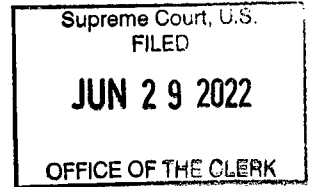


22-5277

ORIGINAL

**In The
Supreme Court of the United States**



Leila Nasser Asr, et al.,

Petitioner,

vs.

Karen Eady-Williams, et al.,

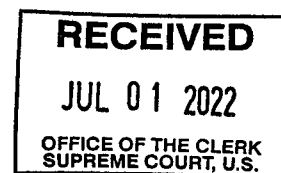
Respondents.

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

PETITION FOR A WRIT OF CERTIORARI

Leila Nasser Asr
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Questions Presented

1. Do the United States courts have jurisdiction to hear aliens' cases or aliens must file their lawsuits against United States citizens in courts of their home country?
2. Are the United States courts obligated to comply with the international human rights law, United States constitution, treaties, and laws, and the precedent set by the Supreme Court when rendering decisions in aliens' cases?
3. The fact that aliens are victims does not alter the conclusion that United States judge's actions constitute conduct prejudicial to the administration of justice that brings the judicial office into disrepute so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging aliens cases that are presented for adjudication. When there is systematic hatred, animosity, and decimation against aliens in the State Courts, Federal Courts, and Appeal Courts, and when the judges of these courts coercively deprive aliens of their fundamental human rights and deny justice to aliens, who in the United States is responsible to protect aliens' rights?

List of Parties

Petitioners: Leila Nasser Asr, (Pro Se)

Respondents:

- 1- **Karen Eady-Williams** and Mecklenburg County Courthouse,
Represented by Kathryn Hicks Shields (N.C. Department of Justice)
- 2- **Kindercare Education**, LLC f/k/a Knowledge Universe Education, LLC,
and **Kindercare Learning Centers**, LLC d/b/a/ Park Road Kindercare,
Represented by Lucas D. Garber (Shumaker, Loop & Kendrick, LLP)
- 3- **Daniel R. Hansen**,
Represented by Lucas D. Garber (Shumaker, Loop & Kendrick, LLP)
- 4- **Charles G. Monnett** and Charles G. Monnett III & Associates,
Represented by Randall Joseph Phillips (Charles G. Monnett, III & Associates)
- 5- **Mitzi Y. Kincaid** and Kincaid & Associates, PLLC,
Represented by Karen Harris Chapman (Poyner Spruill, LLP)
- 6- **Anthony Giordano** and Giordano, Gordon & Burns, PLLC.
Represented by Ryan D. Bolick (Cranfill Sumner, LLP)

Related Cases

Defendants	US District Court for the Western District of NC	US Court of Appeals for the Fourth Circuit
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Charles G. Monnett, et al.	3:20-cv-00139-MOC-DCK	20-2274
Anthony Giordano, et al.	3:20-cv-00143-MOC-DCK	20-2276
Kindercare Education, et al.	3:20-cv-00141-MOC-DCK	20-2351
Daniel R. Hansen, et al.	3:20-cv-00141-MOC-DCK	20-2351
Judicial Complaints (Judges Motz, Harris and Rushing)		USCA4 04-22-90020, 04- 22-90021, and 04-22-90022
Dr. Peter M Giftos, Novant Health Eastover Pediatrics, Novant Health, Inc.	3:21-cv-00670-FDW-DSC	

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Filed: 04/04/2022

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Opinions Below

Petitioners respectfully petition for a writ of certiorari to review the judgment of the U.S. Court of Appeals for the Fourth Circuit: USCA4 Appeal: 20-2236 Doc: 50 Filed: 04/04/2022.

Jurisdiction

The date on which the United States Court of Appeals decided my case was 04/04/2022.

Judicial Complaints filed: 4th Cir. USCA4: 04-22-90020, 04-22-90021 and 04-22-90022.

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

Constitutional and Statutory Provision Involved

- Fourteenth, Fifth, Sixth, and ... Amendments to the United States Constitution
- Article III of the United States Constitution,
- 28 U.S. Code § 1332 - Diversity of Citizenship Statute,
- 28 U.S. Code § 1350 - Alien Tort Statute,
- 28 U.S. Code § 1331 - Federal question jurisdiction statute,
- 18 U.S. Code Chapter 13 - CIVIL RIGHTS
- Public Law 88-352; Civil Rights Act of 1964; 18 U.S.C. § 241; Civil Rights Act of 1968; 18 U.S.C. § 245; 18 U.S.C. § 242; 42 U.S.C. § 1983; 42 U.S.C. § 1981; 42 U.S.C. § 1985; 28 U.S.C. § 1343; 28 U.S.C. § 1443; 42 U.S.C. § 2000(d); 18 U.S.C. § 371; 28 U.S.C. § 1350; 18 U.S.C. § 1951; 18 U.S.C. § 1346; 18 U.S.C. § 1961-68; 18 U.S.C. § 4; 18 U.S.C. § 1621; 18 U.S.C. § 1341; 28 U.S.C. § 2465; 42 U.S.C. § 1986

Treaties and International Agreements:

- 1) Declaration of human rights
- 2) international covenant on civil and political rights,
- 3) convention against torture and other cruel, Inhuman, or degrading treatment or punishment,
- 4) the international convention on the elimination of all forms of racial discrimination,
- 5) convention on the rights of the child,
- 6) North American free-trade agreement (NAFTA)

