

22-5706
No. 21A717

In The

Supreme Court of the United States

FILED

AL 43 222

OFFICE OF THE CLERK
SUPREME COURT

ORIGINAL

Lynn Z. Smith

Applicant/Petitioners

v.

Dobin, et. al.

Respondents

ON PETITION FOR WRIT OF CERTIORARI TO THE
COURT OF APPEALS OF THE THIRD CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Lynn Smith
294A Malvern Court East
Lakewood, New Jersey 08701
(732) 363-4451
officialmisconductwatch@gmail.com
Dated: September 24, 2022

QUESTIONS PRESENTED

The *Questions Presented* that follow provide this Court with an opportunity to address vital questions about its ability to deal with questions of law, corruption, and injury caused by a Circuit that is corrupt from the Bankruptcy Court, through District Court, all the way to its Court of Appeals. In this case, we are talking about the Third Circuit with a particular emphasis on District Court Judge Esther Salas, who was aided and abetted in Judicial Misconduct, Docket Fraud, and Mail Fraud by then Chief Judge D. Brooks Smith.

When Petitioners proved beyond any doubt that District Court Judge Esther Salas committed Judicial Misconduct, Docket Fraud, and Mail Fraud and asked Chief Judge D. Brooks Smith to rebuke her and reverse her corrupt decisions, he admitted that the violations occurred. Still, he took no action, claiming that the Clerk of the Court was responsible, not Salas. The people of the United States are interested in the large issues in our country, such as the relative control over decision-making exercised by individual states versus the federal government. They are interested in whether states control abortion matters or the federal government. However, they are most interested in receiving protection from corrupt state and federal judges who ignore facts, refuse to conduct investigations required by Congress, misconduct themselves, and commit civil and criminal fraud, i.e., Esther Salas.

Therefore, I have the following questions to ask. They, in part, deal less directly with the particular crimes of Judges Salas and Smith, which are beyond doubt, and more with the role of the United States Supreme Court over the next several decades. In one sense, they address the relevance of the United States Supreme Court when what most affects their daily lives, unchecked official corruption of judges, clerks, and courts, appears not to be of concern to the members of SCOTUS. They DO NOT want to hear that their most sacred concerns in life, adversely affected by judicial corruption, are not sufficiently ***precedential*** for the nine members of this Court.

State and federal courts in New Jersey have violated, in lockstep, our 4th, 5th, 8th, and 14th Amendment Rights since October 2006.

Question 1: Should SCOTUS, in its present form, be managing Writs of Certiorari or Mandamus, which specifically involve corruption in the Circuits, or should the Supreme Court be split into two or more separate courts: one handling precedential petitions, one handling standard mandamus petitions, and one other handling cases that specifically address corruption, misconduct, and criminality in state courts and, as in New Jersey, an entire Circuit?

Question 2: After reading App. 2-4 in this Petition: What is SCOTUS prepared to do with District Court Judge Esther Salas and former Chief Judge D. Brooks Smith?

Question 3: It is evident that District Court Judge Esther Salas felt an ***extraordinary degree of empathy for the Judge Defendants, the Panel Trustee, and the individual defendant who defrauded the Federal Court System by participating in a shill bidder auction in Trenton, New Jersey in July 2017:*** Should Lynn Z. Smith v. Dobin, et al. be remanded to discovery, depositions, and trial in another state within the Third Circuit, such as Pennsylvania? Or can a substantial Opinion clean up the Third Circuit?

Question 4. After realizing the Petitioner has suffered from Constitutional Rights and other violations by Judge Salas and the defendants, will the members of this Court respond to 16 years of state and federal official abuse (including the Office of the United States Attorney who possesses records that prove the reasons for this serial corruption and fraudulent concealment) and act on this Petition or convert it to a Mandamus Petition, remanding this matter to trial with the Right to include Esther Salas, the U.S. Attorney General, and New Jersey Attorney General as defendants?

PARTIES TO THE PROCEEDING

The parties in this proceeding are Lynn Z. Smith, Petitioner and Andrea Dobin, et al., Respondent.

RULE 29.6 STATEMENT

The petitioner is not a nongovernmental corporation. The petitioner is not a parent corporation or shares held by a publicly traded company.

TABLE OF AUTHORITIES

STATUTES and CONSTITUTIONAL PROVISIONS

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PETITION FOR A WRIT OF CERTIORARI

Lynn Z. Smith respectfully petitions for a writ of certiorari to review the judgment of the Court of Appeals, Third Circuit.

OPINIONS BELOW

There were no opinions by the Court of Appeals, just dismissals and denials. They could not opine on PROVEN, DOCUMENTED misconduct, fraud, and criminality.

JURISDICTION

This Court has jurisdiction over federal cases under 28 U.S. Code § 1254(1).

STATEMENT OF THE CASE

U.S. Supreme Court needs to address vital questions pertaining to its ability to deal with questions of law, corruption, and injury caused by a Circuit that is corrupt from the Bankruptcy Court, through the District Court, all the way to its Court of Appeals. In this case, we are talking about the Third Circuit with a special emphasis on District Court Judge Esther Salas, who was aided and abetted in Judicial Misconduct, Docket Fraud, and Mail Fraud by then Chief Judge D. Brooks Smith.

SCOTUS has jurisdiction over corruption, misconduct, and criminality by public officials and others in the Circuit Court and must protect the laws of Congress that are being serially violated by Third Circuit, Judges, Clerks, Panel Trustees, and others.

REASONS FOR GRANTING OF THE PETITION

The Petitioner proved beyond any doubt that District Court Judge Esther Salas committed Judicial Misconduct, Docket Fraud, and Mail Fraud, and asked Chief Judge D. Brooks Smith to censure her and reverse her corrupt decisions, he admitted that the violations occurred, but took no action, claiming that the Clerk of the Court was responsible, not Salas.

