

22-5708
Case No.

ORIGINAL

IN THE
UNITED STATES SUPREME COURT

DAVID KENDALE LAMB,

Petitioner,

V

SUSAN WILSON, et al

Defendant.

On Petition for Writ of Contingent to the
United States Court of Appeals for the Sixth Circuit

PETITION FOR WRIT OF CERTIORARI

**Brief for Petitioner
Joint Appendix**

MA. David Kendale Ibn Lamb #188625
PMO per,
Muskegon Comm Fac
2400 S. Sheridan Dr.
Muskegon, MI 49442

RECEIVED
SEP 28 2022
OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTIONS PRESENTED

1. LACK OF STANDING IS A JURISDICTIONAL DEFECT. BOTH THE DISTRICT COURT AND SIXTH CIRCUIT PANEL LACK OF POWER TO DECREE IS ALSO A JURISDICTIONAL DEFECT. THE PANEL DECISION CONFLICTS WITH MICHIGAN LAW AND WITH A DECISION OF THE UNITED STATES SUPREME COURT. CONSIDERATION BY THE FULL COURT IS THEREFORE NECESSARY TO SECURE AND MAINTAIN UNIFORMITY OF THE COURT'S DECISION.

Plaintiff Lamb answers yes

The Defendant's did not answer

2. THE SIXTH CIRCUIT PANEL CONFLICTS WITH THE UNITED STATES CONSTITUTION PURSUANT TO ARTICLE III, § 2 AND UNITED STATES SUPREME COURT WHERE THE FACTUAL PREDICATE OF PLAINTIFF'S LAMB'S ENTIRE COMPLAINT FILED IN THE DISTRICT COURT WAS NOT ADJUDICATED ON THE MERITS RESOLVING THE CASE OR CONTROVERSY IN A CONCRETE WAY, THUS, THE CASE IS NOT RIPE, CREATING A JURISDICTIONAL DEFECT.

Plaintiff answers yes,

the Defendants did not answer

3. ATTORNEYS FOR THE DEFENDANTS DECEIVED THE DISTRICT COURT INTO RULING THAT THE DEFENDANTS RENDERED LICENSED TREATMENT ONLY RESERVED BY PHYSICIANS, COMMITTING A FRAUD UPON THE COURT OR AT THE VERY LEAST, PERJURY, WHERE THE DISTRICT COURT'S RULING IS VOID AB INITIO AS DIRECTED BY UNITED STATES V. THROCKMORTON, 98 US 61 (1878), HAZEL-ATLAS GLASS CO. V. HARTFORD-EMPIRE CO, 322 US 238 (1944) AND DEMJANJUK V. PETROVSKY, 10 F3D 338 (1993). THE PANEL CONFLICTS WITH THESE CASES.

Plaintiff Lamb answers yes,

The Defendants did not answer.

TABLE OF CONTENT

Opinion below.	.1
Jurisdiction.	.2
Constitutional and statutory provisions involved.	.3
Statement of the case.	.4
Reason for granting the writ.	.4.1
Conclusion.	.18

INDEX TO APPENDIX

Appendix A: District Court order.

Appendix B: Sixth Circuit order.

Appendix C:

Appendix D:

INDEX OF AUTHORITY

<u>Bank of Columbia v. Okely</u> , 4 Wheat 235, 244 (1819).	.9
<u>Bender v. Williamsport Area Sch. Dist</u> 475 US 534; 106 Sct 1326; 89 U.Ed.2d 501 (1986),	
	.3, 4, 5, 12
<u>California v. LaRue</u> , 504 US 109 (1972),	.5
<u>County of Sacramento v. Lewis</u> , 523 US 833, 845-848 (1998).	.9, 10
<u>Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.</u> , 467 US 837, 842,	
104 S.Ct 2778 (1984),	.2
<u>Daniels v. Williams</u> , 474 US 327, 331 (1986).	.9, 10
<u>Demjanjuk v. Petrovsky</u> , 10 F3d 338 (1993),	.10, 11
<u>Giglio v. US</u> , 405 US 150 (1972),	.10, 11
<u>Geiswold v. Connecticut</u> , 381 US 479 (1965).	.10
<u>Judice v. Vail</u> , 293 US 331-332 (1977),	.5
<u>Hazel-Atlas Glass Co. v. Hartford-Empire Co</u> , 322 US 238 (1944),	.10, 11, 12
<u>Huntado v. California</u> , 110 US 516, 527 (1884).	.9
<u>Kennedy v. Commissioner of Internal Revenue</u> , 387 F2d 689, 691 (C.A. 7th Cir. 1968),	.11
<u>Madbury v. Madison</u> , 1 Cranch 137, 173-180 (1803),	.5
<u>Mansfield C. & L.M.R. Co. v. Swan</u> , 111 US 379, 382 (1884),	.5
<u>Mitchell v. Maudeo</u> , 293 US 237, 244 (1934),	.5
<u>People v. Xua Wang</u> , 505 Mich 239 (2020),	.2, 4
<u>Rochia v. California</u> , 342 US 165, 170 (1952),	.6, 10
<u>US v. Home Concrete & Supply, LLC</u> , 566 US 478, 132 S.Ct 1836, 1844 (2012),	.3
<u>US v. Sandens</u> , 452 F3d 572, 580 (6th Cir. 2006),	.6
<u>US v. Throckmorton</u> , 98 US 61 (1878),	.10, 11, 12
<u>US v. use of Wilson v. Walker</u> , 109 US 258, 266, 3 Sct 277, 27 Led 927 (1888),	.2
<u>Wolff v. McDonnel</u> , 418 US 539, 558 (1974).	.9

LIST OF PARTIES

All parties do not appear in the caption of the case on the cover page. A list of the proceedings in the court whose judgment is the subject of this petition is as follows:

1. Lamb v. Wilson, et al, Case No. 2:14-cv-00218, 10/16/2014.
2. Lamb v. Wilson, et al, Case No. 17-1670, 65/9/2017
3. Lamb v. Wilson, Sixth Circuit, Case No. 21-23891,
4. Lamb v. Conizon, Case No. 2:18-cv-00061, 4/19/2018

RELATED CASES

1. Lamb v. Wilson, et al, Case No. 2:14-cv-00218, 10/16/2014.
2. Lamb v. Wilson, et al, Case No. 17-1670, 65/9/2017
3. Lamb v. Wilson, Sixth Circuit, Case No. 21-23891,
4. Lamb v. Conizon, Case No. 2:18-cv-00061, 4/19/2018

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix to the petition and is 21-2849

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix to the petition and is

reported at 2:14-cv-218; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: June 1, 72, and a copy of the order denying rehearing appears at Appendix B.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

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

For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PREVISIONS INVOLVED

The Eighth Amendment to the United States Constitution. Art III, § 2 of the United States Constitution, Ripeness, jurisdictional defects, standing. The Michigan Const of 1963. Michigan Law pursuant MCLS §§ 333.17049, 333.16294, 333.17049,

STATEMENT OF THE CASE

This case is a civil suit pursuant to § 1983. The course of the pleading is that the Defendants did not have standing to argue unlicensed treatment that was illegal, fraud upon the court, perjury, ant III violations, ripeness where an appeal is filed for a En Banc determination.

BOTH THE EASTERN DSITRICT OF MICHIGAN AND THE SIXTH CIRCUIT PANEL DECISION CONFLICTED WITH A DECISION OF THE UNITED STATES SUPREME COURT, THE MICHIGAN SUPREME COURT, MICHIGAN STATUTES, AND ARTICLE III, § 2 OF THE CONSTITUTION.

The Western District of Michigan did not have Ant III jurisdiction and Michigan statutory authority to rule that the two Defendants who are nurses did legally rendered unlicensed medical treatment only preserved for a licensed physician. The Defendants are nurses, did not have the standing to bring into the Federal Court arguments that they rendered legal medical treatment where treatment was illegal and criminal because the Defendants do not have a doctorate degrees or licenses and the Sixth Circuit Court of Appeals did not have the Ant III jurisdiction to answer the merits of this illegal medical treatment because (1) the District Court did not adjudicate Plaintiff's entire complaint, thus, the case was not ripe for appellant review, (2) the District Court did not have jurisdiction to legislate that the Defendants did render legal medical treatment, (3) the Sixth Circuit did not have the jurisdiction pursuant to Ant III to answer the merits because the Attorneys for the Defendants committed a fraud upon the court rendering all judgments void, and (4) there is a conflict between Rule 60(b), when fraud upon the court can be raised, Ant III, and the Court's power to decree when Ripeness and fraud upon the Court is raised for the first time on appeal. The Federal Courts did not have the power to decree in violation of Michigan Law that the Defendants rendered legal treatment contrary to Michigan law.