Statement of the Case

Petitioners were in the United States based on NAFTA treaty as nonresident aliens, Canadians. After KinderCare's terrorist attack on Petitioners, KinderCare, KinderCare's counsel (Daniel R. Hansen), and Petitioners' counsels (Charles Monnett, Mitzi Kincaid, and Anthony Giordano) conspired with their local court's judge, Karen Eady-Williams. Williams and her accomplices, by acting with prejudice and hatred, tortured and harmed petitioners in a way that has never been done in the history of the legal systems. They willfully violated fundamental human rights, international law, and the United States constitution, treaties, laws, and rules and constantly and insistently tortured and harmed petitioners for purpose of satisfying their hatred against petitioners' race and national origin, Middle East. Williams abused the legal system, North Carolina state court, and her power and impersonated herself as a judge of state court for purpose of maintaining power and control over petitioners to harm them, while she did not have jurisdiction, authority, and competence to preside over the petitioners' case. Williams illegally asserted judicial power over the parties and executed a sham legal process over the petitioners' case. To provide a legal appearance for the sham legal process, Williams and her accomplices impersonated Charles Monnett, petitioners' former attorney, as a petitioner's attorney while he was withdrawn by himself and fired by law from representing petitioners. They lied to and deceived the court and petitioners and deprived petitioners of their right to have an attorney to advocate for their rights and have a conflict-free counsel which is protected by the constitution and regarded as a constituent of the right to a fair trial. Williams executed years of sham legal process in which she assumed the role of the complainant, investigator, prosecutor, judge, jury, and executor for herself, then, she defamed, prosecuted, and condemned petitioners and cruelly, inhumanly, and sadistically attacked, threatened, intimidated, terrorized, coerced, tortured and

harmed petitioners for years while petitioners were plaintiffs in the case and there was no complaint, petition, or even piece of evidence against them. Williams took the law into her own hands, and with her ability to play the role of complainant, prosecutor, jury, judge, and executioner, she executed a dangerous form of retaliation and torture against petitioners, for being from Middle East, which was extremely egregious and shocking.

The legal process executed by Williams was a sham because she had neither subject matter jurisdiction nor personal jurisdiction over none of the parties. Williams did not have subject matter jurisdiction and personal jurisdiction because 1) plaintiffs of the case (petitioners), were nonresident aliens and were not “at home” in any state of United States, therefore, they were not subject to general jurisdiction of North Carolina; 2) according to Article III of United States Constitution, Diversity of Citizenship Statute, and Alien Tort Statute, alienage jurisdiction has statutorily conferred on Federal Courts and state courts do not have jurisdiction over controversies involving aliens; 3) merit of the case was about KinderCare’s terrorist attack on aliens which was issues of federal question and state courts do not have jurisdiction to hear matters involving federal question; 4) plaintiffs of the case did not have attorney to represent them and did not know English and law to be able to represent themselves and in fact, the sham legal process was executed without plaintiffs testifies and participation in proceeding, as even there was no a petition filed by the plaintiffs in order to have a hearing before the court and without plaintiffs petition and testifies the court had no basis upon which to rule judicially; 5) there were no sufficiency of pleadings and appearance and testimony of a competent fact witness; 6) defendant of the case was a corporation who has been incorporated in the state of Delaware and has its principal place of business in state of Oregon. According to the federal diversity jurisdiction statute and this court’s opinion, a corporation is a citizen of (1) the state

where it is incorporated, and (2) the State where it has its principal place of business, and North Carolina courts do not have jurisdiction over controversies involving foreign corporations. Thus, the NC state courts did not have jurisdiction over the parties because neither plaintiffs nor defendant was "at home" in NC and the dispute involved federal law.

Under Federal law which is applicable to all states, the U.S. Supreme Court stated that if a court is "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 Party Affected by VOID Judicial Action Need Not APPEAL. State ex rel. Latty, 907 S.W.2d at 486. It is entitled to no respect whatsoever because it does not affect, impair, or create legal rights." Ex parte Spaulding, 687 S.W.2d at 745 (Teague, J., concurring).

Williams and her accomplices committed fraud upon the court and falsely stated to the court that the plaintiffs, petitioners, were residents of Mecklenburg and the defendant had its principal place of business in the state of North Carolina for purpose of obtaining illegal jurisdiction for their sham legal process.

After Williams and her accomplices established a sham legal process, they deprived petitioners of their fundamental human rights and constitutional rights to equal protection of the law and due process of law by coercively preventing petitioners from having a prompt and fair trial and by violating due process of law in their entire sham legal process. Williams executed sham hearings in the NC court and in the open court, she Robbed petitioners of their property, illegally seized petitioners' property, insulted petitioners' intelligence, dignity, liberty, and nationality, and tortured, tormented, and harmed petitioners by consistent coercive actions, excessive violence, and psychological assault. Please see the petitioners' informal brief in the fourth circuit court of appeal.

Williams and her accomplices wantonly violated fundamental human rights, international law, the United States constitution, treaties, laws, and rules and committed many crimes, in the open court, including but not limited to hate crime, conspiracy, criminal impersonation, fraud, robbery, illegal seizer, perjury, falsification, fabrication of evidence, defamation, intentional obstruction of justice, intentional denial of justice, intentional inflection of emotional distress, interference with commerce, honest service fraud, wire fraud, mail fraud, fraud upon the court, and crimes against justice.

After petitioners learned that the entire legal process executed over their case was a sham and Williams obtained jurisdiction over their case by fraud, they filed a motion with NC court, requesting to move petitioners' case to federal court but Williams, in direction of Attorney General of NC, denied petitioners' motion to move as well as their rights to life, liberty, personal security, right to equality before the courts and tribunals, right to remedy by a competent tribunal, rights to due process and a fair trial, freedom from discrimination, freedom from torture and degrading treatment.