The people of the United States are most interested in is receiving protection from corrupt state and federal judges who ignore facts, refuse to conduct investigations required by Congress, misconduct themselves, and commit civil and criminal fraud, such as Esther Salas, while public officials at the highest level, such as Chief Judge Smith aids and abets these crimes.

We shall see whether this Court has the strength and integrity to act against corruption in the Circuit Courts. There are three final questions to be asked of this Court before closing this section:

Are United States Citizens **Animals?**

Are their dreams of being free, equal, and happy another scam induced by the **Farm Owners** and hired hands to keep them under control?¹

Or will SCOTUS deal with their primary problem today - official corruption?²

For the Minor Clerks – the Only Persons Who Will Read this Petition

Words mean NOTHING since we know that none of the nine judges of this Court will read this Petition. Therefore, the remainder of this section will primarily contain images that evidence of judicial misconduct and criminality that can only be addressed by remanding

(D.C. No. 1-18-cv-17515)

...to trial in a federal District Court outside of New Jersey with the Plaintiff permitted 90-days to amend her complaint and add additional defendants.

There will be two sections that follow. Each section contains a set of images and a few words that evidence why this Court should either grant Certiorari or convert to Mandamus and, from there, grant the requested relief.

At the end of the two sections, there will be a summary statement.

¹ With apologies to George...the one world farmers and their farm hands and equipment, i.e. Barclays Bank, JPMorgan Chase & Co, The Goldman Sachs Group et cetera are referenced herein, not Stalin.

² In this case, the judicial variant or counterpart of official corruption in New Jersey that when possible aids and abets the rape by banks, servicers, law firms, and their agents working for those committed to replacing our Constitution to facilitate their interests.

December 13, 2021 Objection by Plaintiff-Appellants

There were close to 40 filings made to Judge Salas up until February 26, 2020 and docketed. They contained the evidence of mailing that is customarily placed at the end of the docketed filing

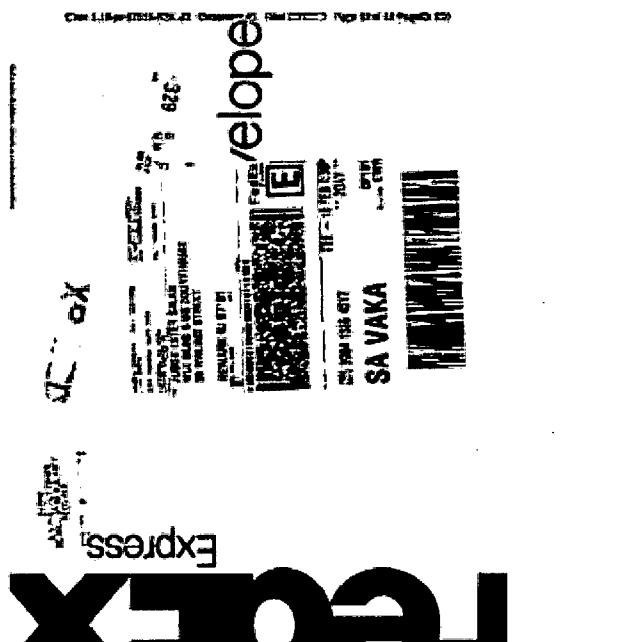
Every docketed item in more than a year of filings up until March 3, 2020 had an image like this after the pleading:

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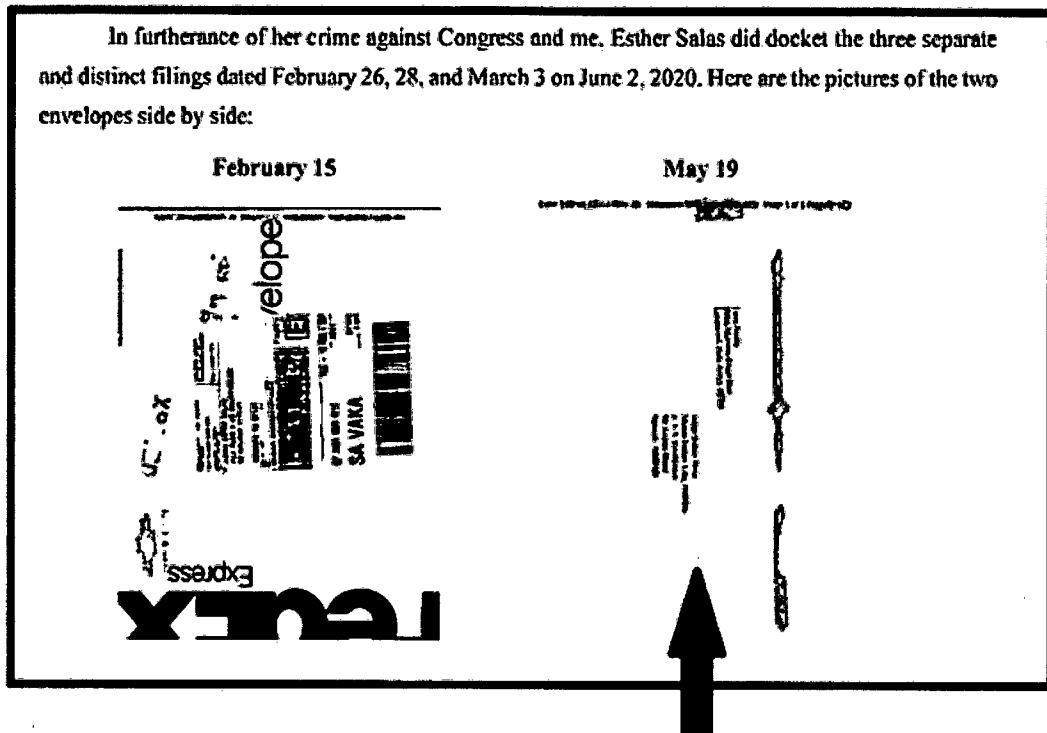
Lynn Smith
294A Malvern Court East
Lakewood, New Jersey 08701

Judge Esther Salas
c/o Clerk of the Court
Martin Luther King Building
& U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

and this



Each one looked like the example on the left, the February 15 filing.