REASON FOR GRANTING THE WRIT

If it pleases the Court, the reason why this Writ should be granted is because no State or Federal Court has jurisdiction because the Defendants practiced a medical profession without a license, thus, rendering their standing void and criminal, the District Court did not have the power to rule in favor of the voided and criminal act, the District court refused to rule on every point raised in the complaint, thus, it is not ripe, and the Sixth Circuit did not have the jurisdiction to rule on the merits due to standing issues, ripeness issues, and conflict concerns between Rule 60(b) and voided judgments.

1. LACK OF STANDING IS A JURISDICTIONAL DEFECT. BOTH THE DISTRICT COURT AND SIXTH CIRCUIT PANEL LACK OF POWER TO DECREE IS ALSO A JURISDICTIONAL DEFECT. THE PANEL DECISION CONFLICTS WITH MICHIGAN LAW AND WITH A DECISION OF THE UNITED STATES SUPREME COURT. CONSIDERATION BY THE FULL COURT IS THEREFORE NECESSARY TO SECURE AND MAINTAIN UNIFORMITY OF THE COURT'S DECISION.

(a) OVERVIEW

The spinal cord medical injuries are still active. To date, Plaintiff suffers from complete erectile dysfunction brought on by long term exposure of spinal pain, nerve damage on the right side, and wear adult pampers. Plaintiff has passed stool on himself hundreds of time and has urinated thousands of times all without feeling due to spinal cord damage and severe pain. Plaintiff Lamb has not received a judicial finding on the merits of these facts by either the District Court or Court of Appeals, objection.

Both Defendants Susan Wilson and Matthew Shulick admitted in their sworn interrogatories that they did not have (a) doctorate degree to render treatment and (b) never referred Plaintiff Lamb's severe spinal cord damage to an attending physician for medical treatment in violation of Michigan law. Under Michigan Law pursuant to MCLS § 333.17049(1)(a)(b)(c)(2)(3)(4), Responsibility of physician supervising physician's assistant, all nurses must be supervised by a physician and the physician shall keep in the file of... the correctional facility a written record that includes the physician's name and the license number and the name and license number of each physician's assistant supervised by the physician. There is no such file in Plaintiff's Lamb's medical records nor was a record made before the District Court.

Pursuant to MCLS § 333.16294, Unlawful conduct; felony, it is a crime punishable by imprisonment, for these two Defendants, who are nurses, to make spinal cord medical judgements then treat and proscribes spinal cord medication, without a doctorate degree, and who practice or hold himself or herself out as practicing a health profession regulated by § 333.16294 without a license, is guilty of a felony. See People v. Xun Wang, 505 Mich 239 (2020), (held).

These Defendants did not have the legal standing to argue to the District Court

there unlicensed criminal act in violation of Michigan law. The District Court did not have Michigan's statutory authority to make a decree which is not within the powers granted to it by the law, its decree is void. US.v..use.of.Wilson.v..Walken, 109 US 258, 266, 3 SCt 277, 27 LEd 927 (1888). Thus, the District Court's decision conflicts with the licensing requirements of § 333.16294 and the Michigan Supreme Court's holdings in Wang id, and conflict with the standing requirements in the United States Supreme Court case in Bender.v..Williamsport.Area.Sch..Dict 475 US 534; 106 SCt 1326; 89 L.Ed.2d 501 (1986).

The Sixth Circuit panel: Norris, McKeague, and Strsnch, Circuit Circuit Judges, affirmed the District Count judgment.

(1) LEGISLATIVE INTERPRETATION

The case deals with Michigan law as enacted by the people, Act 368 of 1978 Public Health Code. If a court, employing traditional tools of statutory construction, ascertains that Congress has an intention on the precise question at issue, that intention is the law and must be given effect. United States.v..Home.Concrete & Supply, LLC, 566 US 478, 132 SCt 1836, 1844 (2012), citing Chevron, U.S.A., Inc..v..Natural Resources Defense Council, Inc., 467 US 837, 842, 104 SCt 2778 (1984).