According to Article III of the United States Constitution, Diversity of Citizenship Statute, Alien Tort Statute, and federal question jurisdiction statute, only federal courts have subject matter jurisdiction and personal jurisdiction to hear petitioners pleading. Petitioners filed complaints in federal court to stop Williams and her accomplices' endless criminal conduct of violently attacking petitioners and cruelly and inhumanly torturing and harming them. In response to the petitioners' complaint, Attorney General of NC, Joshua H. Stein, violated the United States Constitution, treaties, laws, and rules, supported criminal judge, Williams, and illegally requested the federal court to deny the federal court's subject matter jurisdiction and personal jurisdiction over petitioners, aliens, and dismiss petitioners' complaint for lack of subject matter

jurisdiction and lack of personal jurisdiction. Also, Attorney General claimed that in North Carolina, the courts have inherent authority over the property of Canadian children and will exercise this jurisdiction to rob Canadian children of their estates and property, thus, Karen Williams had jurisdiction over aliens and her actions of 1) judicial acts without jurisdiction, 2) depriving aliens of their right to equal protection of the law, due process of law, and a prompt and fair trial 3) robbing aliens of their property in open court, and 3) committing all of the criminal conducts stated in petitioners pleadings were judicial acts and doctrine of judicial immunity supported and protected Karen Williams' criminal conducts.

Pursuant to the illegal request of the Attorney General of NC, the judge of federal court, Max O. Cogburn Jr., abused the judicial system and his power, colluded with defendants, violated Article III of the United States Constitution, Diversity of Citizenship Statute, Alien Tort Statute, and Federal Question Jurisdiction Statute, deceived the court and falsely stated that federal courts lack subject matter jurisdiction over nonresident aliens' cases, and coercively denied federal courts' jurisdiction over petitioners case and their right to be heard in federal court. Cogburn violated the United States Constitution, treaties, laws, and rules as well as this court's opinions and orders and provided illegal and arbitrary orders which are void judgments. Please see the petitioners' informal brief in the fourth circuit court of appeal. Judgments of Cogburn are void because they were procured by coercion and fraud; they violated the United States Constitution, treaties, laws, and rules as well as fundamental human rights and international law; they maliciously deprived petitioners of their fundamental, constitutional, international, and civil rights; they were provided based on Cogburn's personal partiality, prejudice, and discrimination against petitioners; they denied federal court's jurisdiction to petitioners; they denied justice to petitioners, and.... Judgments of Cogburn are also void because, with his judgment, he supported

and assisted defendants to continue to harm and torture petitioners by continuing their previous criminal and illegal conduct and expanding their criminal conduct to internet fraud, cyber libel, cyber harassment, cyberstalking, cyber bullying, etc.

After Cogburn illegally refused to hear petitioners' cases and unlawfully and coercively dismissed their cases, petitioners appealed his void judgments to the fourth circuit court of appeals, hoping that the appeal court would keep the promises that the United States Constitution made to aliens and restore petitioners rights to be heard in a competent court and.... Providing sufficient facts supported by evidence and concluded by international laws and the United States constitution, treaties, laws, and rules, petitioners argued to the appeal court that Williams and Cogburn's judgments were void and for the relief, they requested the appeal court to set aside those judgments and restore petitioners' right to a fair trial and due process of law. Shockingly, judges and clerks of appeal court conspired with defendants against petitioners' civil rights, disregarded the United States Constitution, treaties, laws, and rules, and deprived petitioners of their civil rights. Judges and clerks of the fourth circuit court of appeals secretly communicated with defendants (Ex Parte Communication), then, decided and entered orders based on the defendants' personal will rather than laws and rules. Judges and clerks of appeal court lied to and deceived the court and coercively deprived petitioners of their right to equal protection of the law and due process of law by 1) illegally ordering defendants to file illegal and fraudulent informal response briefs in the case, 2) coercively preventing petitioners from filing an informal reply brief in response to defendants' illegal informal responses briefs, and 3) unlawfully ordering the petitioners not to request an explanation from the court about judges and clerks violation of petitioners rights and coercion and discrimination against them for purpose of providing defendants an opportunity to force their illegal informal response briefs into the case and

preventing petitioner from submitting their informal reply brief, opposition papers, so, judges would be able to illegally dismiss the cases based on the fraudulent information provided in defendants illegal informal response briefs, claiming that petitioners did not oppose to defendants responses.

Since judges of the appeal court, Diana Gribbon Motz, Pamela A. Harris, and Allison J. Rushing disregarded and disrespected the United States constitution, treaties, laws, and rules, discriminated against petitioners, and coercively deprived petitioners of their rights, petitioners requested the appeal court (4th Cir. Judicial Complaints USCA4: 04-22-90020, 04-22-90021 and 04-22-90022) to recuse those biased judges from presiding over their cases and assign unbiased judges who would respect their country's constitution, treaties, laws, and rules and administrate justice to preside over petitioners cases. Judges Motz, Harris, and Rushing as well as the fourth circuit court of appeal refused to recuse those biased judges from presiding over the petitioners' case, unfortunately, they illegally proceeded with the case, abused the legal system and their discretion, violated fundamental human rights, international laws, and the United States constitution, treaties, laws, and rule, violated this court's orders and opinions, deprived petitioners of their fundamental civil rights, illegally dismissed petitioners pleading, and denied federal court's jurisdiction and justice to petitioners by entering an order which is a void judgment. Order of appeal judges (20-2236 Doc: 50) is a void judgment for the following reasons:

1) Appeal judges' order was procured by fraud and coercion. Appeal judges procured their order by lying to the court and deceiving the court for purpose of enforcing Williams and Cogburn's void judgments and obstructing and denying justice for petitioners. They falsely stated to the court that "her (petitioners) arguments challenging the district court's reasons for dismissal are

raised for the first time on appeal. As a general rule in civil cases, we will not review appellate arguments that were not made in the district court". Their statement is false, deceitful, and unlawful because:

a) Petitioners' arguments in appeal court, regarding their original pleadings filed in the district court, were not raised for the first time and they all were about the matters argued in petitioners' original pleadings. Though, on the appeal, petitioners fundamentally challenged Williams and Cogburn's void judgment. For example: (i) in their original pleadings, petitioners stated that they were Canadians, domiciled in Canada and they were in the United States with the NAFTA treaty, thus, there was complete diversity of jurisdiction between the parties and the federal court had jurisdiction over petitioners cases based on diversity citizenship statute. Cogburn disregarded valid statutes and denied the federal court's jurisdiction over aliens. Therefore, in the appeal court, petitioners argued that Cogburn's order was void because he violated the diversity citizenship statute, denied the federal court's jurisdiction over aliens, and denied justice to petitioners. The appeal court's biased judges lied to the court for purpose of denying justice to petitioners and falsely stated that petitioners' arguments were raised for the first time on appeal. (ii) in their original complaints, petitioners stated that Karen Williams, acting with NO jurisdiction, conspired with defendants, lied to and deceived the court and petitioners, deprived petitioners of their fundamental human rights such as a fair trial, robbed plaintiffs of their property, and.... Cogburn dismissed petitioners' pleadings claiming that federal courts do not have a remedy for conspiracy, fraud, violation of human rights, robbery, and.... Therefore, in the appeal court, petitioners argued that Cogburn's order was void because he lied to the court and deprived petitioners of their right to be heard in the federal court for the purpose of helping Williams to flee from justice. Clearly, the appeal court's biased judges statement of claiming that

petitioners' arguments were raised for the first time on appeal was false and made for purpose of enforcing Williams and Cogburn's void judgments and denying justice to petitioners.

b) Petitioners' arguments in the appeal court did not challenge the district court's reasons for dismissal. Petitioners ONLY challenged Williams and Cogburn's void judgments. In their entire informal brief, providing sufficient facts, evidence, reasons, laws, and rules, petitioners explained to the appeal court that Williams and Cogburn's orders were void judgments and for the relief, they requested the appeal court to "void", "vacate", and "set aside" those void judgments. Petitioners did NOT request the appeal court to "affirm", "modify", or "reverse" the district court's dismissals, for the relief. Accordingly, judges of appeal must grant or deny to "set aside" those void judgments but they disregarded the relief requested by petitioners, fabricated some reliefs, and moved to dismiss petitioners' pleadings based on their own fabricated reliefs. Judges of appeal disregarded the relief requested by petitioners because they knew that Williams and Cogburn's orders were void judgments but they did not want to set aside those orders and they wanted to illegally enforce those void orders.

Further, all of the relief that you seek should be set out. The court may not give any relief which exceeds that which is requested in the notice of application, especially if a respondent is not present at the hearing although the respondent may have been served. In Bache Halsey v. Charles, Stand field and Dobell (1982), 40 B.C.L.R. 103 (S.C.).

When rule providing for relief from void judgments is applicable, relief is not discretionary matter, but is **mandatory**, Orner. V. Shalala, 30 F.3d 1307 (Cob. 1994).

When judges act when they do not have jurisdiction to act, or they **enforce a void order** (an order issued by a judge without jurisdiction), they become trespassers of the law, and are engaged in treason. The Court in Yates v. Village of Hoffman Estates, Illinois, 209 F.Supp. 757 (N.D. Ill. 1962) held that "not every action by a judge is in exercise of his judicial function. ... it is not a judicial function for a judge to commit an intentional tort even though the tort occurs in

the courthouse." When a judge acts as a trespasser of the law, when a judge does not follow the law, the judge loses subject-matter jurisdiction and the judges orders are void, of no legal force or effect.

Appeal judges falsely stated that petitioners' arguments were raised for the first time on appeal and challenged the district court's reasons for dismissal and refused to assess the facts presented in petitioners' pleadings, refused to apply the law to the facts presented in petitioners' pleadings, refused to decide whether judgments of Williams and Cogburn were void, refused to enter an order based on the relief requested by petitioners, and refused to provide findings of fact and conclusions of law in support of their judgment to indicate to the court which facts they found and which law and standard they applied in petitioners' case. Accordingly, although petitioners' arguments were not raised for the first time on appeal, appeal judges must review them even if they were made for the first time on appeal because petitioners did not appeal the district court's reasons for dismissal, they only appealed Williams and Cogburn's void judgments. Based on the petitioners' argument, appeal judges must order to "vacate" and "set aside" Williams and Cogburn's void judgments and restore the petitioners right to equality before the courts and tribunals, right to remedy by a competent tribunal, right to a fair trial, right to due process of law, freedom from discrimination, and freedom from torture and degrading treatment. Please see Rule 60. Relief from a Judgment or Order.

c) According to Article III of the United States Constitution, Diversity of Citizenship Statute, Alien Tort Statute, and federal question jurisdiction statute, only federal courts have jurisdiction to hear alien cases.

