

AMENDED WRIT

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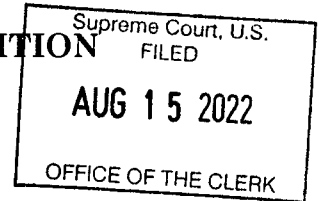
**IN THE
SUPREME COURT OF THE UNITED STATES**

**PETITION FOR AN EXTRAORDINARY WRIT OF
MANDAMUS, IN THE ALTERNATIVE, WRIT OF PROHIBITION**

ROSZETTA MARIE MCNEILL
Petitioner

v.

**WAYNE COUNTY THIRD CIRCUIT COURT
WAYNE COUNTY**
Respondents



**On Petition For
REQUEST FOR WRIT OF MANDAMUS, IN THE ALTERNATIVE, WRIT OF
PROHIBITION FOR ACT OF**

**“FRAUD” UPON LOWER STATE COURTS AND
“JUDICIAL ACTIVISM” OF LOWER FEDERAL COURT**

JURISDICTION

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

“ORAL ARGUMENT REQUESTED”

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Pro Se Petitioner

I. WRIT OF MANDAMUS QUESTION PRESENTED

This case was before the United States District Court on a writ of “Supervisory Control.” The Court held that Petitioners’ lawsuit challenging the Defendant’s acts of fraud and misrepresentation defendants was dismissed in summary Judgment. The Court of Appeal affirmed the district court’s order.

The question presented is whether a writ of mandamus should issue directing the Oakland Circuit court to retain jurisdiction of case or/to remand the case to the district court without delay.

A writ of mandamus is needed to compel Oakland County Court, a lower court to retain jurisdiction of Petitioner’s claim and MCL 600.1629(d)(2) , states that a change of venue can be used to have the case transferred to Oakland County, whereas, the Petitioner, request the Circuit Court to reserve her right to cure her claim to file a change of venue.

Petitioner understands that Writs of mandamus are not routine, but, the writ of mandamus is necessary because the traditional appeals process didn’t and wouldn’t work, because of the Defendant’s fraud and no other legal relief, or solution to the problem, can be available which is why an order for a writ of mandamus is requested to be considered.

The writ of mandamus is the last resort from all other options to resolve the situation legally that have been attempted and not applicable and a United States Supreme judge is necessary to considers granting a writ of mandamus and mitigation the risk of a serious injustice which will occur and will continue to occur, if action is not taken.

The writ of mandamus’ order from this court to Oakland County Court, Wayne County Third Circuit and Wayne County, ordering the courts and Wayne County government official to properly fulfill their official duties and to correct an abuse of discretion. (See, e.g. Cheney v. United States Dist. Court For D.C. (03-475) 542 U.S. 367

(2004) 334 F. "...used in exceptional circumstances of peculiar emergency or public importance." The Petitioner has no alternative means of seeking review under the Defendant's acts of fraud upon the lower courts, including United States District Court.

The All Writs Act gave the "Supreme Court authority to issue writs of mandamus
"in aid of their respective jurisdictions and agreeable to the usages and principles of
law."Further, 28 U.S. Code § 1361 gave federal district courts "original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff."That the Defendant's tort and fraud played significant role in enforcing Jurisdiction to Oakland County Court. The Petitioner objective is to secure trial by the common law method of a jury in order to achieve common law resolution of issues. The Petitioner have a clear right to relief, that there is an undisputed duty on the lower court, that there is no adequate remedy at law; that I asked the lower court act first To compel Third Circuit court- and Wayne County Clerk's Office to provide accurate court record to Oakland Circuit court.

The Supreme Court via writ to direct, Wayne County, to perform the legal duties to use correct court records, which it has refused to perform. Third Circuit and the Wayne County government to the performance of a legal duty, how abused its discretion and where the petitioner has no other remedy.

The legal right of the Petitioner has been infringed. The infringement of the petitioner's right(s) has been infringed due to, inaccurate maintain records, non-performance of statutory ministerial duty by the Defendants.

The Petitioner is arguing that Third Circuit Court and Wayne County Clerk's office failed to perform his duty or exceeded his authority in such a way that the Supreme court must immediately intervene to direct Third Circuit Court and Wayne County Clerk's office to correct its conduct. Petitioner prove that she has a clear right to the relief requested; 2) defendant has a clear duty to perform the act in question; and 3) no other adequate remedy is available. *Iddir v. INS*, F.3d 492, 499 (7th Cir. 2002). Plaintiff showed that Wayne County and Third Circuit owed her a duty. The duty is normally mandatory and ministerial. Mandamus is appropriate. Plaintiff has exhausted all available administrative remedies that are available. 5 U.S.C. § 702. *r Darby v. Cisneros*, 509 U.S. 137 (1993), plaintiff can only be forced to exhaust administrative remedies that are mandated by statute or regulation. Plaintiffs have suffered a legal wrong due to Third Circuit Court and Wayne County's action, and adversely affected by Third Circuit Court and Wayne County and is entitled to judicial review.

The Supreme Court in *Houthoofd*, 487 Mich at 583-584, held that the version of MCL 762.8 at the time did not contemplate venue for prosecution in places **where the effects** of the act were felt. After that decision, **the Legislature amended MCL 762.8 to include the phrase “or in any county that the defendant intended the felony or acts done in perpetration of the felony to have an effect.”** See *McBurrows*, 322 Mich App at 415. The relevant inquiry under MCL 762.8 is whether defendant intended any of his acts in Lapeer County to have any effect in Macomb County. MCL 762.8 negates Respondents' improper venue defense.

The Respondents' fraud occurred within the guidelines of their “Public Records.” Public record is defined as any information, minutes, files, accounts, or other records which a governmental body is required to maintain, and which must be accessible to scrutiny by the public. (Definition by Nolo's Plain-English Law Dictionary). (See Appendix B2) (See Appendix B3) The intent of the forged fraudulent court records were to be and are accessible to the Public.

The Defendant in *Houthoofd*, 487 Mich at 588 argued consequently, that the trial court abused its discretion when it denied defendant's motion to dismiss the Lapeer County charges on account of venue.

The Respondents argued in Oakland County court that Petitioner's case should be dismissed because of improper venue, but, its own Michigan Supreme Court ruled any error with respect to statutory venue is not jurisdictional and does not constitute constitutional error. *Houthoofd*, 487 Mich at 588; *McBurrows*, 322 Mich App at 410- 411. Rather, defendant has the burden of establishing a miscarriage of justice under a "more probable than not" standard to justify reversing a conviction. *Houthoofd*, 487 Mich at 590. Thus, defendant must show **prejudice**, i.e., that the error affected the outcome of the lower court proceedings. *Id.*

People v Meredith (On Remand), 209 Mich App 403, 409; 531 NW2d 749 (1995). But "it is not necessary that the act constitute an essential element of an offense." *Id.* In short, because the evidence of defendant's guilt of these crimes was overwhelming, he has not shown that the result would have been different had he been tried in Lapeer County.

See *People v Kanaan*, 278 Mich App 594, 622; 751 NW2d 57 (2008) (stating that a defendant's intent can be established with minimal circumstantial evidence).

Accordingly, it is not more probable than not that the venue error affected the outcome of the proceedings. Therefore, Michigan Supreme Court decline to disturb defendant's convictions for the Lapeer County offenses in Docket No. 347207.

II. AND IN THE ALTERNATIVE, WRIT OF PROHIBITION

To prohibit Wayne County and Wayne County Third Circuit court from using forged court records in Petitioner's Oakland County Court case and Prohibit the Respondents from trying to force Oakland County Circuit Court to dismissing Petitioner's case for improper venue, whereas, MCL 762.8, MCL 762.8 negates the Defendants' defense of improper venue and MCL 600.1629(d)(2) allows Petitioner to file a motion for change of venue if based on hardship or inconvenience.

MCL 762.8 negates the Defendants' defense of improper venue and provides that "[w]henever a felony consists or is the culmination of 2 or more acts done in the perpetration of that felony, the felony may be prosecuted in any county where any of those acts were committed or in any county that the defendant intended the felony or acts done in perpetration of the felony to have an effect."

Writ of Prohibition is to be resorted here where the usual and ordinary forms of remedy are insufficient to afford redress or legal remedy.

The writ of prohibition is to mandate Third Circuit Court to cease with inaccurate court records The Writ is to be issued where it deemed that Third Circuit Court acted outside the normal rules and procedures in the production of inaccurate court records and had usurp it duties whereas, Third Circuit Court is deemed headed towards defeating the Petitioner's legal right and exceeding their jurisdiction.

