searched Petitioner's papers or information without any warrant issued by a judge (App.44a, 55a, 70a, 82a). From January 2016 through February 2017, Missouri child support services, working closely with child support services of California have secretly built the child support prosecution case against Petitioner and prosecuted him for "having not provided support to his child since birth" without ever sending a notice. Petitioner who had no idea of the child support case built against him since January 2016 kept paying at least \$1,000 monthly child supporting directly to Lepe. Petitioner was also visiting his daughter in Missouri as often as possible. He was frequently communicating with his daughter via WhatsApp of his child's mother (App. 190a). On January 1, 2017, Petitioner and his ex-wife entered into a new child support agreement. Per their new agreement, Petitioner was paying \$600 monthly child support to Lepe by check and monthly \$1,000 in cash during his visit to his daughter in Missouri. App.171a-173a show three (3) consecutive payments of child support by checks in the amount of \$600 to Lepe from January 2017 through March 2017. Petition-

er has visited his daughter in Missouri at least three times from January 2017 through March 2017 and paid a total of \$3,000 in cash to Lepe. From January 2017 through March 2017, Lepe has collected \$4,800 for child support payments from Petitioner. From September 2015 through March 2017, Petitioner has travelled from California to Missouri to visit his daughter at least once a month. He was staying with his daughter in Marriott Hotel and Suites and was spending all times with his daughter (App.191a, 192a). Petitioner was also buying clothes, toys or others for his daughter during each visit in Missouri. Petitioner kept providing health insurance to his child in Missouri at all times since September 2015.

However, on February 10, 2017, the clerk of Superior Court of California County of Orange, David H. Yamasaki, allowed that a monetary judgment be entered against Petitioner for “having not provided support to his child since birth” at the time of filing the child support lawsuit against Petitioner (App.33a-37a). Starting April 2017, the office of the clerk of Superior Court of California County of Orange prevented Petitioner from filing any paper(s) Petitioner deemed proper or appropriate to defend himself, including a special appearance to challenge jurisdiction of the court or a motion to dismiss. Instead, the office of the clerk of Superior Court of California led by defendant Yamasaki has imposed that Petitioner only filed forms that child support services of county of Orange wanted him to file. On August 10, 2017, defendant Thomas T. Minerich, a court commissioner, *Coram Non Judice*, entered a child support judgment against Petitioner in spite of Lepe’s admission in court that her sole accusation against Petitioner (“Petitioner

has not provided support to his child since birth") was false, fraudulent or malicious. Petitioner presented in court clear and convincing proofs and evidence that he was raising his child since birth in California and that he kept supported his daughter in Missouri at all times after separation or divorce. Defendant Thomas T. Minerich a person not a judge, claimed that he did not care about Petitioner's proofs or evidence. He entered a child support judgment against Petitioner anyway for "having not provided support to his child since birth" in the amount of \$892 monthly (App.28a). All California state judges involved in the matter have ignored the proofs or evidence that Petitioner was raising his child since birth (June 16, 2013) in California and that he supporting her in Missouri at all times after separation or divorce. All clerks of state courts and state judges were acting in a manner to maintain or protect the child support judgments clearly secured through fraud(s), entered by a person not a judge during *coram non judice* proceedings or in the complete absence of all jurisdiction. All state judges sued in this action were claiming that judgements secured by frauds, using unconstitutional practices, in violation of due process or in the complete absence of all jurisdiction were valid and enforceable judgments against Petitioner. State child support officials of Missouri and California are still enforcing child support judgments against Petitioner for "having not provided support to his child since birth" by seizing his bank accounts, wages, tax returns or others in spite of their full knowledge of the facts, truth, proofs or evidence presented in court.

iv) Enforcement of Nonexistent Judgments Against Petitioner.