In the case Guaranty Trust Co. v. York, Supreme Court held that "Diversity jurisdiction is founded on assurance to nonresident litigants of courts free from susceptibility to potential local bias."

The ATS is a 1789 law enacted to give federal district courts jurisdiction to hear claims “by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States.” 28 U.S.C. §1350. The Court identified two fundamental purposes of the ATS: 1) to advance the interest in international relations to promote global peace and 2) to create an appropriate U.S. venue for international human rights violations. It enables the accountability of American citizens who violate international laws and treaties.

A lawsuit under the ATS can proceed for any harm resulting from a violation of international law, no matter where the harm occurred, or who inflicted the harm, as long as the plaintiff serves process in U.S. Territory. *Filártiga v. Peña-Irala*, 630 F.2d 876 (2d Cir. 1980).

“It is most true that this Court will not take jurisdiction if it should not but it is equally true, that it must take jurisdiction if it should. The judiciary cannot, as the legislature may, avoid a measure because it approaches the confines of the constitution.... We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the constitution.” *Cohens v. Virginia*, 19 U.S. 264, 404 (1821).

Appeal judges lied to the court for purpose of deceiving the court and denying the justice to petitioners by claiming that federal courts do NOT have subject matter jurisdiction to hear aliens' cases. They even modified three of the petitioners' cases which were dismissed with prejudice to dismiss without prejudice, claiming that because the federal district court was lacking subject matter jurisdiction over aliens, it had no power to adjudicate and dispose of petitioners' claim on the merits and dismiss petitioners' cases with prejudice. Petitioners have to mention that although the appeal court dismissed three of the petitioners' cases without prejudice, in fact, it denied hearing them in the United States courts since it denied United States courts' jurisdiction to hear aliens' complaints. Although appeal judges claimed that federal courts do NOT have subject matter jurisdiction to hear aliens' cases and have NO power to adjudicate aliens' claims on the merits, contrary to their claim, they affirmed the district court's action of adjudicating aliens claims on the merits and dismissing other three of the petitioners' pleadings with prejudice

for lack of subject matter jurisdiction. Appeal judges' order was based on lies, deception, and fraud upon the court because petitioners were aliens and the federal court was the only court that had subject matter jurisdiction to hear petitioners' cases and Cogburn's judgments were void because he lied to the court when he dismissed aliens cases WITH prejudice for lack of subject matter jurisdiction.

A dismissal for lack of standing—or any other defect in subject matter jurisdiction—must be one without prejudice, because a court that lacks jurisdiction has no power to adjudicate and dispose of a claim on the merits. See Fed. R. Civ. P. 41(b); Semtek Int'l Inc. v. Lockheed Martin Corp., 531 U.S. 497, 505, 121 S.Ct. 1021, 149 L.Ed.2d 32 (2001); Steel Co. v. Citizens for a Better Env't, 523 U.S. 83, 93–94, 118 S.Ct. 1003, 140 L.Ed.2d 210 (1998); Interstate Petroleum Corp. v. Morgan, 249 F.3d 215, 222 (4th Cir.2001) (en banc); see also Brereton v. Bountiful City Corp., 434 F.3d 1213, 1218 (10th Cir.2006) (“[D]ismissals for lack of jurisdiction should be without prejudice because the court, having determined that it lacks jurisdiction over the action, is incapable of reaching a disposition on the merits of the underlying claims.”); Frederiksen v. City of Lockport, 384 F.3d 437, 438 (7th Cir.2004) (“A suit dismissed for lack of jurisdiction cannot also be dismissed ‘with prejudice’; that’s a disposition on the merits, which only a court with jurisdiction may render.... ‘No jurisdiction’ and ‘with prejudice’ are mutually exclusive.” (internal citation omitted)).

Accordingly, petitioners' arguments were raised in their original pleadings in district court, was challenging the Williams and Cogburn's void judgments, federal courts have subject matter jurisdiction to hear aliens cases, ..., and appeal judges must review petitioners' arguments, must grant the relief requested by petitioners, and must provide written findings of fact and conclusions of law in their order based on Rule 52(a)(1). Therefore, the appeal judges' order was procured by fraud and coercion for purpose of enforcing Williams and Cogburn's void judgments and denying justice for petitioners and their order is void judgment because fraud destroys the validity of everything into which it enters.

"Fraud destroys the validity of everything into which it enters," Nudd v. Burrows, 91 U.S 426.

An order procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that the party is properly before the court. See Long v. Shorebank Development Corp., 182 F.3d 548 (C.A. 7 Ill. 1999).

When appeal is taken from a void judgment, the appellate court must declare the judgment void, because the appellate court may not address the merits, it must set aside the trial court's judgment and dismiss the appeal. A void judgment may be attacked at any time by a person whose rights are affected. See El-Kareh v. Texas Alcoholic Beverage Comm'n, 874 S.W.2d 192, 194 (Tex. App.—Houston [14th Dist.] 1994, no writ); see also Evans v. C. Woods, Inc., No. 12-99-00153-CV, 1999 WL 787399, at *1 (Tex. App.—Tyler Aug. 30, 1999, no pet. h.).

Written findings of fact and conclusions of law are required in all actions tried without a jury, whether or not requested by a party. Rule 52(a)(1).

A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. A void judgment which includes judgment entered by a court which lacks jurisdiction over the parties or the subject matter, or lacks inherent power to enter the particular judgment, or an order procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that the party is properly before the court. See Long v. Shorebank Development Corp., 182 F.3d 548 (C.A. 7 Ill. 1999).