(2) ARGUMENT

Michigan Law is clear. First, medical treatment must be rendered by a licensed physician. Second, only the attending physician, must supervise the physician assistants. MCLS §333.17049. In the case at bar, both Defendants Wilson and Shulick admitted that they never referred Plaintiff Lamb's spinal cord injuries over to an attending physician. In the absence of a physician, in order for Defendants Wilson and Shulick to treat a spinal cord they must have a doctorate degree in spinal cord damage and must be licensed by the State of Michigan. If these prerequisites are not statutorily adhered to, the acts are criminal. Wang, 505 Mich, at 248 citing Michigan Law MCLS § 333.16294. Defendants Wilson and Shulick, thus, under Michigan law, was

categorically not authorized to[] dispense prescription to Plaintiff Lamb when they prescribed Naproxyn and Prednisone for his numerous spinal injuries. See Appendix 11, Interrogatories and admission. Without a license they had absolutely no legislative authority to act an no federal court has Article III to say other wise.

In the District Court, there are no findings that Defendants Wilson and Shulick were licensed physicians to treat spinal cord damage, and the District Court did not have the authority to find that they rendered legal medical treatment in violation of Michigan law. What the District Court did was legislated from the bench. The District Court's job was to ascertains what the Michigan Legislature has an intention on the precise question and give Act 368 of 1978 Public Health Code and MCLS § 333.16294 there statutory INTERPRETATION. What the District Court should have did was ordered the Defendants to produce their doctorate degree and licenses, which would have given them standing to argue legal treatment. Instead, the court crossed the judicial line to the legislative branch and ruled that the Defendant rendered legal treatment when in fact, the treatment was illegal and a felony, thus, the Defendants did not have the statutory standing to conduct unlicensed treatment without a doctorate degree. Bender, § 333.16294, Wang, and Wilson, *id.* The District Court was without the power to go against Michigan law in its ruling. Although the court may have subject-matter, yet, if it make a decree which is not within the powers granted to it by the law by its organization, its decree is void. Wilson, 109 US, at 266.

The term "standing" means:

"A parties right to make a legal claim or seek judicial enforcements of a duty or right.

See Black's Law Dictionary 9th Ed.

In Bender, 475 US, at 546-547, the Court held that that a parent did not have standing to bring a suit because the controversy did not appear in the records below pursuant to Art III. First, there is no evidence on records before the District Court that Defendants Wilson and Shulick were licensed, which would have given the Court the

power to decree that the treatment was legal. As in Bender, the person has to have the standing to prove evidence in the court. The Bender Court ruled that:

"Mr. Youngman's statue as an aggrieved parent, however, lie any other kindred fact showing the existence of a justiciable "case" or "controversy" under Art III must affirmatively appear in the record. The presumption is that the court below was without jurisdiction unless the contrary appears affirmatively in the records. *Id.*"

There is no evidence or records below that Defendants Wilson and Shulick were licensed physicians and the District Court should not have affirmed these criminal violations. The fact that the lack of standing was not noticed below matters not. Bender *id.*, citing Mansfield C. & L.M.R. Co. v. Swan, 111 US 379, 382 (1884).

(3) THE PANEL

There is no record before the Sixth Circuit that Defendants Wilson and Shulick had legal standing to argue medical treatment because this evidence was not proved below. Federal Courts are not courts of general jurisdiction; they have only the power that is authorized by Article III of the Constitution and the statutes enacted by Congress pursuant thereto. Bender 475 US, at 541 citing Macbrayne v. Madison, 1 Cranch 137, 173-180 (1803). For that reason, every federal appellate court has a special obligation to "satisfy itself not only of its own jurisdiction, but also that of the lower courts in a cause under review. Bender 475 US, at 541 citing Mitchell v. Maunden, 293 US 237, 244 (1934). See Juidice v. Vail, 293 US 331-332 (1977)(standing). In the case at bar, the lower court was without jurisdiction to give Defendants Wilson and Shulick standing to argue licensed treatment that required a doctorate degree. The panel in the case at bar refused to take notice of this. When the lower federal court [lacks] jurisdiction, the higher court have jurisdiction, not of the merits, but merely for the purposes of correcting the error of the lower court in entertaining the suit. There is no merit to Defendants Wilson and Shulick arguments that they rendered licensed medical treatment.

The Panel also seems to thinks that 60(b) controls when a jurisdictional argument is raised creating a conflict Article III. See page 3 ¶ 1. However, jurisdictional

can be raised at anytime.

DOCTRINE OF THE FOURTEENTH AMENDMENT

The Fourteenth Amendment:

"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 any person within its jurisdiction the equal protection of the law."