After challenging the child support order for his daughter and having literally failed to provide any proof or evidence that Petitioner “has not provided support to his child since birth”, California department of child support services issued a letter dated May 28, 2020 stating that the only child support order being enforced against Petitioner was for his son (App. 146a). There has never been any child support service order in France or in the United States for Petitioner’s son born in France in 2002 and now living with Petitioner in California. State and county officials of department of child support are now alleging that since August 2017, they have been seizing Petitioner’s property by enforcing a nonexistent judgment of child support allegedly for Petitioner’s son and a nonexistent judgment of alimony (App.178a). There has never been any alimony judgment against Petitioner in the United States.

v) The U.S. District Court Was Proper to Vindicate Petitioner’s Common-Tort Rights, His Constitutionally Protected Rights and Seek Damages.

Petitioner’s action in the U.S. district court has five private individuals and state officials across the states of Missouri and California. The lawsuit has several claims independent of the state court action and four private individuals not party to the child support action. At the time of dismissal under *Rooker-Feldman*, all private individuals were already in default. Petitioner sued Goli Maruis Beugre, Florence Loba and Israel Louis Cross Jr for wrongfully inter-

fering with his parental rights. They have assisted Lepe remove his daughter at or around of proceedings of dissolution of marriage in Ivory Coast, West Africa. They have also assisted in concealing Petitioner's child from him, helped Lepe kidnap Petitioner's child in violation of a child custody order granting Petitioner's sole physical custody of his daughter. Petitioner sued Venus Valine Harry for assisting or helping harass Petitioner with frivolous lawsuits in Missouri based on false, fraudulent or malicious claims, for two malicious prosecutions of Petitioner for dissolution in spite of Harry's full knowledge that the marriage between Petitioner and his ex-wife has already been dissolved by a court in Abidjan, Ivory Coast.

vi) The U.S. District Has Dismissed the Action Based on the Flagrantly Flawed Report and Recommendations of the U.S. Magistrate Judge.

The Objections of Petitioner (App.40a) to the report and recommendations of the U.S. Magistrate Judge (App.7a) have clearly established that the report and recommendations of the U.S. Magistrate Judge were flagrantly flawed. The U.S. Magistrate Judge made numerous claims or statements that are not related in any manner to Petitioner's lawsuit in the U.S. District Court. Furthermore, he has alleged that there was probable cause to prosecute Petitioner for "having not provided support to his child since birth" in spite of the facts, proofs and evidence that Petitioner was raising his daughter since birth and always supported his child after separation or divorce. The U.S. Magistrate Judges also claimed the judgments entered against Petitioner using fraud(s), fraudulent or unconstitutional practices, in violation of due process

or in the complete absence of all jurisdiction were valid and enforceable against Petitioner. The dismissal based on the recommendations and report of the U.S. Magistrate Judge was subsequently unprecedently and flagrantly flawed, only short from a denial of justice to protect state actors acting lawlessly. Petitioner believes that his amended Objection timely filed on December 4, 2019 was not reviewed by the U.S. District Judge prior to dismissal of his lawsuit on that same day of December 4, 2019.

vii) The Ninth Circuit Is Clearly Legitimizing Lawlessness, Frauds, Fraudulent and Unconstitutional Practices Under 42 U.S.C. § 651.

Petitioner respectfully disagrees with the rulings of the lower federal courts and contends that the *Rooker-Feldman* was misused or abusively used in this case. Petitioner asserts his rights as a parent to properly care for his daughter by paying directly between \$1,000 and \$1,600 monthly to his child's mother. Petitioner further alleges that state officials or court should have never intruded onto or infringed on his rights as a parent in the first place while he was properly caring for his daughter according to proofs. The United States Constitution, federal laws or other statutes prohibit local or state government from interfering with Petitioner's rights as a parent to care for his child without due process, without any legal justification or without any circumstance requiring the intervention(s) of government(s) or court(s). No defendants, county officials, state officials, state or federal judges ever denied the factual truth that Petitioner was raising his daughter since birth in California and that Petitioner kept supporting his

daughter in Missouri at all times after separation or divorce. Why should child support orders be entered against Petitioner?

viii) Federal Courts Have the Authority to Review State Court Judgments Secured Through Fraud.