ONE OF MANY CRIMINAL ACTS

Concerning the filings made on February 26, February 28, and March 3, in which Plaintiff asked Judge Salas not to commit mail and docket fraud by not docketing the filings, the filings DISAPPEARED for 95-days.³ Please note the filing Judge Salas claimed we filed on May 19, no postal stamp, the evidence of misconduct and criminality three months prior – whitened out to aid and abet Salas' crime.

Despite all of the emailing and faxing with advice not to commit the misconduct and criminality of one of the defendants, a District Court judge who twice concealed pleadings until rebuked in a complaint letter, Judge Salas still refused to docket the February 26, February 28, and March 3 filings for a full 95-days, which permitted the

³ To protect herself, the Plaintiff emailed each of the three filings to Judge Salas and her confederates: crtrmdepsalas@njd.uscourts.gov, maryjomonteleone@gmail.com, and clw_orders@njd.uscourts.gov. In addition, they were emailed to the Clerk of the Court and faxed to the Clerk's official fax number. All electronic receipts were confirmed.

ZIP CODE BUYER, the person we charged with participating in a shill auction, the person we subsequently named in a Lis Pendens, to sell the Petitioner's home, causing what is today an approximate \$3 million loss.

Over and above the evidence that I warned Judge Salas not to conceal the filings in each filing and in the emails and faxes, there is this additional evidence from March 10, 2020:

3. As I told this Court and Margaret Wiegand, after the Reconsideration Motion and two other pleadings went missing within the first week of being filed, Brian Smith once again informed Judge Salas, her staff, including Selecky, her Magistrate Judge, and the Clerk of the Court by email and fax on March 10, 2020 that ALL three filings were "lost".

The image below was the correspondence emailed and faxed to the Clerk of the Court. In the body of the message, Brian Smith cited how pleadings were paid to be delivered, how he received a stamped first page, yet the judge and Office of the Clerk claimed it was never received.

----- Forwarded message -----

From: B Smith <officialmisconductwatch@gmail.com>
 Date: Tue, Mar 10, 2020 at 5:32 PM
 Subject: Official Misconduct Watch
 To: <crimdepsalas@njd.uscourts.gov>, <maryjomontelone@gmail.com>, <cjw_orders@njd.uscourts.gov>

Dear Judge Salas

My wife filed her Reconsideration Motion and asked to file an Amended Motion.

I advised her not to forward that until we heard from either Your Honor or the Office of the Clerk of Court. The reason for this is simple: Please Reread the attached February 6, 2020 document and note the docket fraud and obstruction of the mails - all aided and abetted by the Office of the Clerk.

True to form my wife's March 2, 2020 motion has disappeared.

The defendant's motions get filed immediately...ours get lost as occurred with Judge Thompson twice or they are shelved for a month, as Judge Kaplan did with a September 7, 2018 Reply to the State of New Jersey in Bankruptcy Court. This shelving of pleadings has occurred several times in this case, even in a case where I paid \$50 to have it hand-delivered to the Clerk and the firm faxed back a stamped first page within minutes of delivery.

I don't think Official Misconduct Watch will be as famous as Judicial Watch but I am going to try my best in this election year.

Judge Salas was aware of the problem four months before:

I leave you with the following which, along with other evidence, will result in the removal of Salas as a Third Circuit judge, losing her license to practice law in New Jersey, and subjecting her entire portfolio of cases to more extensive review for acts of misconduct, fraud, and criminality that she concealed or committed under her Congressional mandate to properly administrate justice.

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Lynn Z. Smith
291A Malvern Court East
Lakewood, New Jersey 08701
(732) 363-4451

LYNN Z. SMITH ET AL Plaintiff, Civil Action No. 2:18-CV-17515-ES-CLW

DOBIN ET AL Defendants LETTER TO THE COURT

LETTER TO THE COURT
REGARDING THE OFFICE OF THE CLERK FAILING
TO DOCKET MOTIONS AND OTHER PLEADINGS

Lynn Z. Smith, the Plaintiff, send this letter to the Court regarding the failure of the Clerk of the Court to promptly docket recent motions and pleadings.

The parties to the order and the names, addresses, and telephone numbers of their respective attorneys are as follows:

Mr. Eli Haltovsky 31 Meadow Run Ct. Jackson NJ 08327-4070	Andrea Dobin MSB Law, P.C. 427 Riverview Plaza Trenton, NJ 08611	Five Star Services 2 Coles Way Lakewood, New Jersey 08701
---	---	---

Lynn Z. Smith

Lynn Z. Smith
Dated: December 6, 2019

Judge Salas concealed my filings in a blatant attempt to permit ELI HALTOVSKY to sell my home. She thereby committed a crime against the United States Government, the Constitution, and Congress, which ALL prohibit such actions and throw people like Lynn Z. Smith in jail for doing so.

Criminal acts like this occur in many cases within the State of New Jersey when shady or incompetent attorneys represent the litigants or when litigants try to defend themselves *pro se*.

We move on to the third Exhibit within the Appendix.