The Writ of Prohibition will prevent Third Circuit Court and Wayne County from acting contrary to the rules of natural justice. The writ of prohibition can not undo the act of fraud, thus the Oakland County case, but it can prohibit acts of inaccurate court records filed in Oakland County Court.

The Petitioner's request is not to restrain Third Circuit from unwarranted conduct...but, to correct the offense of production of inaccurate court records that Third Circuit Court and Wayne County forged and insist that the fraud occurred while they were working in their official capacity and thus have government immunity. This Writ will be a direct order issued from a superior court to an inferior court to restrain the lower court from activity beyond its granted jurisdiction. (See Appendix C1 and C2) The Petitioner objective is to secure trial by the common law method of a jury in order to achieve common law resolution of her issues. Furthermore, the Respondents' acts of fraud and forgery of court documents is an abuse of power which is an additional ground for granting the writ. *See Board of Supervisors v. Bazile*, 195 Va. 739, 80 S.E.2d 566 (1954) (the writ is necessary where ordinary remedies are insufficient). The writ of prohibition will prevent potential injury rather than remedy existing injury. *See note 7 supra.*

[T]his court may interpose the aid of prohibition at any stage of the proceedings below, even after verdict, sentence or judgment. *Prohibition (Writ of)*, 26 Va. Rep. Ann. 524 (monograph following *Jackson v. Maxwell*, 26 Va. (5 Rand.) 636 (1826). *Accord*, *French v. Noel*, 63 Va. (22 Gratt.) 454 (1872).

The Writ of Prohibition will allow the Respondent to respond to produce the final order in case 06-630450cz. The Plaintiff has the order of 06-630450 and is one which disposes of the whole subject, gives all the relief contemplated, provides with reasonable completeness for giving effect to the sentence, and leaves nothing to be done in the cause save to superintend ministerially the execution of the order (file). *Daniels v. Truck &*

Equip. Corp., 205 Va. 579, 139 S.E.2d 31 (1964). The order possessed by the Plaintiff do not include Wayne County as a Defendant in case 06-630450CZ.

PARTIES TO THE PROCEEDINGS BELOW

The parties to the proceedings in the United States Supreme Court are Petitioner,
Roszetta Marie McNeill and,

The parties to the proceedings in the United States Supreme Court are Respondents,
Wayne County Third Circuit Court and Wayne County.

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CERTIFICATION OF COMPLIANCE

1. The Petitioner affirms that this brief complies with the type-volume limitation of Fed. R. C. P. 33.1(g)(i) because this brief contains less than 9,000 words, (including the parts of the brief exempted by Fed. R. C. P. 33.1(d)) and is under the page requirement as depicted in Petitioner's brief's properties in diagram below.

2. The Petitioner affirms that this brief complies with the typeface requirements of Fed. R. C. P. 33.1 has been prepared in a proportionally spaced typeface using [Century Schoolbook] in [12- point] and footnotes in [10 – point]

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CONSTITUTIONAL PROVISIONS

Article 3, Section 1

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

Article 3, Section 2

The judicial Power shall extend to all cases, in law and Equity, arising under this Constitution,...

U.S. Const. Amend. V

No person shall be ...deprived of life, liberty, or property, without due process of law;

U.S. Const. Amend. VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of common law.

U.S. Const. Amend. XIV

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside. 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.

OPINIONS BELOW

Wayne County Third Circuit Court 2006 Order, 06-630450-NI

United States District Court Report and Recommendation Report, 11-cv-11130;

United States District Court Judgment, 11-cv-11130;

2018 United States Court of Appeals Decision, 07-2325;

JURISDICTIONS

The Jurisdiction of this Court is invoked under Article VIII, §6 of the Constitution and 28 U.S.C. § 1254(1). The All Writs Act, 28 U.S.C. § 1651(a), provides:

“The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.”

**REASONS FOR GRANTING THE EXTRAORDINARY WRIT FOR WRIT OF
MANDAMUS, IN THE ALTERNATIVE, WRIT OF PROHIBITION**

**1. The Questions Presented Are Exceedingly Important To The Public
Of The Issue**

For the foregoing reasons, Petitioner submits that this Court grant writ and to hold the lower courts, to its duties to perform accurate correct court records and documents. Wayne County and Wayne County Third Circuit Court breach and nonperformance of its legal duties accompanied with its acted fraudulently, misrepresented and forged pertinent material facts and court documents is in need of this forum's intervention, in the form of **"Writ of Prohibition"** to extinguish lower federal courts "judicial activism, fraud and misrepresentation of court records."

The Wayne County Third Circuit Court and Wayne County breached their legal duty with nonperformance and "fraud" whose carelessness, resulted in damage and injury to Petitioner and the lower federal courts acts of "judicial Activism" solidified the violation of the Petitioners Civil and Constitutional rights, where this court's intervention in the form of **"Writ of Mandamus"** allowing Oakland County Court to retain venue/jurisdiction of Petitioner's case no. 2022-193318CZ, in accordance to MCL

CONCLUSION

For the foregoing reasons, the petition for Extraordinary WRIT OF MANDAMUS, IN THE ALTERNATIVE, WRIT OF PROHIBITION should be granted.

Wayne County Third Circuit Court and Wayne County s' actions of forging court records, fraud and misrepresentation, were so injurious to Petitioner's health, indecent, and offensive to the senses, and an obstruction to the Petitioner's use of the legal system as to interfere with the Petitioner's comfortable enjoyment of life, property and liberty.

The Petitioner request "**Writ of Prohibition**" as the only avenue to reinstate Petitioner's Constitution rights to prohibit Respondents from usage of forged, fraudulent and false court records and to demand the Respondents to abide by; to follow the rules; and instructions regarding court order and decision of court particular civil action 06-630450CZ court order to dismiss that never include Wayne County as a defendant. (See Appendix 5) (See Appendix A, 7a, 7b, 10, 11, 11b, and 12)

The last act occurred 2016, yet, there is a constant tolling of the "statute of limitation" for fraud, by Wayne County Third Circuit Court and Wayne County under the continual wrong doctrine. The last act is in this case occurred before the United States District Court. Wayne County went above and beyond to prevent Petitioner from her day in court in violation of her Constitution rights.

The fraud that resulted in bogus "res judicata" is a continuation of the fraud and continuing wrong that deprives the Petitioner of her rights and privileges in Wayne County Third Circuit court.

The Petitioner request "**Writ of Mandamus**" to allow Oakland County to retain jurisdiction of case no. 2022-193318-CZ. MCL 762.8 negates the Defendants' defense of improper venue and provides that... "prosecuted in any county where any of those acts were committed or in any county that the defendant intended the felony or acts done in perpetration of the felony with the intent to have an effect of that County.

Wayne County Third Circuit Court acts was intended to have an effect on Oakland County Court's access and dissemination of Wayne County Third Circuit court's decision and information." (See Appendix 1) (See Appendix 1b)

NOW COMES PETITIONER, ROSZETTA MARIE MCNEILL, PRO PER, REQUEST THIS COURT FOR “WRIT OF MANDAMUS, IN THE ALTERNATIVE, WRIT OF PROHIBITION ” IN CIVIL ACTION 2022-193318-CZ IN THE STATE OF MICHIGAN IN THE 6TH JUDICIAL OAKLAND COUNTY CIRCUIT COURT; WRIT OF MANDAMUS TO ALLOW OAKLAND COUNTY COURT TO RESERVE AND RETAIN JURISDICTION VENUE IN ACCORDANCE TO MCL 762.8 WHICH NEGATES THE DEFENDANTS’ DEFENSE OF IMPROPER VENUE AND/OR REMANDED TO UNITED STATES DISTRICT COURT (COURT DEFRAUD TO VIOLATE RIGHTS);

IN THE ALTERNATIVE, WRIT OF PROHIBITION” PROHIBITING WAYNE COUNTY AND THIRD CIRCUIT COURT USAGE OF FORGED FRAUDULENT COURT RECORDS AND ALL/ANY RECORD DOCUMENT WHICH CITES WAYNE COUNTY AS DEFENDANT IN CASE 06-630450CZ; WHEREAS, PETITIONER REPRESENTS UNTO THIS HONORABLE COURT, IN HER REQUEST FOR “WRIT OF MANDAMUS, IN THE ALTERNATIVE, WRIT OF PROHIBITION” AS FOLLOWS;

Jurisdictional Allegations

1. Petitioner is a citizen of the United States, and resident at 14610 Faust Avenue Detroit, Michigan 48223.
2. That Respondents, Wayne County and Wayne County Third Circuit Court, are located at 500 Griswold Street Detroit, Michigan 48226 and 2nd Woodward, Detroit, Michigan 48226, respectively.