All judgments against Petitioner for “having not provided support to his child since birth” were secured through frauds, in the complete absence of all jurisdiction or violation of due process of law. Therefore, each and every judgment against Petitioner was absolutely void or void on its face. When state or county officials, state court officials willfully or knowingly engaged in frauds, fraudulent or clearly unconstitutional practices, when federal courts protect those practices of state actors depriving a U.S. Citizen of his constitutionally or federally protected parental rights, when state and court officials egregiously violate Petitioner’s 4th and 14th Amendments rights, this United States Supreme Court must intervene to maintain a consistent level of due process protection in this vital area.

B. Statutory Framework

When defendants of a court action disregard their obligations to appear in a lawsuit and they become in default, it is proper under Fed. Rules Civ. Proc. Rule 55 to issue a default judgment against those defendants. Therefore, it was proper for the U.S. District Court to issue default judgment(s) against the five private individuals Lisiane Dohi Lepe, Israel Louis Cross Jr, Marius Goli Beugre, Florence Loba and Venus Valine Harry already in default (Fed. Rules Civ. Proc., Rule 55 (b) (1) and (2)) rather than

dismissing the entire action against them allegedly under the *Rooker-Feldman* doctrine. There is an unprecedented misuse or abuse of *Rooker-Feldman*.

Title IV-D of the Social Security Act, 42 U.S.C. § 651 was intended to prosecute parents who are not willing or failing to support their child(ren). This does not apply to Petitioner at all because Petitioner attended all pre-natal visits of his unborn child according to proofs. Petitioner attended the birth of his child on June 16, 2013. Petitioner was raising his child with the child's mother in California from birth on June 16, 2013 until February 17, 2015 according to proofs. Petitioner kept supporting his child in Missouri at all times after separation or divorce. All those facts are well supported by the preponderance of proofs or evidence submitted to both the U.S. District Court and the U.S. Court of Appeals of the Ninth Circuit.

There was absolutely no legal basis or probable cause for local, state government(s) or Superior Court of California to interfere with or infringe on Petitioner's rights as a parent and/or to impose a lower monthly child support (\$831 to \$892) while Petitioner was paying between \$1,000 and \$1,600 monthly directly to his child's mother according to proofs. This United States Supreme Court has ruled on similar issues that:

"The custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the State can neither supply nor hinder."

Prince v. Massachusetts, 321 U.S. 158 (1944).

“We have recognized on numerous occasions that the relationship between parent and child is constitutionally protected.”

Quilloin v. Walcott, 434 U.S. (1978).

This United States Supreme Court has also ruled in *United States v. Throckmorton*, 98 U.S. 61 (1878) that “One of the oldest legal principles in the U.S. holds that “fraud vitiates everything.” In *United States. v. Throckmorton*, a 1878 landmark decision, this United States Supreme Court ruled that fraud “vitiates” (voids, invalidates) everything: contracts, documents, court rulings — and elections”. Petitioner contends that all child support judgments secured against him allegedly for “having not provided support to his child since birth” are void because the judgments were based on a fraudulent accusation. The judgments were all issued by a person not a judge, in violation of due process, using fraud(s), by means unconstitutional practices or in the complete absence of all jurisdiction.

It is well settled in law that judgment is a void judgment if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process. Fed. R. Civ. P. 60(b)(4).

C. Proceedings Below

Petitioner filed a complaint on December 26, 2018 in the U.S. District Court. Prior to dismissal, five private individuals including four defendants not party to the child support action were already in default. On December 4, 2019, the U.S. district court dismissed the action of Petitioner with prejudice against all defendants following the report and recom-

mendations of the U.S. Magistrate Judge even though Petitioner has clearly established that the report and recommendations were flagrantly flawed. On March 18, 2021, the U.S. Court of Appeals of the Ninth Circuit upheld the lower court decision dismissing the lawsuit against all defendants using the *Rooker-Feldman* doctrine. Petitioner timely filed a motion for rehearing which was denied by the U.S. Court of Appeals on July 1, 2021.



SUMMARY OF ARGUMENT

Before this United States Supreme Court, Petitioner argues that:

I. The U.S. Court of Appeals Has Distorted or Misrepresented the True Facts or Claims of Petitioner’s Action in the U.S. District Court.

