

22-811

No.

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SUPREME COURT, U.S.

In the Supreme Court of the United States

ORIGINAL

John E. Reardon, Petitioner, Pro Se

v

Judges Joseph Greene and Isaiah Steinberg, Appellate Judges Gaukin, Kestin, Hayden, Payne and Ashrafi, Judges Wells, Freeman, Pugliese and Ragonese

On Petition for a Writ of Certiorari  
From the United States Court of Appeals  
For the Third Circuit

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## Questions for Review

Are Judges Liable for Equity, Prospective and/or Legal relief when they Usurped, Lacked, or Lost their Jurisdiction, Discretion or Violated Common, Case or Statute, Law Mandates/Ministerial Acts or have acted as Trespassers in the law or who fail to comply with said Mandates, *U.S. v Wong Kim Ark*, 169 U.S. 649, 654, 1898 and *Boggs v Scott-Harris*, 523 U.S. 44, 51-52, 1998 and/or deny a Plaintiff of his 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8th, 9<sup>th</sup> and 14<sup>th</sup> Amendment Rights to the Common Law and are they liable for Intentional Violations of Rights, and would Federal Judges be civilly liable for violating this mandate or is the injured only entitled to have their decisions, opinions and orders declared void and unenforceable?

Does 42 U.S.C. §1983 remove Absolute Immunity when the injured party does not have declaratory relief available in the State and given the Legislature abrogated absolute immunity for Judges under such a position and requires the Judge prove he has absolute immunity by proving the Plaintiff has declaratory relief in the State?

Does an accused deal with Judges in their official capacity when they have pre-conceived fictitious and bogus charges when said Judges were being actively sued by the accused and with the aid of all Police officers, 4 other trial Judges and 5 Appellate Court Judges to Rail Road the accused by this vast conspiracy to retaliate against him or vent their spleens against the accused and have turned a criminal trial into a Kangaroo Court Proceeding? Would said officials be immune under these circumstances? A144, Statement 66, *Pierson v Ray*, 386 U.S. 547, 562

, 567-568, Ft. Nt. ¶ 1967; Blackstone's Commentaries, Book 1, Chapter 9, Page 342.

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## **I. Petition for Writ of Certiorari**

**John E. Reardon, Petitioner Pro Se, respectfully petitions this court for a Writ of Certiorari to review the decisions of the Lower Courts.**

## **II. Opinions Below**

**Judge Hillamn's Orders never addressed the issues of Jurisdiction, Discretion and Mandates, Due Process and intentional denials of rights and the Appellate court approved Judge Hillman's Orders from 6/27/14 to 6/10/21 leaving the above issues un-addressed and un-redressed and denying my Right to be Meaningfully Heard.**

### **1<sup>st</sup> Amendment.**

**Lawrence v State Tax Commission, 286 U.S. 276, 282, 1932 Found:**

**Upon one of the alternative assumptions made by the court, that the amendment is discriminatory, appellant's constitutional rights were infringed when the tax was levied upon him, and state officers acting under the amendment refrained from assessing the like tax upon his corporate competitors...If**

**the Constitution exacts a uniform application of this tax on appellant and his competitors, his constitutional rights are denied as well by the refusal of the state court to decide the question, as by an erroneous decision of it.....**

**This Court found that Discrimination is: Nation Life Insurance Co. v United States, 277 U.S. 508, 530,1928:**

**Discrimination is the act of treating differently two persons or things, under like circumstances.**

**Here the lower courts found that those represented by counsel are entitled to the rights that deal with Jurisdictional, Discretionary, Mandatory/Ministerial Duties or acting as Trespasser's in the law while this Pro Se person is not entitled to such considerations.**

All Decisions by the Lower courts have failed to consider whether the claims made by your Petitioner are such that they don't have to comply with Mandates placed upon them at Common, Case or Statute Law and they don't have to consider whether the respondents violated Jurisdictional and Discretionary claims, nor Mandatory or Ministerial Violations or whether the respondents acted as Trespasser's in the Law which the court said on such as follows:

Elliott v Piersol, 26 U.S. 328, 340, 1828:

Where a Court has jurisdiction, it has a right to decide every question which occurs in the cause; and whether its decision be correct or otherwise, its judgment, until reversed, is regarded as binding in every other Court. But, if it act without authority, its judgments and orders are regarded as nullities, they are not voidable, but simply void; and form no bar to a recovery sought, even prior to a reversal, in opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as Trespassers.

The Lower courts have failed and refused to consider whether there is some legal basis that stripped the respondents of Jurisdiction, Discretion, violated Mandatory/Ministerial Acts or whether they have acted as Trespasser's in the Law. They have simply said they are judges, the issues raised were in court proceedings and there is and was no need to determine if they had any Legal issue that would hold them liable. The Third Circuit itself said in Melo v Hafer, 13 F.3d. 736, 744, 3<sup>rd</sup> Cir. 1994 as Follows:

Judicial Immunity requires act to be part of their function and must have Discretion to carry out said act.