September 27, 2021 Further Unimpeachable Evidence

The 3rd Circuit Chief Judge Smith ignored all the hard evidence:

Lynn Smith

294A Malvern Court East
Lakewood, New Jersey 08701
(732) 363-4451
ljsmith@optonline.net

August 9, 2021

Chief Judge D. Brooks Smith
 Judge Theodore A. McKee
 Judge Thomas L. Ambro
 Judge Michael A. Chagares
 Judge Kent A. Jordan
 Judge Thomas M. Hardiman
 Judge Joseph A. Greenaway, Jr.
 Judge Patty Shwartz
 Judge Cheryl Ann Krause
 Judge L. Felipe Restrepo
 Judge Stephanos Bibas
 Judge David J. Porter
 Judge Paul B. Matey
 Judge Peter J. Phipps
 Judge Walter K. Stapleton
 Judge Morton I. Greenberg
 Judge Anthony J. Scirica
 Judge Robert E. Cowen
 Judge Richard L. Nygaard
 Judge Jane R. Roth
 Judge Marjorie O. Rendell
 Judge Julio M. Fuentes
 Judge D. Michael Fisher
 U.S. Court of Appeals Third Circuit
 21400 U.S. Courthouse
 601 Market Street
 Philadelphia, PA 19106

Re: Third Circuit Court of Appeals Judges Have Chosen to Aid and Abet Fraud and Criminality

Dear Judges of the Court:

I have excised Chief Judge D. Brooks Smith from the list of judges receiving this brief because he has disgraced this Court in a recent judicial complaint ruling. Not only did the Chief Justice demonstrate that he *rules without reading*, but he also embarrassed himself and the Third Circuit Court of Appeals with a *frivolous and conclusionary* order and opinion, something I am rotely accused of over the last several years by those among you who have chosen to aid and abet lower court judges who ignore ruling on unimpeachable facts and evidence in order to fraudulently conceal the official corruption and criminality of the Office of the Attorney General of the State of New Jersey.¹

¹ Their attorneys have been serial violators of 18 U.S.C. § 152(4) in their Third Circuit filings.

You Have Had Fair Warning

The justices of this Court have long been urged not to destroy the Third Circuit's reputation, not to aid and abet the fraudulent concealment of the official misconduct and criminality of the Office of the Attorney General of New Jersey, and not to ignore the mail and docket fraud by Esther Salas, her staff, and the Clerk of the Court. Unfortunately, the Chief Judge went *all in*.

Friday the 13th

As a result, Brian Smith will begin the process of Third Circuit repair on Friday, August 13th. The response to the Chief Judge sent to Circuit Executive Margaret A. Wiegand (Exhibit 1) made it clear that he intends to begin the process of providing *transparency to the fraud and criminality of the Third Circuit to a national audience* starting on that date. This process will include an audit of the administration of my Bankruptcy, including appeals and complaints to the District Court, and appeals to this Court.²

You Have Violated Canon 3B(6)

Brian Smith intends to hold every judge of this Court responsible for the abusive and destructive denial of my civil, due process, equal protection, and property rights from the time I filed for Chapter 13 bankruptcy protection on December 11, 2017. Every judge in this Court has fraudulently concealed the mail and docket fraud by Esther Salas, her staff, and the Clerk of the Court and thereby failed in your responsibilities under Canon 3(B)(6) of the Code of Conduct for Federal Judges.³

"The Clerks Did It, Not Us"

Any judge who signed off on the work of a clerk without reading the facts and evidence of the fraud and criminality by Esther Salas, her staff, and the Clerk of the Court that was presented in my pleadings, needs to read the following docketed items prior to any further rulings in this matter. At that point you can instruct the Chief Judge that his recent order and opinion made a bad situation worse.

² "Instead of remaining angry, I am going to "fix" the problem within the next week by having a few of the key elements of the Third Circuit misconduct, fraud, and criminality subject to a forensic process that will result in a legal certification of what has occurred at key points since my wife filed her Chapter 13 Petition on December 11, 2017." – Brian Smith to Margaret Wiegand on August 2, 2021.

³ **Canon 3B(6).** Public confidence in the integrity and impartiality of the judiciary is promoted when judges take appropriate action based on reliable information of likely misconduct. Appropriate action depends on the circumstances, but the overarching goal of such action should be to prevent harm to those affected by the misconduct and to prevent recurrence. A judge, in deciding what action is appropriate, may take into account any request for confidentiality made by a person complaining of or reporting misconduct. See Rules for Judicial-Conduct and Judicial-Disability Proceedings, Rule 4(a)(6) (providing that "cognizable misconduct includes failing to call to the attention of the relevant chief district judge or chief circuit judge any reliable information reasonably likely to constitute judicial misconduct or disability.

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02/26 DEBIT POS 111130024150089 AUT 022820 DDA PURCHASE 6.43
USPS PO 3 1820 SWARTHM LAKEWOOD NJ

Brian Smith

294A Mather Court
Lakewood, New Jersey 08701
(732) 363-4457
bsmith@lakewoodnj.us

February 26, 2020

Honorable Michael B. Kaplan
United States Bankruptcy Court
Clarkson S. Fisher US Courthouse
402 East State Street
Trenton, NJ 08608

Re: Zip Code Auction

Dear Judge Kaplan:

The following quotes are from a September 23, 2017 Los Angeles Times Article:

"In one case unsealed by the court in June, a couple with six children are alleged to have reported their income at \$39,000 per year — low enough to qualify for Medicaid — when in fact they were getting more than \$1 million annually from a limited liability corporation."¹

The response from one less religious and secular Jew was:

"Being observant should, first and foremost, involve living and working ethically," complained a hard-hitting editorial in the Forward, the Yiddish - and English-language Jewish publication based in New York. The editorial called the welfare fraud cases "a desecration of God's name."²

Rabbi Moshe Weisberg, the Lakewood head of what is called the Vaad, a self-governing council for the ultra-Orthodox community, opined that one had to be a Talmudist to understand right from wrong in this case. Unfortunately, for the fraudsters, the FBI was not reading the Talmud.