The statements “Philippe Zogbe Zatta appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action alleging constitutional violations arising from a California state court case brought by his former wife for child support” by the U.S. Court of Appeals of the Ninth Circuit are clearly mislabeling the federal action, distortion or misrepresentation of the true facts or claims of Petitioner’s lawsuit. The lawsuit was actually and factually to vindicate all rights of Petitioner violated by private individuals and state officials independently of or in connection with the state child support action based on a false, fraudulent or malicious accusation. The lawsuit has several claims independent of the state

court actions and four private defendants not party to the state action. If there were any ambiguity about the claims, nature of defendants or facts of Petitioner's lawsuit, nothing prevented the Ninth Circuit from allowing Petitioner, a pro se litigant to remedy the deficiencies of his complaint before dismissal as ruled by the Ninth Circuit in *Ferdik v. Bonzelet*, 963 F.2d 1258, 1261 (9th Cir. 1992). Contrary to the statements made in the ruling of the U.S. Court of Appeals of March 18, 2021 (App.1a), Petitioner never claimed that the five private individuals were state actors. Petitioner never sued any of those private individuals in any official capacity either. The rulings of the U.S. District Court and U.S. Court of Appeals never mentioned anywhere that the five private individuals were already in default!

II. The Ruling of the U.S. Court of Appeals Overlooks a Material Point of Law Resulting in a Conflict with Other Decisions of the Ninth Circuit and the United States Supreme Court's Decisions.

A. The Ruling Conflicts with *Kougasian v. TMSL, Inc.*, 359 F.3d 136, 1140-41 (9th Cir. 2004).

In *Kougasian v. TMSL Inc.*, 359 F.3d 1136, 1140-41 (9th Cir. 2004), the U.S. District Court has dismissed the lawsuit using the *Rooker-Feldman* Doctrine. However, the U.S. Court of Appeals of Ninth Circuit held *Rooker-Feldman* inapplicable even though plaintiff sought to set aside state court judgment as relief for defendant's fraud. The Ninth Circuit has also ruled in *Kougasian v. TMSL Inc.*, that *Rooker-Feldman* doctrine does not prevent the lower federal courts from

reviewing state-court judgments that were allegedly procured through fraud. This shall apply to Petitioner's case where the child support orders for "having not provided support to his child since birth" were secured through fraud(s). Petitioner's accuser has admitted in court that her accusation was fraudulent.

B. The Ruling Conflicts Directly with the Decision of the United States Supreme Court in *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280 (2005).

The United States Supreme Court ruled in *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, that "any independent claim presented by a plaintiff in federal court, even if it directly clashes with a state court's legal conclusions in a case to which the plaintiff was a party, may be properly heard in federal court".

Petitioner's lawsuit has several independent claims from the state court action and four private defendants were not party to the state court action. All five private individuals were already in default. Petitioner contends that it was a flagrant misuse of *Rooker-Feldman* to protect the state actors and a denial of justice to Petitioner. This United States Supreme Court has not opined and must intervene to decide on this use of *Rooker-Feldman* to dismiss a lawsuit against all defendants where default judgments were proper against the parties in default.

C. The Ruling Conflicts with the Ninth Circuit Court's Decisions in *Ferdik v. Bonzelet*, 963 F.2d 1258, 1261 (9th Cir. 1992) and *Noll v. Carlson*, 809 F.2d 1446, 1448-49 (9th Cir. 1987).

The Ninth Circuit made it clear and consistently ruled in *Ferdik v. Bonzelet*, 963 F.2d 1258, 1261 (9th Cir. 1992) and *Noll v. Carlson*, 809 F.2d 1446, 1448-49 (9th Cir. 1987) that "before dismissing a pro se complaint the district court MUST provide the litigant with notice of the deficiencies in his complaint in order to ensure that the litigant uses the opportunity to amend effectively". The decisions of the Ninth Circuit in those two case laws shall apply to Petitioner and his lawsuit; Therefore, his lawsuit should have not been dismissed with prejudice without providing Petitioner with notice of the deficiencies to maintain uniformity in the Ninth Circuit's decisions. No exception should apply to Petitioner, Pro Se.