2) Appeal judges were disqualified from presiding over and entering an order in petitioners' cases because they refused to recuse themselves from presiding over petitioners' cases.

Petitioners filed a complaint against appeal judges for their "misconduct" and providing sufficient facts, reasons, and evidence stated to the fourth circuit court of appeal that appeal judges had personal bias, prejudice, partiality, discrimination, coercion, and duress against petitioners; they had committed fraud upon the court; they had been in secret communication with defendants; they had entered illegal orders in favor of defendants; they deprived petitioners of their civil rights, therefore, they must recuse from presiding over petitioners cases. Appeal judges' recusal was mandated because petitioners demonstrated that their impartiality was

reasonably questioned and their ruling and actions revealed such a high degree of favoritism and antagonism as to make fair judgment impossible. Petitioners proved appeal judges were biased while petitioners did not even need to prove actual bias or what was actually going through their minds. Petitioners' recusal request was also brought for violation of equal protection of the law, due process of law, due course of law, right to have counsel, right to privacy, etc. which were under the Fourteenth, Fifth, Sixth, and ... Amendments to the United States Constitution. Also, according to Canon 3C (1) and federal statute 28 U.S.C. § 144 & 455, appeal judges must withdraw from presiding over petitioners' case and must proceed no further and other judges must be assigned to hear petitioners' cases but they violated United states constitution, federal statutes, and codes of judicial conduct, refuses to step aside, coercively presided over petitioners cases, and illegally proceeded with the case and ordered an unlawful judgment which is void, of no legal force or effect.

The U.S. Supreme Court held that "Disqualification is required if an objective observer would entertain reasonable questions about the judge's impartiality. If a judge's attitude or state of mind leads a detached observer to conclude that a fair and impartial hearing is unlikely, the judge must be disqualified." [Emphasis added]. Liteky v. U.S., 114 S.Ct. 1147, 1162 (1994).

The U.S. Supreme Court has stated that "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it." Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958).

Canon 3C(1): On motion of any party, a judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances in which: (a) the judge has a personal bias or prejudice concerning a party, or....

In addition to the Canon 3C(1), the federal system has a statutory basis for the recusal or disqualification of a federal judge-28 U.S.C. §§ 144 & 455 (1989). Section 144 provides a procedure for a party to recuse a judge: Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending

has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

Court also stated that Section 455(a) "requires a judge to recuse himself in any proceeding in which her impartiality might reasonably be questioned." Taylor v. O'Grady, 888 F.2d 1189 (7th Cir. 1989). In Pfizer Inc. v. Lord, 456 F.2d 532 (8th Cir. 1972), the Court stated that "It is important that the litigant not only actually receive justice, but that he believes that he has received justice."

"Recusal under Section 455 is self-executing; a party need not file affidavits in support of recusal and the judge is obligated to recuse herself sua sponte under the stated circumstances." Taylor v. O'Grady, 888 F.2d 1189 (7th Cir. 1989).

The Seventh Circuit Court of Appeals further stated that "We think that this language [455(a)] imposes a duty on the judge to act sua sponte, even if no motion or affidavit is filed." Balistrieri, at 1202.

Counsel must allege the judge or commissioner is prejudiced against him, her or the party represented by counsel, but there is no requirement that prejudice be proven. Solberg v. Superior Court (1977) 19 Cal.3d 182, 193, 137 Cal.Rptr. 460.

While a motion for a change of judge for cause is determined by a neutral judge, the Code of Judicial Conduct places a continuing and affirmative duty on the judge to recuse himself or herself from any proceeding in which his or her "impartiality might reasonably be questioned."

The disqualification rules in Article V, section 11 are expressed in unconditional language, are regarded as mandatory, and are to be "rigidly enforced." See Fry v. Tucker, 146 Tex. 18, 202 S.W.2d 218, 221 (1947). Disqualification affects a judge's jurisdiction and power to act. See Postal Mut. Indemnity Co. v. Ellis, 140 Tex. 570, 169 S.W.2d 482, 484 (1943). Therefore, disqualification, like other jurisdictional barriers, cannot be waived. See In re Union Pacific

Gary L. Karl, Disqualification of Federal District Court Judges for Bias or Prejudice: Problems, Problematic Proposals, and A Proposed Procedure, 46 ALB. L. REV. 229, 229 (1981) (noting that "[i]f a judge is biased toward or against one of the parties, or if he is prejudiced about the subject matter of the suit to the extent that he is unable to hear both sides with an open mind, his

participation deprives the litigants of due process").

There are many other reasons that make the order of appeal judges a void judgment. Petitioners will argue those reasons in this court when this court would review and hear the case.

Reason for Granting the Petition

1. This Court Should Grant Certiorari to address a recurring question of aliens' fundamental human rights protection as well as constitutional rights protection in the United States such as right to a fair trial and right be heard in United States courts. The United States constitution and treaties guaranteed to all people within the United States border civil rights and liberties. For instance, the Fifth and Fourteenth Amendments of the United States Constitution apply to aliens within the United States and as such, the courts guarantee aliens the right to equal protection of the laws and due process of law. Article III of the United States Constitution, Diversity of Citizenship Statute, Federal Question Jurisdiction Statute, and Alien Tort Statute guaranteed aliens' right to bring suit in United States federal courts, and also federal civil rights statutes expressly permitted aliens to bring claims of civil rights violations in federal court.

Shaughnessy v. United States ex rel. Mezei, 345 U.S. 206, 212 (1953); see also *Mathews v. Diaz*, 426 U.S. 67, 77 (1976) (There are literally millions of aliens within the jurisdiction of the United States. The Fifth Amendment, as well as the Fourteenth Amendment, protects every one of these persons from deprivation of life, liberty, or property without due process of law.)