C.f., Fifth Amendment and Michigan Constitution of 1963 Art 1, § 17 ("nor be deprived of life, liberty, without due process of law"). Art 1, § 17 affords more protection than the Fourteenth Amendment because of the right that, "The right of all individuals...to a fair and just treatment in the course of...hearings shall not be infringed." Art 1, § 2, guarantees Equal Protection, however, it to affords more protection because it prohibits any form of discrimination.

"The doctrine of Due Process of law...was intended to secure the individual from the arbitrary exercise of the powers of the government, Huntado v. California, 110 US 516, 527 (1884); Bank of Columbia v. Okely, 4 Wheat 235, 244 (1819), Wolff v. McDonnel, 418 US 539, 558 (1974), requiring the government to follow appropriate procedures when its agents decide to 'deprive any person of life, liberty, or property.' The Due Process clause promotes fairness in such decisions. And by banning certain government actions regardless of the fairness of the procedure used to implement them, it serves to prevent government powers from being 'used for the purpose of oppression.'" Daniels v. Williams, 474 US 327, 331 (1986); County of Sacramento v. Lewis, 523 US 833, 845-848 (1998).

Liberty is freedom from arbitrary or undue external restraints, a right, or immunity, enjoined by both State and Federal Constitutions. The cases dealing with abusive executive action have repeatedly emphasized that only the most egregious official conduct can be said to be arbitrary in the constitutional sense. County of Sacramento, at 846.

No State shall make or enforce any law which shall abridge the privileges, this is a constitutional order. Here, we have two governmental nurse employees, who refused to refer Mr. Lamb's spinal cord injuries to an attending physician, and decided to render spinal cord treatment only preserved by a licensed physician, that is criminal, in violation of the Eighth Amendment which is applied to the States through the Fourteenth Amendment, but have also systematically, carved out all the statutory rights that all medical personal must follow. None of the protocols were followed.

in direct violation of the Due Process and Equal Protection that is an arbitrary exercise of the powers of the government.

The illegal unlicensed medical treatment was not fair, in fact, it was a complete sham, a joke, and a total disrespect of Due Process and Equal Protection and its safeguards.

2. THE SIXTH CIRCUIT PANEL CONFLICTS WITH THE UNITED STATES CONSTITUTION PURSUANT TO ARTICLE III, § 2 AND UNITED STATES SUPREME COURT WHERE THE FACTUAL PREDICATE OF PLAINTIFF'S LAMB'S ENTIRE COMPLAINT FILED IN THE DISTRICT COURT WAS NOT ADJUDICATED ON THE MERITS RESOLVING THE CASE OR CONTROVERSY IN A CONCRETE WAY, THUS, THE CASE IS NOT RIPE, CREATING A JURISDICTIONAL DEFECT.

(a) OVERVIEW

Plaintiff Lamb filed a 17 page, 41 paragraph complaint in the District Court. Of the numerous claims raised in the complaint, the only paragraph that the District Court answered was ¶ 21, Defendants Wilson and Shulick's unlicensed medical treatment prescribing Naproxyn and Prednisone.

(1) ARGUMENT

There is absolutely no record or judicial opinion of the remaining 40 paragraphs by the District court. For that matter, there are no arguments from Defendants Wilson and Shulick's briefs in opposition concerning the 40 paragraphs. There are no rulings, for an example of (1) custom of delay, (2) medical attention so woefully inadequate as to amount to no treatment at all,¹ (3) color of state law, (4) refusal to sent Plaintiff to a spinal cord physician, (5) unwritten custom or policy, policy directive, statutes, etc, and there are no judicial determines whether Defendants Wilson and Shulick were licensed physicians when they treated spinal cord injuries without a MRI.

~~Plaintiff~~ Plaintiff Lamb underwent a spinal cord surgery called a L5-S1 Laminectomy with fusion and instrumentation, there are no merit findings that this surgery survived Defendants Wilson and Shulick's illegal and unlicensed treatment with pills, c.f., claim 1.

There are no judicial findings on what diagnoses were made by Defendants Wilson and Shulick, that required spinal cord treatment and their expert opinion and qualifications. Plaintiff Lamb filed the complaint and has a 14th Amendment right to bring out all of the above evidence from the witness stand and discovery.