I. STATEMENT OF CASE

3. Petitioner, Roszetta Marie McNeill, file petition for “Extraordinary Writ of Mandamus, in the Alternative, Writ of Prohibition ” in the United States Supreme Court. The Petitioner prays to the Supreme Court of the United States for “Writ of Mandamus, in the Alternative, Writ of Prohibition ” in Petitioner’s Oakland County case of Fraud 2022-193318-CZ (See Appendix A, B and D)

4. The Oakland County case of Fraud 2022-193318-CZ is as a result of Respondents' Fraud and subterfuge¹ Upon United States District Court October 5, 2016 and forged court records which resulted in dual court records² and injustice and the United States District Court and United States Court of Appeal refused to exert its "Supervisory Control" which was in error. The Supreme Court reflects at least a presumption that one of the Court's functions is correcting the errors of inferior federal courts.

5. April 8, 2016, the Petitioner filed for "Supervisory Control" from the United States District Court for the Eastern District of Michigan case no. 2:16-cv-11292.³

6. October 2016, the Respondent filed "Motion to Dismiss" in case no. 2:16-cv-11292 along with a forged "Register of Action" and defrauded the United States Magistrate.

7. The initial acts of fraud occurred regarding Third Circuit Court case 06-630450-NI and Parties to Third Circuit Court case 06-630450-NI (before the Respondent forged court records) were the Plaintiff (Party 1), Wayne County Juvenile Detention Facility (Party 2) and Wayne County Clerk's Office (Party 3).⁴

8. The Petitioner's Third Circuit Court case 06-630450-NI was initiated

1 "[T]he Court's supremacy gives it authority to supervise the work of inferior federal tribunals through the exercise of its power to issue discretionary writs."

2 Petitioner suffered years of Wayne County Third Circuit Court and Wayne County's, acts of conspiracy, fraud, forgery and fraudulent misrepresentation in lower state/federal-courts as Third Circuit Court, Michigan Court of Appeals and Michigan Supreme Court and in the lower federal courts such as U.S. District Court and U.S. Court of Appeals.

3 The fraud and bogus "Res Judicata" of the Respondents stemming from Third Circuit Court case 06-630450-NI.

4 The Defendants 'own "**Appearances, Notices, Motion in Lieu of Answers, and Proof of Services**, and subsequent documents" only reflected 1pl (Rossetta M. McNeill) and 2 Def. (Juvenile Detention and Clerk off)].

against Wayne County, Juvenile and Clerks Office. Wayne County was removed as Defendant by the court, by accident or design, which only left Juvenile and Clerks Office, whereas, the Respondents argued that the Petitioner had sued entities that could not be sued, Juvenile and Clerk's Office and the case was dismissed against those entities, alone.

9. Respondents' "Notice of Presentment of Order and Judgment Under Seven Day Rule," Order and Judgment Granting Motion and Dismissing Case" and "True Copy of Order and Judgment Granting Motion and Dismissing Case" only included dismissal against 1pl (Roszetta M. McNeill) and 2 Def. (Juvenile Detention Facility and Wayne County Clerk's Office)

10. The Petitioner filed the right entity to be sued, Wayne County, in case no. 07-705759-NI when the Petitioner was re-injured by the Respondent, Wayne County.

11. Wayne County filed a Motion to dismiss Plaintiff's 2nd complaint of Negligent and injury, case no. 07-705759-NI, based on bogus Res Judicata and defrauded Wayne County Circuit Court Judge, Michael Sapala, in believing that he included Wayne County in a signed "Order of Dismissal"⁵ that he had not signed and it did not include Wayne County.

12. From 2006 until date the Respondents Wayne County and Wayne County Third Circuit Court has argued the bogus "res judicata" denying the Petitioner of her Constitution rights such as equal protection, trial by jury, due process, etc., through use of fraud, misrepresentation and forgery.

⁵ Judge Isidore B. Torres had actually signed the order in question and that the order, signed by Judge Torres, did not contained Wayne County as one of the defendants.

13. Wayne County and Wayne County Third Circuit Court acts defraud United States District Court.

14. The Respondents conspired to defraud by presented forged court records in the United States District Court case and defrauded the United States District Court Magistrate Grand and U. S. District Court Judge, O'Meary, case # 2:16-cv-11292 by filing a forged "Register of Action" that was altered to include Wayne County occurred after the case was closed.

15. The forged "Register of Action" still only had (2) two "Service of Complaint" and the dismissal was against Wayne County Juvenile Detention Facility, e.g., Clerk's office, but, not Wayne County.

16. October 5, 2016, the Respondents' also filed, a list of all the courts that were defrauded by their bogus and fraudulent "Res Judicata."

17. Wayne County Third Circuit Court computer system revealed that, Respondents Wayne County and Wayne County Third Circuit Court, conspired to permanently forged and altered all Wayne County Third Circuit Court records, to include Wayne County as a defendant in case no. 06-630450-NI.⁶

18. The original "Case Inquiry" records with two Defendants printed while case was pending and the forged record with three Defendants were printed when case was closed.

19. October 5, 2016, the Respondents, through acts of conspiracy, fraud, forgery and misrepresentation, filed a forged court document which occurred in United

⁶ The forgery and fraud has produce two sets of court records, the original court records and the forged court records.

States District Court.

20. For Equanimity, the jurisdiction of the County of Oakland was designated for this lawsuit,⁷

21. Wayne County and Wayne County Third Circuit Court defrauded the Petitioner, the judicial process and judicial system, with exact precision by defrauding the United States District Court, United States Court of Appeal, Michigan Court of Appeal, Michigan Supreme Court, etc.,

22. Through the specific conduct at issue here more properly characterized as a continuing offense rather than a series of separate acts. The facts are sufficient to prove that the Respondents set into place and maintained an automatically recurring scheme by altering court records.

23. Wayne County and Wayne County Third Circuit Court forged court documents and records, and continues to defraud others to date, with the permanency of, both, the original (true) court documents and records and the permanency of the fraudulent forged (false) court documents.⁸

24. Wayne County and Wayne County Third Circuit Court's forged court documents and records, continues to defraud others to date because of the permanency of, both, the original (true) court documents and records

25. The permanency of the fraudulent forged (false) court documents and records successful defrauding likeminded individuals and reasonable persons in believing the Respondents' fraud, forgery and perjury; and the defrauding of the

7 Oakland County is one of the counties comprised under the Southern Division of the United States District Court for the Eastern District of Michigan.

8 The records with the forged documents, now, superseding the original record because it's the only record contained within the Wayne County Third Circuit Court computer system in an effort to defraud likeminded individuals and reasonable persons in believing the Respondents' fraud, forgery and perjury.

United States District Court, United States Court of Appeal, Michigan Court of Appeal, Michigan Supreme Court, etc.,

26. The Petitioner was prompted to petition the United States Supreme Court for “Writ of Mandamus, in the Alternative, Writ of Prohibition ” in this case, because October 5, 2016, the Respondents, Wayne County Third Circuit Court and Wayne County filed a forged “Register of Action” to defraud.

27. The forgery extended to all other court records, from the point of the forgery and alteration; in 2006 there were only one Petitioner and two Defendants...a party of (3) three; in 2016, the Respondents’ forged and altered court document read one (1) Petitioner and (3) Three Defendants, ...a party of (4) four with Wayne County altered to portray the Fourth Defendant.⁹

28. The 2006 official records listed Wayne County Clerk’s Office as the third and last Defendant and Wayne County Juvenile Detention was listed as the first Defendant.

29. In 2016, after the forgery and alteration, Wayne County was listed as the fourth Defendant on the Case Inquiry, but, First Defendant on the Register of Action which, if true, in 2006, then Wayne County would have been named in caption as first Defendant.

30. The Respondents were unable to change the “initial caption” on the forged and altered records, whereas, Wayne County was not listed as the first Defendant in

⁹ The forged documents were filed in United States District Court case # 2:16-cv-11292 with the sole purpose to **defraud which occurred** over a 16 year period, over 6 courts and made a permanent court records depriving the Petitioner of reclamation of data.

the caption, it was still listed as Wayne County Juvenile Detention Facility as the first Defendant.