Before you begin by accusing me of being anti-Semitic, you should know that I don't support the notion that Jews killed Christ. More importantly, my first drinking buddy, Howie, was a Jew. We used to raid his parents' liquor cabinet and drain the bottles of Mogen David Concord Grape wine. On our last raid, his mother caught us and sobered us up with a generous serving of Matzo Latkes. No, going down the anti-Semitic road will be useless in dealing with me or the damning issue I herein present. Like always, I present facts, evidence, good reason, and the law.

For this letter, you have only Andrea Dobin to blame, and, of course, yourself.

¹<https://www.latimes.com/nation/la-na-new-jersey-orthodox-20170923-story.html>

²<https://forward.com/opinion/375857/orthodox-town-lakewood-jewish-obligation-shame-frauds-ethics/>

#5

Case: 20-1614 Document: 33 Page: 16 Date Filed: 11/06/2020

Case 1:18-cv-17515-RBK-JS Document 50 Filed 05/19/20 Page 1 of 14 PageID: 580

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY



03/03 DEBIT POS ****30064150089, AUT 030320 DDA PURCHASE 7.76
 USPS P0021820 SWARTHM LAKEWOOD NJ

Lynn Z. Smith
 294 Malvern Court East
 Lakewood, New Jersey 08701
 (732) 363-4451

LYNN Z. SMITH,
 DOBIN ET AL

Plaintiff, Civil Action No. 2:18-CV-17515-ES-CLW
 Defendants.

RECEIVED

MAY 19 2020

AT 8:30
 WILLIAM T. WALSH, CLERK M

MOTION TO RECONSIDER
FEBRUARY 14TH ORDER AND OPINION

Lynn Z. Smith, the Plaintiff, presents a first letter brief and exhibits to this Court in support of a motion to vacate the February 14, 2020 orders dismissing this Complaint. This motion must be amended for reasons the Court has recently been provided. It will be filed as expeditiously as possible and certainly within limits stated in the request for an extension to file. My request for an extension came with my noting that I might have to file an amended complaint.

The parties to the Orders and the names, addresses, and telephone numbers of their respective attorneys will be copied on this filing by email and fax on or by Monday, February 10, 2010.

Lynn Z. Smith

Lynn Z. Smith
 Dated: March 2, 2020

The evidence also shows that Judge Salas, her clerk, her Magistrate, her court room recorder, and the Clerk of the Court were also warned prior to February 26th that "missing" pleadings would no longer be tolerated. Judge Salas, her staff, and the Clerk of the Court were ALL guilty of mail and docket fraud and criminality.

My February 28, 2020, letter to Judge Salas could not have made it more clear to her:

"So, I do not want a mailed request for an extension getting "lost" as two other important pleading were for which I have delivery receipts."

It was not only sent by hard copy, but it was also faxed, and it was emailed to Judge Salas, her clerk, her Magistrate, her court room recorder, and the Clerk of the Court.

According to my husband Brian Smith, Judge Salas could not handle the revelations made in the series of pleadings. Here are a few frank examples he noted:

The Chief Rabbi Frowns on Competing Bids for Real Estate Auctions

Based on her knowledge and experience Andrea Dobin has indicated that Chief Rabbi's frown on Hassidic bidders competing at real estate auctions. As a result, various measures are taken by the Chief Rabbi to make sure that capital is not unnecessarily drained from the community. Unfortunately, it is against the law. Your Honor is aware of this. Blaming Dobin for being reckless in her bloviating is not going to remove the responsibility you bore to Lynn Smith on July 17, 2018. You knew during that hearing that the auction was fraudulent, a violation of federal law and, a criminal act against the estate of Lynn Smith, yet you permitted it to proceed.

Shame on you.

Zip Code Auctions

The July 17, 2018 auction of 409 St. Clair Avenue was a Zip Code Auction. Dobin has indicated that the Chief Rabbi assigns territories for the purchase of real estate by Zip Code. There were around seven bidders on July 17th, all Hassidic Jews. There was Eli Haltovsky who had the exclusive right to buy property within Zip Code 07762 and the rest of the participants were all shill bidders. You knew before the hearing that the auction would be a scam. You knew there was one Zip Code Bidder and six shills. Please refrain from an ad hominem attack on me. Blame Dobin who, as I have tried to tell you, has no control of herself or her mouth and would take you down.

Haltovsky

Typically, misconduct that would destroy a purchaser's good faith status at a judicial sale involves *fraud, collusion between the purchaser and other bidders or the trustee*. Hence, the fate of Haltovsky is not only decided by his actions but is also tied to the fate of the Trustee. In the Amended Motion for Reconsideration a plethora of evidence will be supplied to the Court that contests the good faith status of Haltovsky. One reason was explained to you when my husband forwarded to you a copy of a letter to Judge Kaplan titled "Zip Code Auction". Haltovsky was the one and only purchaser of the property on the day of the auction. The other six (6) persons were shills. As this letter to Kaplan spells out, this is evidence provided by the Trustee herself - in a conversation I am sure she now regrets having. During the deposition period and at trial, my attorney will question several of her contacts regarding things alleged in the Complaint, including the fact that she conducted a *Zip Code Auction*. This is one reason that makes the auction and the eventual purchase a fraud. *Under Talmudic Law, if not the Constitution of the United States, there was only one bidder and only one buyer of 409 St. Clair Avenue: Haltovsky.*

My husband is in the middle of researching Haltovsky. He is even working with an attorney who specializes in audits of fraudulent transactions. At trial, both will testify and produce their evidence. Haltovsky misled the Bankruptcy Court in his application to participate in the auction, in his statements at the auction, and the other illegal actions my husband found in other actions. Since I have expressed that I am "betting" the balance of my estate on this, Your Honor should be beyond calling me rambling, conclusory or baseless. If you genuinely not aware of these type frauds, you are in for a shock.