D. The Ruling Directly Guarantees That Victims of Child Support Frauds or Child Support Prosecutorial Misconducts for the Economical Profits of States Will Be Denied Justice for No Fault of Their Own.

The States of California and Missouri or their respective child support services directly benefit economically from prosecuting, issuing, imposing or enforcing child support orders against Petitioner under the Social Security Act, 42 U.S.C. § 651. 42 U.S.C. § 651 Act allows prosecution of irresponsible parents failing or not willing to support their child(ren). This does not apply to Petitioner at all because Petitioner was

raising his daughter since birth (June 16, 2013) and kept supporting his daughter at all times after separation or divorce according to proofs. This United States Supreme Court has not opined on whether Petitioner, a Black father, supporting his child since birth according to proofs should be prosecuted and have his property, bank accounts, wages, tax returns or others seized without any fault of his own for the economical profits of state child support services.

E. The Ruling Directly Conflicts with the Decisions of the United States Supreme Court and Substantially Affects the Protection of Parents Rights to Care for Their Child(ren) Without Undue Government Intervention.

Claims, allegations or causes of action (referred to as *Counts*) central to Petitioner's lawsuit against all state actors are that those state actors from state child support agencies or departments, state courts and county officials should have never interfered with, intruded onto or infringe on Petitioner's fundamental parental rights without probable cause or due process; A false, fraudulent or malicious accusation by Petitioner's ex-wife never supported by any proofs or evidence does not qualify as probable cause. A false, fraudulent or malicious accusation does not justify the actions of the state actors either.



REASONS FOR GRANTING THE PETITION

I. CONCERNING THE VALIDITY OF JUDGMENT(S) ENTERED BY A *CORAM NON JUDICE*, IN THE COMPLETE ABSENCE OF ALL JURISDICTION OR IN VIOLATION OF DUE PROCESS.

Petitioner was attacking all child support orders entered in Superior Court of California County of Orange by court commissioner Thomas T. Minerich, a person not a judge, in the complete absence of all jurisdiction as void. The child support proceedings took place before a *Coram Non Judice* or before a court which has no jurisdiction over the case. Petitioner contends that any judgment for "having not provided support to his child since birth" against Petitioner who was supporting his daughter since birth and at all times according to proofs is void. This United States Supreme Court needs to opine on the validity of those child support judgments entered against Petitioner (*Dynes v. Hoover*, U.S. Supreme Court, December 1, 1857).

II. CONCERNING SIGNIFICANT CONSTITUTIONAL ISSUES ON UNCONSTITUTIONAL PRACTICES OF STATES UNDER TITLE V-D OF THE SOCIAL SECURITY ACT, 42 U.S.C. § 651, ON WHICH THIS SUPREME COURT HAS NOT PREVIOUSLY OPINED.

Significant constitutional issues have been raised under the section "*QUESTIONS PRESENTED*". For more than four years, states child support services acting in complicity with Superior Court of California and California Court of Appeals have entered,

maintained and protected child support judgments secured through fraud(s) against Petitioner allegedly for "having not provided support to his daughter" in spite of the preponderance of proofs and evidence showing otherwise. Missouri and California child support services have been enforcing those judgments against Petitioner for about four years. This United States Supreme Court has not previously opined on any exception(s) created by Title V-D of the Social Security Act, 42 U.S.C. § 651 allowing those practices to conflict with the provisions of United States Constitution, federal laws or statutes.

III. CONCERNING AN UNPRECEDENTED CASE WHERE A RESPONSIBLE BLACK FATHER EXERCISING HIS RIGHTS TO PROPERLY CARE FOR HIS CHILD SINCE BIRTH IS PROSECUTED FOR "HAVING NOT PROVIDED SUPPORT HIS CHILD SINCE BIRTH".

The ruling of the U.S. Courts of Appeals creates an unprecedented situation where Petitioner, a loving and responsible Black father, properly taking care of his child since birth according to proofs was maliciously prosecuted for "having not provided support to his child since birth". Petitioner's fundamental rights as a parent have been infringed onto without due process and his property are still being seized in violations of his constitutional rights as of today. This United States Supreme Court has not opined on such situation before and needs to intervene.