31. Alone with the forged records and list of all the courts defrauded by the Respondents, the Respondents also presented a copy of a fraudulent “Permanent Injunction”, procure through fraud and deceit demanding a bond of \$15,000 for Petitioner to pursue any case against Wayne County and anyone related to Wayne County.

32. United States District Court, case # 2:16-cv-11292, was totally defrauded by the forged and faltered records.¹⁰ The Respondent list of cases presented as evidence in case # 2:16-cv-11292, where case 06-630450 is listed at top of the page, the Respondents entered (WC) Wayne County as sole Defendant. As easy as it was for Wayne County to forge Wayne County on their makeshift list, they could have easily added Wayne County as a Defendant in the 2006 Dismissal, if Wayne County had been a party to the 2006 case.

II. FACTS OF THE CASE

Petitioner initially filed for “Supervisory Control” to U.S. District Court, case 16-11292.

In United States District Court, Respondents argued the Rooker-Feldman Doctrine. The Respondents argued that lower U.S. Federal courts—i.e., federal courts other than the Supreme Court—should not sit in direct view of state-court decisions unless Congress has specifically authorized such relief. See *Rooker v Fidelity Trust Co*, 263 US 413; 44 S Ct 149; 68 Led 2d 362 (1923)

¹⁰ Along with the United States District and United States Court of Appeal, other Michigan courts were also defrauded...such as Michigan Circuit Court, Michigan Court of Appeals, and Michigan Supreme Court.

In U.S. District Court, the Petitioner argue that “fraud” and “fraudulent misrepresentation” was the exception to the Rooker-Feldman Doctrine and that Wayne County and Wayne County Third Circuit Court, for over 12 years, has fraudulently argued a “bogus” “res judicata” and procured a “permanent injunction” through fraudulent means.

In acts of fraud and forgery, the Respondents acquired a bogus “permanent Injunction” (See Appendix 1) for a Defendant...that was never a Defendant in case 06-630450.¹¹

The Petitioner’s request to United States District Court for “Supervisory Control ” (See Appendix 4) was met with dissention from the United States District Court and the petitioner’s court records were scoffed at by the U.S. Magistrate who was totally and irrevocably defrauded by the Respondent who used the fraudulently acquired bogus “permanent Injunction” (See Appendix 1)¹²

The Respondents forged the court records to include Wayne County as the first Defendant (See Appendix 6), but the first Defendant in the caption is Juvenile (See Appendix 6b) and the contention is that the first Defendant is the Defendant named in caption. (See Appendix 6c)

11 The lower State Courts, Michigan Court of Appeals and Michigan Supreme Court, only re-verbalized the Respondents’ acts of frauds which further prejudice the Petitioner. (See Appendix 2); United States District Court made a note of the fraud in its support of the Respondents’ Protective Order. (See Appendix 3)

12 In lieu of the fact that the original “Order of Dismissal” did not include Wayne County (See Appendix 5), the Respondents’ forged the “register of action” to include Wayne County, as a Defendant, after the case was closed. (See Appendix 6) The date at the bottom of the forged “register of action” indicate that the Respondents printed the forged document (5) five months after the Petitioner filed for “Supervisory Control” in United States District Court on September 29, 2016, at 7:21 am (while the courts were closed for business). (See Appendix 6)

Furthermore, the Defendant changed the record to include Wayne County as a Defendant, but they didn't change the number of Defendants served which were the Juvenile and Clerk's Office and the Petitioner's case is the only that does not include Wayne County as a Defendant in case 06-630450-NI. (See Appendix 6, pg. 2)

The Respondents filed the forged "register of action" (5) days later in the United States District Court. (See Appendix 6d) The true and original "register of Action (See Appendix 7), case inquiry and orders (See Appendix 7b), and Respondent's own pleadings did not include Wayne County.

The Respondent also compiled a list (of all the case in which they used the bogus "Res Judicata) where Wayne County was interjected in case 06-630450 NI. (See Appendix 8)

The Magistrate disregarded the 2006 decision, and "court order' that dismissed the 2006 case against Wayne County Juvenile and Wayne County Clerk's office (See Appendix 5),and yet under a bogus "Res Judicata" the Respondents were able to defraud the other courts equally.

The United States District Court and Magistrate was defrauded (See Appendix 9) to its core in disregarding pertinent facts, wrongfully inferring evidence and disbelieving the truth.¹³

¹³ The Magistrate disregarded the fact that a court record is that where acts and judicial proceedings are enrolled in parchment for a perpetual memorial and testimony; which are of such high and super eminent authority that their truth is not to be called in question. Black law states that "a court of record" (such as Third Circuit Court) is the official written documentation of what happened during a trial or hearing. The dismissal should not have been questioned by the Federal Judge, but for the fraud of the Respondents.

The Magistrate disregarded the fact that the Respondent, Wayne County, argued in 2006 that "there were no claims against Wayne County" and that the Petitioner "sued Entities that could not be Sued." (See Appendix 10 and 10b) The Magistrate concluded that the Petitioner's document

The Magistrate wrongly inferred the record showing that the 2006 case was dismissed only against Wayne County Juvenile and Wayne County Clerk's Office was in error, and instead insisted that Judge Michael Sapala "meant" to include Wayne County in total disregard of the "order." Furthermore, the Magistrate totally disregarded the fact that Judge Sapala emphatically stated that the court rules by its "Order" and the "Order of Dismissal" (prepared by the Respondents) did not include Wayne County. Not including Wayne County was no "accident" on the part of the Respondents...it was designed.

Retiring Judge Sapala, (in last term, 2007) in good faith, asked the Respondent, Wayne County, to remind him of his 2006 ruling, in which the Respondent, Wayne County, took the opportunity to defraud the court and Judge Sapala.

The Respondent defrauded the retiring Judge Sapala (See Appendix 13 [who was in his last tenure as Circuit Court Judge [serving from 1968 until 2012]), into, not only believing that he had ordered something he didn't order, (See Appendix 14) but, also, defrauded him into even believing that he had signed the order, which he hadn't signed. (See Appendix 15) The order was signed by Judge Torres. In the Respondents haste to have their "Order of Dismissal (which excluded Wayne County)" signed, they went to Judge Torres. (See Appendix 5)

where the Petitioner argued for Wayne County to be a Defendant (See Appendix 11a) and the Judge argued to have Wayne County included as a defendant (See Appendix 11b) made Wayne County a Defendant and ignored the Respondents' opposition (See Appendix 12) where Judge Sapala (after taking the issue under advisement) agreed that there were no claims against Wayne County and Wayne County was not included in the case and/or the order of Dismissal [as prepared by the Respondent]. (See Appendix 5)

The Magistrate, mistakenly believed that Judge Sapala 06-630450 order to dismiss included Wayne County, but, it did not, The Respondent did not present the order of dismissal, to the United States Magistrate and instead the Respondents forged court document and records after the case was concluded and presented their forged "Register of Action" along with a list in which they interjected Wayne County in the 2006 case as the defendant.

The Magistrate, in its haste to believe the Respondents and the overt acts of "Judicial activism and Judicial biasness, apparently disregarded pleadings filed by pro se litigants are entitled to a more liberal reading than would be afforded to formal pleadings drafted by lawyers. See *Thomas v. Eby*, 481 F.3d 434, 437 (6th Cir. 2007) The Respondent succeeded in its acts of "Fraud" against the United States Magistrate who became an advocate for the defense,

The Magistrate apparently disregarded the fact that *Rooker-Feldman* doctrine applies where a plaintiff complains of being injured by the challenged court decision itself.

The Magistrate could not wrap its mind around the fact that, even under *Rooker-Feldman*, one cannot obtain a federal reversal of a state court decision and or "order," that NEVER EXIST, whereas, in the 2006 case Wayne County was not a party therefore no order existed, in 2006 that included Wayne County, to reverse.

The Magistrate failed to acknowledge the "order" in which the Petitioner relied which solidified that Wayne County was not a defendant in case 06-630450.

The Magistrate failed to require the Respondents to produce any 06-630450 orders in which they relied and the Respondent, in turn, did not produce one.

The Magistrate, in violation of the rules, failed to weigh the evidence in the light most favorable to the Petitioner ; failed to apply equanimity, and it the throws of “Fraud” distort evidence to exonerate the Respondents; and mistakenly accused the Petitioner of attempting to change the 2006 court “order.” But the Petitioner contends that one can’t change that which did and don’t exist.

The Magistrate failed to see that it is the Respondents that has no evidence that Wayne County was a Defendant in the 2006 and/or that the 2006 case was dismissed against Wayne County other than their forged records; and failed to acknowledge the Petitioner evidence that Wayne County was not a Defendant in the 2006 and/or that the 2006 case was dismissed, only against Wayne County Juvenile and Wayne County Clerk's Office [as depicted in order] (See Appendix 5).