As a result of all the above, and other evidence that for obvious reasons I am waiting until trial to produce, there was no validity to the auction and no validity to the purchase. Haltovsky was not only a *bad faith purchaser*, he committed illegal acts throughout his involvement with the Trustee. As I said, we are talking about the Constitution, not the Talmud.

-end-

All the above statements went "missing" for 3-months. Judge Salas basically put off having to respond to these allegations.

During the 3-month period that Salas, et. al. fraudulently concealed these pleadings, committing mail and docket fraud, *Haltovsky resold 409 St. Clair Avenue*, my home of 30-years.

The Chief Judge might argue that Judge Salas knew nothing about the undocketed filings. Well, again, the evidence says otherwise.

To wit:

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Lynn Z. Smith
294A Malvern Court East
Lakewood, New Jersey 08701
(732) 363-4451

LYNN Z. SMITH ET AL

Plaintiffs, Civil Action No. 2:18-CV-17515-ES-CLW

DOBIN ET AL

LETTER TO THE COURT

Defendants

**LETTER TO THE COURT
REGARDING THE OFFICE OF THE CLERK FAILING
TO DOCKET MOTIONS AND OTHER PLEADINGS**

Lynn Z. Smith, the Plaintiff, send this letter to the Court regarding the failure of the Clerk of the Court to promptly docket recent motions and pleadings.

The parties to the order and the names, addresses, and telephone numbers of their respective attorneys are as follows:

Mr. Eli Haltovsky
31 Meadow Run Cl.
Jackson NJ 08527-4070

Andrea Dobin
MSB Law, P.C.
427 Riverview Plaza
Trenton, NJ 08611

Five Star Services
2 Coles Way
Lakewood, New Jersey 08701

Lynn Z. Smith

Lynn Z. Smith
Dated: December 6, 2019

“FIRST PAGE AND A HALF OF THE COMPLAINT”**1ST Page****Brian Smith**

294A Malvern Court East
 Lakewood, New Jersey 08701
 (732) 363-4451

March 3, 2021

Margaret A. Wiegand, Circuit Executive

Joel McHugh, Deputy Circuit Executive

Jeanne Donnelly, Assistant Circuit Executive
United States Third Circuit - U.S. Courthouse
601 Market Street
Philadelphia, Pennsylvania 19106-1790

Dear Judicial Officers,

This *complaint of misconduct and disability* against Esther Salas is *disingenuous* because it is a *complaint of criminality*.¹ It is the required 5-pages with two exhibits.

On June 23, 2020, almost a month before the son of Esther Salas was shot on July 19, 2020, I forwarded a letter to you and Mr. McHugh a letter by email that advised you that Salas had committed criminal acts outside of her Congressionally mandated role as a District Court judge.

You did nothing. During that month, nor over the almost 8-months since.

The key paragraph in my communication on June 23rd was the following:

“I started this Official Misconduct Watch handle right around March 10, 2020, when I was certain that Judge Salas was following down the path of Judge Thompson who basically committed mail fraud and docket fraud while handling my wife’s appeals. Judge Thompson did not seem to realize that I assiduously track pleadings, their time of receipt, by whom et cetera. The judge never considered that I was careful enough to do this since she twice denied receiving pleadings that her clerks signed for. Now it appears that Judge Salas has not only proceeded down the same path, but she went further by timestamping a filed document a second time, 77-days after the first.” – Brian Smith to Wiegand and McHugh, June 23, 2020.

Since I accused Esther Salas of criminality and supported this allegation with a substantial body of evidence, you, Ms. Wiegand, as well as Mr. McHugh, violated Canon 3B(6) of the Code of Conduct for United States Judges by not taking the appropriate action after I provided the evidence of criminality.²

Shame on you for once again demonstrating that the Third Circuit is not an independent and honorable judiciary with proper oversight protection for public litigants.

Absolutely No Respect for Civil, Due Process, and Equal Protection Rights

The boldness of Esther Salas is evidenced in the following incident that occurred on February 28, 2020. You are well-aware of the incident.³

On February 28, 2020 Esther Salas, Mary Jo Montelcone, and Cathy L. Waldor all received an email from my wife noticing them that several filings were about to be made, and that *we would hold them responsible for making sure they were docketed* – since Anne Thompson had committed mail and docket fraud twice in an appeal and a complaint in 2019. At the end of the letter attached to the February 28th email was the following sentence:

**I would appreciate your forwarding this letter brief to
the Office of the Clerk, so, it does not get "lost".**

Judge Salas went on to fraudulently conceal these *determinative* pleadings in Case #17515-RBK-JS that were mailed and received by the Clerk of the Court and her from February 26, 2020 through March 4, 2020.⁴

Over the first 1.5 pages of the complaint, it is clear that the fraud and criminality I have cited in filing this complaint is about mail, wire, and docket fraud, *not her decisions*.

Worse than Frivolous and Conclusionary

Chief Judge Smith's further coverup of judicial misconduct, fraud, and criminality was fatally flawed. He would have Congress and reasonable persons believe that Judge Salas should be held blameless because, if any fraud occurred, it would be attributable to the Clerk of the Court, not Judge Salas.