The requirement that the case must exist before a court will decide a controversy is a prerequisite to a court's jurisdiction. The existence of a justifiable "case" or "controversy" under Article III, must affirmatively appear in the records:

"At an irreducible minimum, Art III requires the party who invokes the court's authority to 'show that he personally has suffered some actual or threatened

injury as a result of the putative illegal conduct of the defendants,' Gladstone, Realtors v. Village of Bellwood, 441 IS 91, 99 (1979), and that the 'injury fairly can be traced to the challenged action' and 'is likely to be redressed by a favorable decision,' Simon v. Eastern Welfare Rights Org., 426 US 26, 38 (1979)."

None of these findings were made by the District Court. There are no judicial findings on the numerous spinal cord injuries. There are no judicial findings on the MRI, EMG, or spinal cord surgery. Although the District Court mentions the newly discovered evidence, there are no records. There are no merits findings on the Defendant's interrogatories and request for admissions. There are no merits findings concerning Dr. John L. Stepenson, Dr. Gary G. Gunda, and Dr. Rawal Hanish MD. These claims can't even be appealed to this Sixth Circuit without a lower court record. This case is not ripe. Ripeness is the requirement that this state must exist before a court will decide a controversy. Article III Courts are federal courts that derive its jurisdiction from U.S. Const. art. III, § 2. Ripeness, the matter at hand, ask two questions: one, does the claim "arise in a concrete way and concerns a dispute that is likely to come to pass and two, a claim is not ripe if it turns on "contingent future events that may not occur as anticipated, or indeed may not occur at all." Trump v. New York, 141 S.Ct 530, 535 (2020).

(2) THE PANEL

In the panels' April 25, 2022 opinion, it completely failed to answer this ripeness question cleanly raised in the appeal. Plaintiff objects.

(3) RELIEF SUGHT

There are 41 paragraphs in the complaint that has never been answered by the District Court. Thus, this case is not ripe for appellant review and this Sixth Circuit does not have Article III jurisdiction to answer any claim that was not adjudicated in the lower court in a concrete way. Likewise, ripeness is jurisdictional, and this Sixth Circuit cannot answer any claim that is not ripe.

This Court must send the case back to the District Court with instructions to allow Plaintiff Lamb to prosecute all 42 paragraphs in the complaint and have the court rule

on them on the merits in a concrete way thus making them ripe for appellate review. Plaintiff Lamb must also be allowed to amend the complaint and due to the complexities of the medical and surgical procedures and expert testimony associated, Plaintiff must be appointed counsel and any expert needed to explain the medical issues to the court and jury.

3. ATTORNEYS FOR THE DEFENDANTS DECEIVED THE DISTRICT COURT INTO RULING THAT THE DEFENDANTS RENDERED LICENSED TREATMENT ONLY RESERVED BY PHYSICIANS, COMMITTING A FRAUD UPON THE COURT OR AT THE VERY LEAST, PERJURY, WHERE THE DISTRICT COURT'S RULING IS VOID AB INITIO AS DIRECTED BY UNITED STATES V. THROCKMORTON, 98 US 61 (1878), HAZEL-ATLAS GLASS CO. V. HARTFORD-EMPIRE CO, 322 US 238 (1944) AND DEMJANJUK V. PETROVSKY, 10 F3D 338 (1993). THE PANEL CONFLICTS WITH THESE CASES.

(a) OVERVIEW

Both Defendants Susan Wilson and Matthew Shulick admitted in their sworn interrogatories that they did not have (a) doctorate degree to render treatment and (b) never referred Plaintiff Lamb's severe spinal cord damage to an attending physician for medical treatment in violation of Michigan law.

Michigan Law is clear. First, medical treatment must be rendered by a licensed physician and the defendants had no right and statutory authorization to conduct unlicensed medical treatment on Plaintiff Lamb's spinal cord damage that under every law in the country is only preserved for licensed physicians.

(1) ARGUMENT

The District Court never conducted any evidentiary hearings to ascertain: (1) what Michigan license and doctorate degree in spinal cord did the Defendants obtain and (2) what diagnoses were made by Defendants Wilson and Shulick, that required spinal cord treatment and their expert opinion and qualifications? In the absence of this information, the only evidence put before the District Court was the affidavits by Defendants Wilson and Shulick, that were raised and argued to the Court by their attorneys.

The affidavits are completely devoid of any doctorate degree information that would have legally given Defendants Wilson and Shulick the authority under Michigan law to perform the task as spinal cord physicians.