The Magistrate, in its mistakenly belief and or wanted to believe in the fraud and false scenario that the Respondents have contrive, showed its contempt in derision and mockery, in lieu of the evidence that proved contrary to the Respondents disparagement and, is hence, in good company with all of the State and Federal courts that were, also, defrauded by the Respondents. (See Appendix 8)

Wayne County and Wayne County Third Circuit Court filed the forged court document in the form of a “register of action and listed all the cases in which the bogus “res judicata” was erroneously applied.

Upon requesting “Supervisory Control” from the United States District Court the Petitioner was met with “Judicial Biasness and Judicial Activism.

The Petitioner prays to the Supreme Court of the United States for Writ of Mandamus, in the Alternative, Writ of Prohibition in Petitioner's Oakland County case # 2022-193318CZ.

The lower federal court ruled that "Supervisory Control" was for the Supreme Court; that Wayne County's acts of "fraud" did not raise up to the exception in the Rooker-Feldman Doctrine and that the Respondents' fraud did not impact the outcome of Petitioner's cases. The lower federal court's determinations were erroneous and based on judicial activism.¹⁴

Erroneously, the lower courts granted Wayne County's Summary Judgment deciding that the fraudulent acts of Wayne County Third Circuit Court and Wayne County did not change the outcome and went on the defense for Wayne County Third Circuit Court and Wayne County. The Petitioner contends that fraud was the outcome and the lower federal courts' decisions were based on fraud, fraudulent misrepresentation and determined on the basis of "judicial activism."¹⁵

The Respondents procured a bogus and fraudulent res judicata, procured permanent injunction and judicial protection through acts of conspiracy and fraud.

Writ of Mandamus, in the Alternative, Writ of Prohibition is proper, appropriate and necessary to call into question the conspiracy, fraud, judicial activism.

14 In deciding whether the Petitioner's had set forth a Plausible" claim, the United States District Court must accept the factual allegations in the complaint as true. See *Erickson v. Pardus*, 551 U.S.89, 94 (2007) The lower federal court not only didn't accept the factual allegations...as true, did not accept the official court records, as true.

15 The lower federal court upholding of the Rooker-Feldman Doctrine and insistence that the United States Supreme Court is the appropriate forum for "supervisory Control" dismiss the fact that federal court must entertain a collateral attack on a state- court judgment which have been procured through fraud, deception, accident, or mistake. *id.* (quoting *Resolute Ins. Co. v. State of North Carolina*, 397 F.2d 586, 589 (4th Cir.1968)

Because of its judicial activism U.S. District Court refused “Supervisory Control “request. U.S. District Court stated that “Supervisory Control “ was reserved for Supreme Court under Rooker-Feldman Doctrine. The lower federal court’s reservation is in error. Federal courts retain the ability to set aside a judgment when it was the result of “fraud on the court.” F.R.C.P. 60(d)

The fraud of the Respondent blindsided the lower federal court. See *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 100 L. Ed. 2d 855, 108 S. Ct. 2194 (1988). The very purpose of §455(a) is to promote confidence in the judiciary by avoiding even the appearance of impropriety whenever possible. See S. Rep. No. 93-419, at 5; H. R. Rep. no. 93-1453, at 5.

Thus, it is critically important in a case of this kind to identify the facts that might reasonably cause an objective observer to question the Judges' impartiality.

The irony is that the lower federal court, defrauded by the Respondents, accused the Petitioner of requesting the higher court to have her case reversed or modified. But, there can be no reversal of modification, from acts of fraud.

The lower state-court erroneously granted Summary judgments, dismissals, permanent injunctions, etc., based on conspiracy, fraud and “fraudulent misrepresentations.” Summary judgment was only appropriate when the record revealed that there were no genuine issues as to any material fact in dispute and the moving party is entitled to judgment as a matter of law. Fed.R.Civ.P. 56(c); *Kocak v. Community Health Partners of Ohio, Inc.*, 400 F.3d 466, 468 (6th Cir.2005); *Thomas v. City of Chattanooga*, 398 F.3d 426, 429 (6th Cir. 2005).

The standard for determining whether summary judgment was appropriate is “whether the evidence presents a sufficient disagreement to require submission to a jury or whether it is so one-sided that one party must prevail as a matter of law.” *State Farm Fire & Cas. Co. v. McGowan*, 421 F.3d 433, 436 (6th Cir. 2005),

quoting *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 251-52 (1986); See also

Tucker v. Union of Needletrades Indus. & Textile Employees, 407 F.3d 784, 787 (6th Cir. 2005). The court must consider all pleading, depositions, affidavits, and admissions on file, and draw all justifiable inferences in favor of the party opposing the motion. See *Matsushita Elec. Indus. Co., Ltd. V. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986); *Twin City Fire Ins. Co. v. Adkins*, 400 F.3d 293, 296 (6th Cir. 2005).

The proper measure was not whether the lower courts decided to uphold or strike down a statute, determination or decision by a state-court in this case. Adhering to an original understanding of the law is the only way to consistently “minimize or eliminate judge’s biases” and judicial activism. At times, this means that Magistrates and/or Judges must strike down acts that offend the Constitution.

Wayne County Third Circuit Court and Wayne County has, to date, gotten away with their conspiracy, fraud and forgery, because no one cares or is willing to believe the true record. None of the lower courts are willing, nor had the courage to request of Wayne County Third Circuit Court and Wayne County court case, court documents, court decisions and dismissal where Wayne County was the Defendant, and the case was litigated to its finale, in which the bogus res judicata and permanent injunction is based. The evidence shows that it is not case 06-630450-NI, because Wayne County was not a defendant and all subsequent cases dismissed by the bogus res judicata and permanent injunction, were a result of the Respondents’ fraud.

III. UNDISPUTED FACTS OF THE CASE (OFFICIAL COURT RECORDS)

Wayne County was successful in perpetrating fraud on state-courts, Michigan Court of Appeal; and Michigan Supreme Court along with lower federal courts, United States District Court and United States Court of Appeal.

Wayne County, in its fraudulent acts was even successful in convincing United States Court of Appeal to issue a "Protective Order" to protect them while they committed its acts of fraud.

VI. JUDICIAL BIAS

The Petitioner further request "Writ of Mandamus, in the Alternative, Writ of Prohibition " for the bias atmosphere of the Michigan courts, both state and federal, but, particular federal.

In 2005, United States District Court Case no. 07-2325, U.S. District court determined that SSI and ADA were two different and separate entities with different prerequisites (See Appendix 16), writ denied by the United States Supreme Court. (See Appendix 17)

In 2015, that same United States District Court in Case no. 13-1271 U.S. Court determined that SSI and ADA were the same and just the mere application for one negated the other, (See Appendix 18) writ denied by the United States Supreme Court. (See Appendix 19)

Though inconsistent, the United States District Court rulings are precedents in judicial estoppel cases. (See Appendix 20)

In U.S. District Court cases there were judicial bias in both the 2007 and 2013 unfavorable opinion of the United States Court of Appeals, affirming the prior

United States District Court opinion, that was inappropriate because it was not deserved, because it was excessive and there was no way the Petitioner could have prevailed if she received two opposing opinion for the same legal situation. (See Appendix 16 and 18)

In 2008, United States Court of Appeal Court for the 6th Circuit in its opinion (published) affirmed that SSI and ADA were two different entities with different prerequisites, and then in 2015, United States Court of Appeal Court for the 6th Circuit opinion affirmed that SSI and ADA were the same and one negates the other.

To date, Respondents' fraud has continued, with the last act of fraud occurring in this case, U.S. District Court Case no. 16-11292.

V. ROOKER-FELDMAN DOCTRINE

The Rooker-Feldman doctrine holds that lower United States federal Courts -i.e., federal courts other than the Supreme Court- should not sit in direct review of state court decisions unless Congress has specifically authorized such relief.

The Petitioner understands that judicial power does not enable a free-for-all in which previous orders may be revisited at will. It must be exercised "judicially and not capriciously". It must be exercised in accordance with the over-riding objective.

Congress has specifically authorized relief from *ROOKER-FELDMAN* in the form of exception and the United States Court of Appeal Court for the 6th Circuit lead the crusade of the exception to the *ROOKER-FELDMAN*.¹⁶

United States Court of Appeal Court for the 6th Circuit presided over Petitioner's federal case and totally reversed its position on *ROOKER-FELDMAN*.