Chief Judge opined:

“Indeed, federal judges are not involved in the timestamping of documents because this is the responsibility of the clerk’s office.”

Unfortunately for this attempt at concealing judicial criminality, **I made it Judge Salas’ responsibility**. Judge Salas and her staff were advised before the filing of the several “lost” pleadings that we were concerned that these documents would once again go missing. There is no doubt about the fact that I made Judge Salas and her staff responsible. In fact, the calls to Mr. Selecky and others were “memorialized”. Chief Judge Smith knows this.

Either the Chief Judge did not read the complaint, or he presumed he could write any claptrap in his Order and the pro se victim would have no effective recourse.

Let's review some of the communications. The rest have been docketed.

I Made Judge Salas Responsible

I made Judge Salas responsible by speaking to members of her staff, emailing members of her staff and her Magistrate Judge, and faxing members of her staff and Magistrate Judge that I would not put up with another mail, wire, and docket fraud incident after it occurred TWICE under Judge Thompson. My phone call with Mr. Slecky and with a young clerk in the Office of the Clerk made the point clear as a bell. Since I had spoken with him, he advised me to call the clerk's office and assured me it would not happen again.

Instead of heeding my warning and making sure that the late February and early March filings that were emailed, faxed, and mailed to them were docketed, nexus of criminality, Judge and Clerk's Office, decided to continue the mail, wire, and docket fraud that was so successful under Judge Thompson – successful to the point of dismissing two appeals. My wife was pro se. It worked before. They reasoned it could work again.

“Mail, Wire, and Docket Fraud”

Apart from the name, date, time, and person receiving the Reconsideration Motion, we have these two emails that were also faxed across the District Court spectrum:

----- Original Message -----

From: SMITH <czsmith@optonline.net>

To: ertrmdepsalas@njd.uscourts.gov, maryjmonroeconc@gmail.com, ciw_orders@njd.uscourts.gov

Date: March 3, 2020 at 4:40 PM

Subject: Filed Today

----- Original Message -----

From: SMITH <smithfix@optimum.net>

To: ertrmdepsalas@njd.uscourts.gov, maryjmonroeconc@gmail.com, ciw_orders@njd.uscourts.gov

Date: March 3, 2020 at 4:43 PM

Subject: Filed Today

Both emails, other emails, and the faxes of the Reconsideration Motion all timestamped. Plus, clerks were spoken to and those conversations part of the record.

May 19, 2019 filing date?

A criminal act.

Memorialized phone conversations as early as February 26, 2020, occurred. They occurred on several subsequent days through March 3rd and on March 10th, the date I sent Judge Salas, her staff, her Magistrate Judge, and the Clerk of the Court emails and faxes, related to the Third Circuit's then most recent mail, wire, and docket fraud.

Judge Salas Failed to Heed My Final Warning and She Went "All In"

Forwarded message
 From: B Smith <officialmisconductwatch@gmail.com>
 Date: Tue, Mar 10, 2020 at 5:32 PM
 Subject: Official Misconduct Watch
 To: <cmndpsals@njdcourts.gov>, <marvjohnmcelone@gmail.com>, <clw_orders@njdcourts.gov>

Dear Judge Salas

My wife filed her Reconsideration Motion and asked to file an Amended Motion.

I advised her not to forward that until we heard from either Your Honor or the Office of the Clerk of Court. The reason for this is simple: Please Reread the attached February 6, 2020 document and note the docket fraud and obstruction of the mails - all aided and abetted by the Office of the Clerk.

True to form my wife's March 2, 2020 motion has disappeared.

The defendant's motions get filed immediately...ours get lost as occurred with Judge Thompson twice or they are shelved for a month, as Judge Kaplan did with a September 7, 2018 Reply to the State of New Jersey in Bankruptcy Court. This shelving of pleadings has occurred several times in this case, even in a case where I paid \$50 to have it hand-delivered to the Clerk and the firm faxed back a stamped first page within minutes of delivery.

I don't think Official Misconduct Watch will be as famous as Judicial Watch, but I am going to try my best in this election year.

I pray that Your Honor finds the Motion, docketts it, and grants Lynn request for an extension. The extension might be needed because of new damning evidence against Judge Kaplan. I have not decided whether to incorporate it into her Amended Motion or just release the information to those in Washington seeking to fill federal judge court slots.

Be assured that when you read about it, whether in the press or in a document filed in this court, it will come with my certification.

Since any crime that this Trustee or the judges commit under the umbrella (better just outside the umbrella of their mandate to the public) gets a pass via immunity protections of judges unwilling to serve the public interest and deal with dirty judges, I have sought wrongdoing by Judge Kaplan outside of Lynn Smith's Chapter 13 Petition.

I have one that will immediately result in his resignation and another that might still need to be verified is of less severity but, nonetheless, will result in a new judicial appointment for Trump.

Your Honor thinks this complaint was about delaying the inevitable or a pipe dream.

You have made a major mistake.

I have been quite kind and reasonable by suggesting to both Judge Kaplan and Judge Thompson that they simply end the 14-years of fraudulent concealment by the DAG representing the Attorney General. For some reason, not in concert with their Congressionally-mandated responsibility to Lynn Smith, Debtor, both refused to even ask the DAG to turn over the Additional Documents she requested after Lynn objected to the state seeking \$809,237 from her estate, an extremely excessive false amount they have filed to defraud each federal court into keeping Lynn in Chapter 7. So, please do not think I am anti-judge. I have waited for justice for my wife far longer than they deserve.

Now Michael Kaplan will be exposed for two violations of federal law committed for his personal benefit, not in administering an estate.

Since you are a clean judge, however misguided your rulings have been, please wish me the best of luck in this honorable pursuit to expose official misconduct and criminality.