Mathews, 426 U.S. at 77; see also *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (explaining that the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent).

This court has held that "once an alien lawfully enters and resides in this country he becomes invested with the rights guaranteed by the Constitution to all people within our borders." Also, this Court has often held that "the opportunity to be heard in a meaningful manner and

meaningful time is essential part of the constitutional due process right.” In *Jesner v. Arab Bank* this court has explained that Congress passed the ATS in order to provide a federal forum to redress violations of international law. Holding US citizens, including US corporations, accountable for violations of international law furthers the ATS’s objective “to avoid foreign entanglements by ensuring the availability of a federal forum where the failure to provide one might cause another nation to hold the United States responsible for an injury to a foreign citizen,” as interpreted by the Supreme Court in *Jesner v. Arab Bank* (2018).

However, contrary to the United States constitution and treaties and this court's promises to aliens, courts of the United States denied hearing petitioners’ complaints, claiming that they do not have jurisdiction to hear aliens’ cases. Therefore, a question of significant importance has aroused concerning aliens’ right to be heard in United States courts. In this case, judges of the United States systematically discriminated against aliens, denied human right protection to aliens, denied constitutional rights protection to aliens, denied the United States court’s jurisdiction to aliens, denied justice to aliens, and displayed horrifying hatred and animosity towards aliens who were invited to and were guests in the United States based on this country’s treaties. Thus, this case raises an important issue never addressed by this Court, but that arises frequently, as to whether the United States courts are obligated to provide an opportunity for aliens to be heard as promised by the United States Constitution and treaties or constitutional protection exists only on the paper and aliens must file their complaints in courts of their countries. According to the United States constitution and treaties, aliens are entitled to the protection of civil rights but in reality, United States courts violated aliens' fundamental human rights and civil rights such as the right to equal protection of the law and due process of law and denied aliens the opportunity to be heard. The right of a litigant to be heard is one of the fundamental rights of due process of law protected by the constitution. Therefore, Certiorari should be granted because the decision matter of this petition is in “direct conflicts” with the

human rights principles safeguarded by the United States Constitution and treaties and this Honorable Court's decisions. Since aliens are denied constitutional protection, jurisdiction, and justice in the United States courts, denial of Certiorari would basically affirm that aliens do not have jurisdiction in United States courts and they must take their cases to the courts of their countries.

In The Law of Nations; or, Principles of the Law of Nature...by Emmerich de Vattel, Vattel clearly explained that "a nation was responsible for redressing injuries that its citizens inflicted upon the person or property of foreign citizens." Significantly, Vattel limited his discussion of when a nation would become responsible for an injury to an alien to instances in which one of its citizens inflicted the injury. Vattel did, of course, acknowledge the distinct proposition that nations had an obligation to treat all aliens within their protection fairly (a predecessor to the modern principle that nations not deny justice to such aliens). Vattel said that a nation had to provide an alien injured within its territory (even if injured by another alien) with a fair opportunity for redress, without prejudice or a manifestly unjust result. A nation's denial of justice in this regard gave rise to a distinct injury to the alien (and to his nation). This duty of fairness, therefore, was distinct from the duty that a nation owed to aliens injured by its own citizens, under which the nation became "an accomplice in the injury" if it failed to provide appropriate redress. If a nation failed to redress injuries by its citizens upon the citizens of another nation, the perpetrator nation violated the "perfect rights" of the other nation. The law of nations recognized a limited number of perfect rights, including the right to exercise territorial sovereignty, the right to conduct diplomatic relations, the right to exercise neutral rights, and the right to peaceably enjoy liberty.

2. This Court Should Grant Certiorari to address a recurring question of the United States judges' violation of human rights, international law, and United States constitution and treaties and depriving aliens of their fundamental human rights which has significant importance to the public and is embarrassing conflict of opinion and authority between the United States judges' and United States constitution and treaties.

According to the Rule 10 of the Rules of the **Supreme Court** of the United States, a petition for a writ of certiorari will be granted "in cases involving principles the settlement of which is of importance to the public as distinguished from that of the parties, and in cases where there is a real and embarrassing conflict of opinion and authority between the circuit courts of appeal." *NLRB v. Pittsburgh S. S. Co.*, 340 U.S. 498, 502, 71 S. Ct. 453, 456 (1951).

The United States court's violation of fundamental human rights and systematical denial of jurisdiction and justice to aliens is sufficient consideration for granting a certiorari review because the issue has significant importance to the public. Denial of jurisdiction and justice by the courts of the United States reviled horrifying systematic violence, coercion, and discrimination against aliens and violation of aliens' fundamental human rights which is important to the public because the matter involves the life, liberty, and personal security of all of the aliens in the United States as well as the interest of justice, the interest of NAFTA treaty parties, the interest of international treaties parties, interest of the United States, the interest of Canada, the interest of the Middle East, and interest of the whole world. Therefore, this Court should grant the petition for writ of certiorari to clarify to the public whether aliens are entitled to the basic human rights in the United States and whether they are protected by the Constitution of the United States on the basis of personhood and jurisdiction. Additionally, this Court should grant the petition for writ of certiorari to address the conflict of opinion and authority between the United States courts and United States constitution, treaties, and laws as there are clear conflicts existing between them about important questions of Constitutional principles and federal laws and also usual course of judicial proceedings.