VI. FRAUD AND FRAUDULENT MISREPRESENTATION
CHANGED THE OUTCOME OF CASE NO. 06-630450-NI

U.S. District Court determined that fraud did not change the outcome in case 06-630450-NI and granted the Respondents' Rooker-Feldman Doctrine defense which was in error. In according to the Petitioner's 2006 copy of Wayne County Third Circuit Court summons, court transcript, final decision, etc., Wayne County was not included in Case no. 06-630450-NI. Moreover, Wayne County purposely omitted Wayne County in its proposed order to dismiss.

VII. "WRIT OF MANDAMUS, IN THE ALTERNATIVE, WRIT OF
PROHIBITION"

The Respondents acts of fraud were perpetrated upon, not just the Petitioner, but also, the United States District Court. Although Oakland County Court case 2022-193318-CZ is in state-court, the act occurred in United District Court case no.2:16-cv-11292 and the state of Michigan have a "Statute of Limitation" for fraud.

16 In *Sun Valley Foods Co.*, 801 F.2d 186 (6th Cir. 1986), United States Court of Appeal Court for the 6th Circuit, determined that *ROOKER-FELDMAN* does not prevent the lower federal courts from reviewing state-court judgments that are allegedly procured through fraud.

United States Court of Appeal Court for the 6th Circuit found in *Sun Valley Foods Co.*, 801 F.2d 186 (6th Cir. 1986) that when a "state-court loser" complains that the winner owes his triumph not to sound legal principles – or even unsound ones – but to fraud, then the loser is not really complaining of an injury caused by a state-court judgment, but of an injury caused by the winner's chicanery. See *Exxon, Mobil*, 544 U.S. At 284.

The United States District Court was the recipient of the fraud, who was defraud and deceived by the forgery and fraud which lends itself to the jurisdiction of the United States Supreme Court and the United States Supreme Court is the genuine forum for “ Writ of Mandamus, in the Alternative, Writ of Prohibition ” on the judicial activism of the lower federal court who failed to not just utilized its “Supervisory Control,” but became the conduit used to deprive and prejudice the Petitioner when it, the United States Court, was taken in by the Respondents' fraud.

The Respondents' acts of fraud, as depicted in Oakland County case 2022-193318-CZ, upon the United States District Court, occurred in the same United States District Court case, no.2:16-cv-11292, in which the Petitioner was requesting “Supervisory Control” from the United States District Court. The United States District Court to submission to the Recipients' fraud made necessary to file in Oakland County. Petitioner contends that without this forum's intervention in the form of “Writ of Mandamus, in the Alternative, Writ of Prohibition ” Wayne County would continue to deprive Petitioner's of her 7th Amendment Constitution right to trial and will continue its usage of inaccurate court records. Any future case, by the Petitioner, brought before U.S. District Court for the Eastern Michigan would be grandfathered to the already defrauded Magistrate and Judge.

VIII. OAKLAND COUNTY COURT IS PROPER VENUE VIA MCL 762.8

To preserve the jurisdiction of the United States Supreme Court, change of venue from Oakland County Circuit to United States District Court would not

Prejudice the case and/or parties, but, change of venue from Oakland County Circuit to Third Circuit Court would prejudice the Petitioner .

The Respondents argued in Oakland County case 2022-193318CZ that ...“The general venue rule is that defendants should be tried in the county where the crime was committed.” (See Appendix C1 and C2)

The Petitioner responded with *People v Houthoofd*, 487 Mich 568, 579; 790 NW2d 315 (2010). In *Houthoofd*, 487 Mich at 579 is was established that ... “the Legislature is permitted to create exceptions to this general rule.” See id. (See Appendix D)

MCL 762.8 negates Respondents’ defense of improper venue which provides ...venue is proper in any county that the defendant intended the felony or acts done in perpetration of the felony to have an effect. *McBurrows*, 322 Mich App at 415. The Defendants acts were done to have an lasting permanent effect, on not only the State courts, but, any and all courts, in or out of the United States, that has access to Michigan court records.

Writ of Mandamus, in the Alternative, Writ of Prohibition is proper, appropriate and necessary. Calling into question Defendants’ legal and moral turpitude. The United States District Court acceptance that the fraud was the truth and the United States District Court acted upon the fraud. (See Appendix 9)

In 1943, in a case called *McNabb v. United States*, the Supreme Court asserted the power to supervise lower federal courts by devising procedures

for them not otherwise required by the Constitution or a statute.¹⁷

In *Hazel-Atlas Glass Co. v. Hartford Empire Co.*, the Supreme Court held that a court of appeals possessed the inherent authority to vacate a judgment for fraud on the court.¹⁸

In the Petitioner's case, the United States District Court and the United States Court of Appeal for the Eastern District of Michigan failed in its "Supervisory Control" duties and thus failed the Petitioner, whereas, this forum is the only avenue available to the Petitioner for redress.

The Supreme Court in *Houthoofd*, 487 Mich at 583-584, held that the version of MCL 762.8 at the time did not contemplate venue for prosecution in places where the effects of the act were felt.

After the decision in *People v Houthoofd*, 487 Mich 568, 579; 790 NW2d 315 (2010), the Legislature amended MCL 762.8 to include the phrase "or in any county that the defendant intended the felony or acts done in perpetration of the felony to have an effect." See also *McBurrows*, 322 Mich App at 415. The relevant inquiry under MCL 762.8 is whether defendant intended any of his acts in Lapeer County to have any effect in Macomb County.

17 318 U.S. 332 (1943). *McNabb* is widely identified as the first case to assert the Supreme Court's supervisory power over lower court procedure. See, e.g., Beale, *supra*

18 322 U.S. 238, 244 (1944). For examples other than those discussed in the text, see *Clinton v. Jones*, 520 U.S. 681, 706 (1997) ("The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket."); *Gulf Oil Corp. v. Gilbert*, 330 U.S. 501, 507-09 (1947) (holding that district court possessed inherent authority to dismiss suit on ground of forum non conveniens), partially superseded by Act of June 25, 1948, ch. 646, § 1, 62 Stat. 869, 937 (codified as amended at 28 U.S.C. § 1404 (2000)); *Ex parte Peterson*, 253 U.S. 300, 312 (1920) (holding that district court had inherent power to appoint auditor to assist in performance of its judicial duties); *Bowen v. Chase*, 94 U.S. 812, 824 (1876) (acknowledging court's inherent power to consolidate actions arising out of single controversy).

The Defendants' fraud occurred within the guidelines of their "Public Records." Public record is defined as any information, minutes, files, accounts, or other records which a governmental body is required to maintain, and which must be accessible to scrutiny by the public. (Definition by Nolo's Plain English Law Dictionary) (See Appendix B2 & B3) The intent of the forged fraudulent court records were to be accessible to the Public.

It is undisputed that the entirety of defendant's 2016 act and continual wrong acts from 2006 wrongs related to the crimes charged in 2022-193318CZ and occurred in Wayne County. Indeed, there was no evidence that defendants were in Oakland County at any point. The Defendant in Houthoofd, 487 Mich at 588 argued consequently, that the trial court abused its discretion when it denied defendant's motion to dismiss the Lapeer County charges on account of venue.

However, the Michigan Supreme Court ruled any error with respect to statutory venue is not jurisdictional and does not constitute constitutional error. Houthoofd, 487 Mich at 588; McBurrows, 322 Mich App at 410- 411. Rather, defendant has the burden of establishing a miscarriage of justice under a "more probable than not" standard to justify reversing a conviction. Houthoofd, 487 Mich at 590. Thus, defendant must show prejudice, i.e., that the error affected the outcome of the lower court proceedings. Id.

Wayne County and Wayne County Third Circuit Court can not prove that an judicial outcome in the venue, Oakland County Court, would prejudice them. Furthermore, the Oakland County Court has established its scheduling order for case no. 2022-193318 (See Appendix B4) and it will not harm the Respondents who have since responded and made every indication of its intent, reservng its answers, to proceed in Oakland County Court. (See Appendix C1 and C2). The respondents' pretrial motion to dismiss for improper venue is done for the sole purpose to prejudice the Petitioner and continue with its violation of her right to a trial.

People v Meredith (On Remand), 209 Mich App 403, 409; 531 NW2d 749 (1995). But “it is not necessary that the act constitute an essential element of an offense.” Id. In short, because the evidence of defendant’s guilt of these crimes was overwhelming, he has not shown that the result would have been different had he been tried in Lapeer County.