Sincerely,

Brian Smith

Summary

There are 4 Exhibits in the Appendix. The 2nd Exhibit is the December 13, 2021 filing. The 4th Exhibit is the August 9, 2021 filing. Part of each Exhibit has been used to show that Judge Salas knew 4-months before about "missing filings". No images were used from Exhibit 3, the September 27, 2021 filing. All three Exhibits contain, in addition to evidence of mail and docket fraud crimes by Judge Salas, the history of fraud against me since I was falsely accused of receiving

\$800,000 from Alfred Kryspin by the Office of the Attorney General of New Jersey in 2006. When evidence that Mr. Kryspin had invested no money in my husband's company, the state Attorn December 13, 2021 Attorney General ignored the evidence and failed to report to the Monmouth County Superior Court that it was a complete fabrication concocted to encumber my home and prevent its equity from being used by my husband to defend his company whose coal bed methane property, valued at \$5 Billion, was seized by criminals who were facing criminal charges in Iowa for bank fraud.⁴

The evidence in Exhibits 2-4 were ignored. The public needs protection from this type of systemic corruption. Any Clerk or Judge in this Court can confirm the account below by utilizing honest contacts at the Office of the United States Attorney General.

⁴ Anyone interested in Final Fourt College Basketball can read the sections in Exhibit 3 and Exhibit 4 that detail how the criminals who stole the \$5 Billion property used sn unwitting Rumeal Robinson to obtain fraudulent loans from an Iowa Bank using Restricted Shares in my husband's company to obtain \$1.5 million in loans which they used in large part to develop the \$5 Billion property. Unfortunately, that development included obtaining a \$50 million investment from a Columbian Drug Cartel member. Of these laundered funds, \$10 million was used to fully acquire the \$50 Billion coal methane company from Wyoming Bankruptcy Court, \$5 million was taken by the person who lied and told the New Jersey Attorney General that I received \$800,000 from Al Kryspin, \$5 million was received by the person who retained an old girlfriend, Ace Greenberg's daughter, a lawyer at Greenberg Traurig, to save him and others from criminal charges stemming from their giving Rumeal Robinson's old friend, a guard on his high school basketball team, an officer of the Iowa Bank, \$100,000 in cash to push through the \$1.5 million in fraudulent loans. Rumeal Robinson did 6.5 years in federal prison, the bank officer received 2.5 years in federal prison, and \$30 million of the laundered drug money "disappeared" into law offices in Northern New Jersey. My husband indicated that before he died in 2018, Ron Reckinger, the person who lied to the United States Attorney General and the New Jersey Attorney General, that I received \$800,000 from Al Kryspin, told one or more friends that he fled the United States to Spain, then Germany before the feds haD Interpol arrest him and bring him back for the trial of Rumeal Robinson circa 2010. He indicated that the feds let him keep the \$5 million and that part of the \$30 million went from law offices to intermediaries, then to officials in New Jersey, including politicians. The U.S. Attorney General knows this and has refused my requests to disclose it. The New Jersey Attorney General knows this and has refused my requests to disclose this. When this Court refuses to grant this certiorari or refuses to convert it to a Mandamus and remand it back to a clean District Court within the Third Circuit, my husband has indicated that he will have a group of interested parties to raise \$1 million through *GO Fund Me* and retain either Judicial Watch or a like company expert in FOIA requests to file a number of such requests and also file a new suit in federal court. Hopefully, this will not be necessary.

In the end, there were two tragedies over the last 16 years.

One involved the case of Rumeal Robinson. Mr. Robinson was, arguably, a weak person. However, he was boozed up, drugged up, and fed lies by Ron Reckinger in the period before 2006. Unfortunately, Rumeal trusted two criminals and, as a result, spent 6.5 years in federal prison. He paid the price through the one-sided testimony of these criminals to the feds, aided and abetted by their attorneys.

The second involved me, Lynn Z. Smith. When the two criminals were threatened with jail time by the Iowa Bank, they told the bank to ask my husband to free up the Restricted Shares so the bank could sell them. My husband first told the bank president, then the bank attorney, that the bank needed to report the two criminals to federal authorities. My husband refused when they asked my husband one final time on September 29, 2006.⁵ Eleven days later my home was raided. The New Jersey Attorney General, without doing ANY due diligence or making any attempt to confirm the statements the criminals and their attorney gave them, named me in a suit against my husband. They kept me in the suit even after it was demonstrated that Ron Reckinger lied about Al Kryspin having given me \$800,000 in cash.

When my husband gave sufficient evidence that a fair and more reasonable judge in a clean state would have acted upon to permit a trial, Judge Salas “lost it” for 95-days. During this period, my home was sold by the Lakewood, New Jersey fraudster who lied in Bankruptcy Court and participated in the shill auction that the U.S. Trustee set up for him.

Justice will be done by remanding this to trial with a newly written complaint, new defendants, discovery, and depositions.

⁵ Eleven days later, my home was raided, and the New Jersey Attorney General, without doing ANY due diligence or attempt to confirm the statements the criminals and their attorney gave them, named me in a suit against my husband and kept me in the suit when it was demonstrated that Ron Reckinger lied about Al Kryspin having given me \$800,000 in cash.

CONCLUSION

This Petition should be granted for all the above reasons and those stated in the Appendices. Balance of Exhibit 4, Letter to the Court dated August 9, 2022, starting on App. 59 - will be added through a Supplemental Filing due to its length.

Thanks for your patience.

Respectfully submitted,



Lynn Smith
294A Malvern Court East
Lakewood, New Jersey 08701
(732) 363-4451
officialmisconductwatch@gmail.com
DATED: September 24, 2022