Further, the appeal court gave federal courts and state courts as well as criminals such as defendants the ability and authority to continue to harm aliens' person and property and deprive them of their fundamental human rights (such as their right to life, liberty, personal security and

property, right to equal protection of the law and due process of law, right to equality before the courts and tribunals, right to remedy by a competent tribunal, freedom from discrimination, freedom from torture and degrading treatment, etc.) when the appeal court illegally dismissed petitioners appeal, claiming that federal courts lack subject matter jurisdiction to hear aliens' cases, and assisted defendants to flee from justice. Therefore, this Court should grant the petition for writ of certiorari to address a question of aliens' safety and security in United States and set aside the appeal court's decision to safeguard aliens' security, rights, and interest. Absent intervention by this Court, the United States courts' decision will continue to work to violate aliens' fundamental human rights and deprive them of their life, liberty, personal security, and property in United States which will have a large harmful impact in the entire world and undermine the carefully-crafted procedural safeguards that founders of Constitution and this Court has spent years developing.

3. This Court Should Grant Certiorari to correct the fourth circuit court of appeal order because it is a void judgment and a Void Judgment is a Legal Nullity. The order of the appeal court is a void judgment because appeal judges 1) insistently violated human rights, international law, and the United States Constitution, treaties, and laws in reaching the result, 2) made a decision contrary to all the evidence, 3) procured order by fraud, 4) deprived aliens of their basic human rights, 5) denied jurisdiction to aliens, 6) denied justice to aliens, 7) violated due process of law and statutory procedure, 8) ordered based on a void order, 9) violated public policy, etc.

"A void judgment is a legal nullity. See Black's Law Dictionary 1822 (3d ed. 1933); see also id., at 1709 (9th ed. 2009)." United Student Aid Funds, Inc. v. Espinosa, 559 U.S. 260, 270, 130 S. Ct. 1367, 1377 (2010).

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).

A "void judgment" as we all know, grounds no rights, forms no defense to actions taken there under, and is vulnerable to any manner of collateral attack (thus here, by). No statute of limitations or repose runs on its holdings, the matters thought to be settled thereby are not res judicata, and years later, when the memories may have grown dim and rights long been regarded as vested, any disgruntled litigant may reopen the old wound and once more probe its depths. And it is then as though trial and adjudication had never been. 10/13/58 FRITTS v. KRUGH. SUPREME COURT OF MICHIGAN, 92 N.W.2d 604, 354 Mich. 97. On certiorari this Court may not review questions of fact. Brown v. Blanchard, 39 Mich 790. It is not at liberty to determine disputed facts (Hyde v. Nelson, 11 Mich 353), nor to review the weight of the evidence. Linn v. Roberts, 15 Mich 443; Lynch v. People, 16 Mich 472. Certiorari is an appropriate remedy to get rid of a void judgment, one which there is no evidence to sustain. Lake Shore & Michigan Southern Railway Co. v. Hunt, 39 Mich 469.

When rule providing for relief from void judgments is applicable, relief is not discretionary matter, but is mandatory, Orner. V. Shalala, 30 F.3d 1307 (Cob. 1994).

The Court Has a Responsibility to Correct a Void Judgment: The statute of limitations does not apply to a suit in equity to vacate a void judgment. (Cadenasso v. Bank of Italy, p. 569; Estate of Pusey, 180 Cal. 368,374 [181 P. 648].) This rule holds as to all void judgments. In the other two cases cited, People v. Massengale and In re Sandel, the courts confirmed the judicial power and responsibility to correct void judgments.

The law is well-settled that a void order or judgement is void even before reversal", VALLEY v. NORTHERN FIRE & MARINE INS. CO., 254 U.S. 348,41 S. Ct. 116 (1920) "Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgements and orders are regarded as nullities; they are not voidable, but simply void, and this even prior to reversal." WILLIAMSON v. BERRY, 8 HOW. 945, 540 12 L. Ed. 1170, 1189 (1850).

It does not operate under DUE PROCESS of LAW per the Supreme Court interpretation of the 5th Amendment and the Bill of Rights, Orner v. Shalala. 30 F.3d 1307, 1308 (C.A.10

(Colo.).1994); V T.A., Inc. V. Airco, Inc. 597 F.2d 220, 221 (1979). A judgment reached without due process of law is without jurisdiction and thus void. Bass v. Hoagland. 172 F. 2d 205, 209 (1949).

Any ruling that involves violation of due process of law under the Fifth, Sixth, or Seventh Amendments is also a void judgment. Void judgment can be attacked or vacated at any time and there is no statute of limitation. See Long v. Shorebank Development Corp., 182 F.3d 548 (C.A. 7 Ill. 1999). A void judgment is one which, from its inception, was a complete nullity and without legal effect, Lubben v. Selective Service System Local Bd. No. 27, 453 F.2d 645, 14 A.L.R.Fed. 298 (C.A. 1 Mass. 1972).

"If a party's due process rights are violated, the underlying final order is void."); Hendrix v. Dep't Stores Nat'l Bank, 177 So. 3d 288, 290 (Fla. 4th DCA 2015); Vercosa, 174 So. 3d at 552; Shiver v. Wharton, 9 So. 3d 687, 690 (Fla. 4th DCA 2009); Tannenbaum, 133 So. 3d at 1061; Viets v. Am. Recruiters Enters., Inc., 922 So. 2d 1090, 1095 (Fla. 4th DCA 2006).

Conclusion

For the foregoing reasons, Petitioners respectfully request this Court to grant the petition for a writ of certiorari and for any other relief the Court deems just and equitable.

Respectfully submitted,



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