See People v Kanaan, 278 Mich App 594, 622; 751 NW2d 57 (2008) (stating that a defendant’s intent can be established with minimal circumstantial evidence). Accordingly, it is not more probable than not that the venue error affected the outcome of the proceedings. Therefore, Michigan Supreme Court decline to disturb defendant’s convictions for the Lapeer County offenses in Docket No. 347207.

IX. ARGUMENT

The Petitioner was prevented by trick, artifice and other fraudulent conduct from fairly presenting her claim and introducing relevant and material evidence. 7 Moore, Federal Practice ¶ 60.37[1] & n.17; 3 Freeman, Judgments § 1178 (5th ed.1925); 49 C.J.S Judgments § 408 (1947);

The power of the federal courts is expressly recognized in rule 60 (b) of the Federal Rules of Civil Procedure, which states in part: This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment, order, or proceedingSee Fed. R. Civ. P. 60 (b).¹⁹

"Federal courts hold no supervisory authority over state judicial proceedings and may intervene only to correct wrongs of constitutional dimension." Supreme

¹⁹ Wayne County Third Circuit Court and Wayne County s' fraudulent deceptive practiced; making false misrepresentation with an intention to deceive; was in order to induce Petitioner to part or surrender her legal right. Marsh v. Falker, 40 N. Y. 575; Farrington v. Bullard, 40 Barb. (N. Y.) 512; Hecht v. Metzler, 14 Utah, 408, 48 Pac 37, 60 Am. St Rep. 906; Sawyer v. Prickett, 19 Wall. 146, 22 L. Ed. 105. Actionable misrepresentation. A false statement respecting; a fact material to the contract and which is influential in procuring it. Wise v. Fuller, 29 N. J. Eq. 257.

courts ... were..., constituted to correct the errors of the inferior ones. Cf. Black's Law Dictionary 381 (8th ed. 2004) (defining "inferior court" as "[a]ny court... subordinate to the chief appellate tribunal [in the particular] judicial system" or "[a] court of *special, limited, or statutory jurisdiction*" (emphasis added)).²⁰

X. LOWER COURT WRONGLY INFERRED THE DOCTRINE OF RES JUDICATA BASED ON FRAUD

Petitioner argued against the Respondents' res judicata based upon "fraud, forgery and deception" In *Riehle v. Margolies*, 279 U.S.218, 225 (1929) United States Supreme Court stated that only "in absence of fraud or collusion" does a judgment from a court with jurisdiction operate as res judicata. Courts consider fraud as an exception to res judicata. See, e.g., *Thomas v. Metra Rail Serv.*, No.966 C 8489, 1997 U.S. Dist. LEXIS 16027, at *9 n.2 (N.D. Ill. Oct. 6 1997) ("The Court is mindful that a judgment obtained through fraud cannot act as a bar to a subsequent suit on the same cause of action –thus preventing the application of res judicata."); *Remer v. Interstate Bond Co.*, 173 N.E.2d 425, 430 (Ill. 1961) ("If the order was obtained by fraud, as petitioner alleges elementary principles of law require that relief be granted.").²¹

²⁰ Blackstone notes that "supreme courts ... were..., constituted to correct the errors of the inferior ones." 3 William Blackstone, *Commentaries* *31. Blackstone does refer to multiple "supreme courts," and he does go on to focus on the jurisdictional differences between supreme and inferior courts, both of which were primarily courts of original jurisdiction. *Id.* at *31-*32; see also *id.* at *32-*70 (describing in detail English courts of general civil jurisdiction). But it would be incorrect to claim that Blackstone did not conceive of supreme courts as possessing any sort of error correcting function.

²¹ Nowhere in the official court records is there a 2006 dismissal for the County of Wayne to solidify a decision of "res judicata." Wayne County Third Circuit Court and Wayne County would have been the producers and keeper of records in 2006, yet, cannot produce the 2006 "order" dismissing "Wayne County" instead the Respondents used the 2006 "order" they prepared and defrauded courts into believing that state-court prepared it, but, accidentally excluded Wayne County.

Wayne County Third Circuit Court acted with the sole purpose to collude with Wayne County to continue to evoke a fraudulent "res judicata" and to indefinitely prejudice Petitioner of obtaining rightful redress or repose.

Writ of Mandamus, in the Alternative, Writ of Prohibition is necessary because of the respondents' acts of fraudulent collusion. Moreover, the doctrine of "Res judicata" was not created to protect fraud upon the courts.

XI. JUDICIAL ACTIVISM ALLOWED RESPONDENTS FRAUD

Writ of Mandamus, in the Alternative, Writ of Prohibition is requested because of the judicial activism that allowed Wayne County Third Circuit Court and Wayne County acts of fraud to continue. Wayne County Third Circuit Court and Wayne County defraud Michigan Court of Appeals, Michigan Supreme Court, United States District court, etc., with smoke and mirrors and their acts of fraud, evidence by the U.S. District Magistrate, David R. Grand, advocacy of Wayne County Third Circuit Court and Wayne County's fraudulent acts, in lieu of the Petitioner's official records and court documents, which speaks volume to the Respondents' forgery and fraud.

U.S. District Magistrate, David R. Grand, was defrauded, as was state courts, Michigan Court of Appeals and Michigan Supreme Court and lower federal court U.S. Court of Appeals.

U.S. District Magistrate Judge David R. Grand prejudicially advocated the Respondents position through judicial activism and Magistrate Judge David R. Grand actually became the defense attorney for the Respondents.

U.S. District Magistrate stated because the Petitioner and the Court wanted Wayne County as a Defendant...then Wayne County was a Defendant, in lieu of the court records excluding Wayne County and Wayne County, itself, arguing that there were no claims against Wayne County and prevailing on it argument.

In contrast to U.S. District Magistrate misconception (See Appendix 9), it is not about the Petitioner requesting the higher courts to use its powers to modify or to set aside a State Court Judgment, because there cannot be a review of final determinations in state judicial proceedings that never took place.

An order of dismissal against Defendant, Wayne County, in case in 06-630450, does not exist, and all records, other than the forged court documents, solidify the fact that Wayne County was NOT a defendant in case 06-630450 and any litigation that relied upon the nonexistent dismissal is, in itself, faulty.

XII. REASON FOR GRANTING THE WRIT OF MANDAMUS, IN THE ALTERNATIVE, WRIT OF PROHIBITION

The Questions Presented Are Exceeding Important To The Public Of The Issue.

The Respondents' actions were not only injurious to Petitioner's health, but also indecent, offensive to the senses and an obstruction to the legal system and CANONS OF PROF'L ETHICS²²

²² CANONS OF PROF'L ETHICS (1908), Canon 15 asserts..."the great trust of the lawyer is to be performed within and not without the confines of the law" and that "[t]he office of attorney does not permit violation of law or any manner of fraud or chicane." See McCoy v. Court of Appeals, 486 U.S. 429, 436 (1988) ("Neither paid nor appointed counsel may deliberately mislead the court with respect to either the facts or the law, or consume the time and the energies of the court or the opposing party by advancing frivolous arguments.")

The Respondents' acts of fraud were acts of "Moral Turpitude," contrary to community standards of justice, honesty and good morals had an inherent quality of baseness, vileness, and depravity with respect to a person's (court agent's) duty to another or to society in general, which interfered with the Petitioner's comfortable enjoyment of life, property and pursuit of happiness.

The Court may "issue all writs necessary or appropriate in the aid of their respective jurisdictions and agreeable to the usages and principles of law." 28 U.S.C. § 1651(a).

A writ of mandamus, in the Alternate, writ of Prohibition is warranted where "(1) no other adequate means exist to attain the relief [the party] desires, (2) the party's right to issuance of the writ is clear and indisputable, and (3) the writ is appropriate under the circumstances." *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010) (quoting *Cheney v. United States Dist. Ct.*, 542 U.S. 367, 380–81 (2004)) (internal quotation marks and alterations omitted).

Mandamus is reserved for "exceptional circumstances amounting to a judicial 'usurpation of power.'" *Cheney*, 542 U.S. at 380 (citation omitted). Where a lower court "mistakes or misconstrues the decree of this Court" and fails to "give full effect to the mandate, its action may be controlled * * * by a writ of mandamus to execute the mandate of this Court." *Gen. Atomic Co. v. Felter*, 436 U.S. 493, 497 (1978) (per curiam) (quoting *In re Sanford Fork & Tool Co.*, 160 U.S. 247, 255 (1895)); see also *United States v. Fossatt*, 62 U.S. 445, 446 (1858)

XIII. PETITIONERS' RIGHT TO ISSUANCE OF A WRIT OF MANDAMUS, IN THE ALTERNATIVE, WRIT OF PROHIBITION IS CLEAR

Petitioner is entitled to a writ directing the Oakland County Court to retain jurisdiction over this case or remand it to the district court for further proceedings and writ prohibiting Wayne County and Third Circuit Court from using forged fraudulent and false court records.