Thus, the District Court's ruling that Defendants Wilson and Shulick rendered treatment is laced with deceit and fraud upon the court and at the very least perjury. Giglio v. US, 405 US 150 (1972). The District Court's opinion has more doubt than

reason, where, officers of the Court, at a duty to inform the Court that their clients, Defendants Wilson and Shulick, did not go to school for eight years and received a doctorate in spinal cord injuries, was not licensed by the state of Michigan as physicians in spinal cords, and never submitted an expert medical opinion. Throckmorton, Hazel-Atlas, and Demjanjuk, id, Giglio, supra.

In Throckmorton, 98 US, at 65:

the Court held that fraud vitiates judgments. The Court further held, "fraud" "are reasons for which a new suit may be sustained to set aside and annul the former judgment or decree. Id at US 66.

Void judgments can be raised at any time and is a matter of a jurisdictional defect.

Hazel-Atlas, at 322 US, at 244-245, applied Throckmorton:

"But where the occasion has demanded, where the enforcement of the judgment is "Manifestly unconscionable," the court has the power to void the judgment. The Sixth Circuit in Demjanjuk has followed Hazel-Atlas, at 10 F3d, at 352- conclusion.

First, if the judgement is void, then there is a conflict between 60(b) time line and the void judgment/jurisdiction and Hazel-Atlas, Throckmorton, and Demjanjuk supra.

The Panel failed to ascertain whether (1) there was silent fraud or at the very least silent perjury perpetrate and filed in the pleadings? This fraud and perjury was done sub silentio. The District not only accepted these lies, but, had it conducted evidentiary hearings, and LISTENED TO PLAINTIFF LAMB, who brought this to the attention of the court, a factual record would have been made.

(2) RELIEF SOUGHT

The fraud and perjury was done in violation of Plaintiff Lamb's Due Process and Equal Protection of the law pursuant to the 14th Amendment. Giglio, supra. Pursuant to Hazel-Atlas, Throckmorton, and Demjanjuk, the judgement brought on by fraud never comes final, Kennen v. Commissioner of Internal Revenue, 387 F2d 689, 691 (C.A. 7th Cir. 1968), and there is no time limit on setting aside a judgment on this ground. Hazel-Atlas, 322 US, at 1001-1002. Defendants Wilson and Shulick sworn admissions were false.

id. Under Michigan law, Defendants Wilson and Shulick are not physicians and their treatment was illegal. The District Court's opinion was based of this illegal act that was introduced sub silentio through the affidavits. The judgment is void ab initio and 60(b) was not there ab initio, there is a conflict between the void judgment, Hazel-Atlas, Ibstockmorton, and Demjanjuk and 60(b).

The Courts are the victims of the fraud and perjury and this judgment must not be allowed to stand. This Court must void that judgment and send this case back to the District Court. The panel was incorrect, there is no time limit for setting aside a void judgment rendered by fraud affecting the Court's jurisdiction to hear the case. The Sixth Circuit has jurisdiction, not of the merits, but merely for the purposes of correcting the error of the lower court. Bender, *supra*.

RELIEF SOUGHT

WHEREFORE, Plaintiff Lamb request relief here in.

CERTIFICATE OF COMPLIANCE

Plaintiff Lamb verify that this brief complies with the 15 page limitation.

PROOF OF SERVICE

Please note for the records that Plaintiff Lamb served a copy of these pleadings by mail on the:

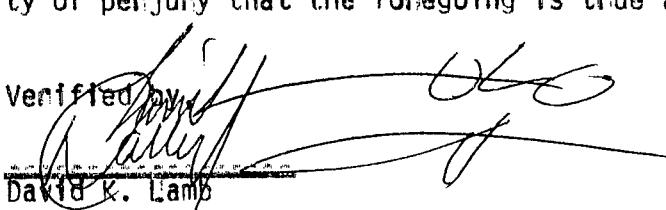
Chapman Law Group
1441 W Long Lake Rd
Suite 310
Troy, MI 48098

Michael R. Dean
Office of the Attorney General
P.O. Box 30217
Lansing, MI 48909

Served on the date below, MAIL BOX RULE.

I, David K. Lamb, verify under the penalty of perjury that the foregoing is true and correct. 28 § 1746.

8/8/2022

Verified by

David K. Lamb