IV. CONCERNING THE ENFORCEMENT OF NONEXISTENT JUDGMENTS AGAINST PETITIONER.

This is a serious issue of violations of constitutional rights and the United States Supreme Court has not opined on the possibility or the legality of enforcing

nonexistent judgments against Petitioner. This United States Supreme Court needs to intervene and decide on the issue(s) of enforcement of nonexistent judgments.

V. CONCERNING THE USE OF *ROOKER-FELDMAN* TO DISMISS A LAWSUIT IN ITS ENTIRETY AGAINST PRIVATE INDIVIDUALS ALREADY IN DEFAULT IN A U.S. DISTRICT COURT LAWSUIT.

The United States Supreme Court has not opined on the use of the *Rooker-Feldman* doctrine to dismiss a lawsuit against private individuals of a lawsuit, already in default, sued for violation of Petitioner's rights and not party to a state action including county or state officials. Petitioner was entitled to default judgments against the five private parties in default pursuant to Fed. Rules Civ. Proc. Rule 55. Petitioner contends that *Rooker-Feldman* doctrine was misused or abusively used to dismiss the lawsuit in its entirety against all private parties and to protect state officials knowingly or recklessly acting lawlessly against Petitioner.

VI. CONCERNING IMMUNITY OF STATE OFFICIALS INCLUDING JUDGES WHO KNOWINGLY OR WILLFULLY ENGAGED INTO FRAUDS, ENTERED, MAINTAINED OR PROTECTED JUDGMENT(S) CLEARLY SECURED THROUGH FRAUD(S) AGAINST PETITIONER.

This raised a serious concern about immunity, fraud(s) or other unconstitutional practices into which state officials including judges who chose to violate their oath to the United States Constitution or engaged into fraud(s), fraudulent or unconstitutional practices

for the economical benefits of their state under 42 U.S.C. § 651.

VII. CONCERNING UNREASONABLE INTRUSION(S) OF COURT ONTO PARENTAL RIGHTS.

Petitioner raised a serious constitutional concern about Superior Court of California County of Orange intruding on his fundamental parental rights with the full knowledge that the intrusion was not reasonable. This United States Supreme Court must rule on the conflict between federal laws restraining intrusion of court(s) onto parental rights ("Courts MUST determine if the intrusion onto parental rights is reasonable under the circumstances of a given case" *Hewitt v. City of Truth or Consequences*, 758 F.2d 1375, 1379 (10th Cir. 1985) and the intrusion of Superior Court of California allowing intrusion on Petitioner's rights on the basis of a false or fraudulent accusation never supported by any proof(s) or evidence.



CONCLUSION

Five private defendants or individuals, not sued as state actors or in any official capacity were already in default pursuant to Fed. Rules Civ. Proc. Rule 55. Petitioner contends that *Rooker-Feldman* shall not be used to dismiss his lawsuit against them. Petitioner was very active in the life of his daughter before her birth, since her birth and at all times after separation or divorce according to the preponderance of proofs or evidence. Petitioner was supporting his daughter after separation or divorce by paying between \$1,000 and \$1,600 monthly support to his daughter's mother

according to the preponderance of proofs or evidence. There was absolutely no probable cause, no legitimate reason or no circumstance(s) for state actors from Missouri, California or for Superior Court of California to intrude onto, infringe on or violate the fundamental parental of Petitioner. Petitioner contends that *Rooker-Feldman* does not apply because county or state officials were and are still knowingly or willfully acting recklessly against Petitioner in violation of their oath to the United States Constitution. They knowingly or willfully engaged into child support fraud(s), child support prosecutorial misconducts, fraud(s) upon court, enforcement of fraudulently secured judgments to seize Petitioner's property for the economic interests of their respective states. For all of the above, facts and claims supported by convincing proofs and evidence, Petitioner respectfully requests that the Writ for of Certiorari be granted.

Respectfully submitted,

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NOVEMBER 23, 2021