What this Court “is asked to do by way of granting Writ of Mandamus, in the Alternative, writ for Prohibition before judgment is to render the kind of judgment on the merits of venue allowing Oakland County court to retain jurisdiction ” and by way of granting Writ of Prohibition prohibiting Wayne County and Third Circuit Court from use of forged court records, and/or any fraudulent document with Wayne County as a Defendant in Civil Action 06-630450-CZ

Wayne County and Wayne County Third Circuit court have previously denied the Petitioner’s motion for “change of venue” and is demanding that Oakland County Court relinquish jurisdiction allow Wayne County to continuing to exercise jurisdiction and its acts of fraud.

Petitioners meet the high threshold for a writ of mandamus ordering Oakland County Court to retain case 2022-193318CZ and a writ of prohibition to prohibit Wayne County and Third Circuit Court from using forged and fraudulent court records.

XIV. A WRIT OF MANDAMUS, IN THE ALTERNATIVE, WRIT OF PROHIBITION IS WARRANTED GIVEN THE URGENT CIRCUMSTANCES OF THIS CASE

Because Wayne County and Third Circuit Court acted in conspicuous violation of this Court’s constitution, a writ of mandamus from this Court is the

appropriate vehicle to rectify the error. *See, e.g., Ex parte Republic of Peru*, 318 U.S. 578, 583 (1943); *Fossatt*, 62 U.S. at 446.

This Court's intervention is particularly necessary because of the extraordinary, urgent circumstances of this case.

Writ of Mandamus can also be issued against public corporations and tribunals. As it is directed to set the indolent authorities to task, it is also described as a "wakening call", dictating their activity and setting them in action in pursuance of discharging public duty.

Mandamus is remedial in nature and cannot be expressed as a writ of right as it is issued only at the discretion of the court after the applicant of the same is able to prove to the Court that some utilitarian or just question would be answered by the writ. The essential grounds necessary for the issuance of Mandamus have been enlisted below:

- There exists a legally sanctioned right of the petitioner or the applicant of the writ and a violation or compromise of this right has been committed.
- The infringement of the rights of an applicant can be done by a public authority in the following manners:
 1. Crossing the limits of the powers and duties vested to their office.
 2. Failure or omission to act responsibly according to the conditions laid down by the law for the exercise of their power.
 3. Denial by an official or authority to perform their statutory duties.
 4. A complete disregard for or contravention of the principles of natural justice.
- Another ground for the legality of issuing the writ of mandamus is the failure to act or perform the legal duty despite being demanded by the applicant for the same.

- The writ should be applied for in good faith, without any ulterior motive or intent on the part of the applicant.
- Lastly, the writ of mandamus can only be issued when no other recourse, redressal mechanism or legal alternatives have been left at the disposal of the applicant.

besides ensuring the adequate enforcement of the fundamental and constitutional rights, it is also the Court's responsibility to ascertain the prevention of misuse of authoritative power and full adherence of the order.

Writs of mandamus and Writs of prohibition are to be issued in the following situations and for the same, a comprehension of public rights is a necessity:

1. There must exist a legal right of the petitioner for getting a legal duty of the public authority to be discharged, provided that legal duty is compulsory and not discretionary in nature. Moreover, mandamus cannot be utilized for enforcing department specific rules or instructions which have got no statutory backing with regards to provisioning for legal rights of the petitioner(s). An exception to this rule is that statutory void is filled with executive orders.
2. The legal responsibility of the authority or body should be of a public nature. The apex court, however, held in the *Praga Tools Corporation v. C.V. Imanual* that a writ of mandamus shall also be granted against a private entity or individual provided there has been a third-party involvement of the state authorities. The same principle is used with regards to a private contractual relationship where there is a state interference.
3. The right that is sought to be enforced or implemented by the petitioner must remain in force or effect on the date of issuance of the petition. If there has been a lawful expiration of the interest of the applicant before the date of the petition, he loses his entitlement to the writ.
4. Issuance of anticipatory writs of mandamus is not encouraged by the Indian courts. However, there can exist exceptions to this rule. Provided an authority acts contrary to its statutory duty, anyone who is likely to be affected by any such order of that public officer or body.

Writ of Mandamus and writ of prohibition is needed to ensure general public interest, safeguard the Petitioner's rights promised to her in the Constitution and other laws of the land.

Petitioner understand that mandamus is an extraordinary remedy, which should only be used in exceptional circumstances of peculiar emergency or public importance. *LaBuy v. Howes Leather Co.*, 352 U.S. 249 (1957); *United States v. McGarr*, 461 F.2d 1 (7th Cir. 1972). Mandamus is needed her to appropriately confine an inferior court to a lawful exercise of prescribed jurisdiction, or when there is an usurpation of judicial power. See *Schlagenhauf v. Holder*, 379 U.S. 104 (1964).

Mandamus of Prohibition is needed to keep Wayne County and Third Circuit Court from interposing unauthorized obstructions to the enforcement of the judgment and from usage of forged fraudulent and false court records... See *United States v. District Court*, 334 U.S. 258, 263 (1948) (to enforce obedience to court...).

McCune v. United States, 374 F. Supp. 946 (S.D.N.Y. 1974). 28 U.S.C. § 1361, giving the United States district court jurisdiction of "an action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff," speaks only of compelling an officer or employee. Maintaining accurate records, storing and filing records are the duties owed not only to the Petitioner, but the public as a whole.

The power of a district court to compel official action by mandatory order is limited to the enforcement of nondiscretionary, plainly defined, and purely ministerial duties. See *Decatur v. Paulding*, 39 U.S. (1 Pet.) 496, 514-17 (1840);

Work v. Rives, 267 U.S. 175, 177 (1925); Wilbur v. United States, 281 U.S. 206, 218 (1930).

An official action is not ministerial unless "the duty in a particular situation is so plainly prescribed as to be free from doubt and equivalent to a positive command." Wilbur v. United States, *supra*; See United States ex rel. McLennan v. Wilbur, 283 U.S. 414, 420 (1931); ICC v. New York, N.H. & H.R. Co., 287 U.S. 178, 204 (1932); United States ex rel. Girard Trust Co. v. Helvering, *supra*; Will v. United States, 389 U.S. 90 (1967); Donnelly v. Parker, 486 F.2d 402 (D.C. Cir. 1973). "But where there is discretion . . . even though its conclusion be disputable, it is impregnable to mandamus." United States ex rel. Alaska Smokeless Coal Co. v. Lane, 250 U.S. 549, 555 (1919).

XV. NO OTHER ADEQUATE MEANS TO OBTAIN RELIEF EXIST

No other adequate means exist to obtain Petitioners' requested relief. "[T]he Court has indicated that mandamus is the only proper remedy available.

Absent intervention by this Court, the Third Circuit Court and Wayne County are poised to continue their acts of fraud in direct violation of the Constitution and delay further resolution of this case. Therefore, Petitioners have no recourse in any other court. *In re Sanford Fork & Tool Co.*, 160 U.S. at 255; *Will v. United States*, 389 U.S. 90, 95–96 (1967).

XVI. CONCLUSION

For the foregoing reasons, the Court should issue a writ of mandamus directing the Oakland County court to retain jurisdiction over case no. 2022-

193318CZ and issue a writ of Prohibition prohibiting Third Circuit Court from using inaccurate forged court documents.

The “Fundamental Miscarriage of Justice” cry for this petition for Writ of Mandamus, in the Alternative, Writ of Prohibition and said writ should be granted.

“Writ of Mandamus, in the Alternative, Writ of Prohibition should be applied to Oakland County Court case # 2022-193318-CZ for the fraud upon the United States District Court, 2016, by prohibiting Respondents usage of forged fraudulent false court records and document that refer to Wayne County as a Defendant in case no. 06-630450-CZ, whereas, this court is to allow Respondents to either comply with order of “Writ of Prohibition” or show reason why they are unable to comply.

The Petitioner contends that the Respondent's acts of fraud and forging of court records contravene the order of law and "Code of Conduct" which were so superfluous, whereas, warranting "Writ of Mandamus, in the Alternative, Writ of Prohibition from this forum."

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