This clearly holds that the court must consider the possibility that there is some legal barrier as to the respondents rights to immunity. This is even found

directly in 42 U.S.C. §1983 where it states that when injunctive relief is sought and there is no declaratory relief available in the State the judge is not entitled to Sovereign, Absolute or Judicial Immunity which means that they must prove that I have such relief available in the state and since all matters I presented to the state were denied shows I have no such relief available and the respondents failed to prove I have such relief and they not only did not do this but the lower courts never made them do this.A14-19.

The Common Law says that the judge must uphold the law as to its letter. Blackstone's Commentaries, Introduction to the Laws of England, Page 92:

For the freedom of our constitution will not permit, that in criminal cases a power should be lodged in any judge, to construe the law otherwise than according to the letter.

The Court of appeals failed to review Judge Hillman's Orders under the proper standard. They reviewed the matter for abuse of discretion which looks to see if the court's decision is appropriate and they did not review the orders under *de novo* review which requires the court to review the entire file anew which they did not do.A37-40,294-295.

If the court will review the 3<sup>rd</sup> Circuit's decision it can see that it did not review my appeal *de novo* and that its findings show their animus against this pro se's rights and slandered my name.

Given the above, Judge Hillman also denied my Rights to proper review as he denied my right to a plenary hearing and to have all my allegations taken as true and to construe the disputed facts in my favor which required him to settle the

law on liability in my favor. As the court said in Allaham v Naddaf, 3<sup>rd</sup> Cir., 2015:

Until an evidentiary hearing is held, a district court "must accept all of the plaintiff's allegations as true and *construe disputed facts in favor of the plaintiff.*"

All motions were from 6/27/14 to the present were attempts to grant me my 1<sup>st</sup> Amendment right to petition; to a meaningful opportunity to be heard; my 5<sup>th</sup> Amendment right to the equal protections of the law; to be heard on my valid claims; to my 9<sup>th</sup> Amendment rights to the Common Law and all its Remedies, Rights and Mandates and relief from Trespasser's in the law actions and the court refused to hear my claims and showed they were never going to hear my claims of Void Proceedings; my right to appellate review and thus to my claim the State's Customs, Practices, Procedures, Case and Statute Law being unconstitutional and that by failing to carry out their duty to your petitioner and the law I was forced to present numerous motions to so try to be heard which caused the lower court to malign, defame and slander me by claiming that I am abusing the system when it is the Lower Courts and the Respondents who have and continue to so abuse the system.A2-40.

There is no time limit for void orders/proceedings and no bar to such hearings no matter when or from whom they are sought.

This order of Judge Hillman on June 10, 2021 was abusive in that he failed to rule based on Void Proceedings and did not address that motion by relying on fellow Judge Robert Kugler's May 1, 2020 order sanctioning me for allegedly filing frivolous Lawsuits. That order is void for the following reasons.

1. The order issued in case 1:18-cv-11372 was to be a collateral attack on

the orders in the 1988-1990 Lawsuits which the mentioned Lawsuit claimed that the prior lawsuits were void for the following reasons: a. lack of, loss of or usurpation of Jurisdiction, Discretion and for Violating Mandates that stripped the authority of the prior petitions since I was not given the right to be heard. Denial of Due Process and voiding the order of May 1, 2020 making that order void and of no effect. It is *void ab initio*.

2. When you throw in the reasons for said May order, the court has abused it's discretion by claiming I have filed meritless lawsuits for the past 30 years when there is no such basis.

I was active in the courts from 1985 to 1991 for which I was sanctioned one time and never sanctioned again. From 1991-2013 I was not involved in the courts at all. From 2013 to 2018 I became active in the Court again and was denied my Due Process rights to be heard on the earlier litigation by claiming I was abusing process by filing new frivolous lawsuits, which is not true. It seems when it comes this pro se plaintiff he is not entitled to be heard on void proceedings issues and then can be sanctioned for merely exercising my 1<sup>st</sup> Amendment Rights as I see them. *Juzwin v Asbestos Corep.*, 900 F.2d 686, 692, 3<sup>rd</sup> Cir. 1990 and *Sutton v Racine County Court*, 353 F.Supp. 716, 718, 1973:

The issue that must be decided is whether or not a citizen has a right to attempt to redress an alleged deprivation of his constitutional right in the federal courts. I believe that the right to attempt to protect one's constitutional rights, as one sees them, in the federal courts is as fundamental as any expressed in the Bill of Rights

*Shultz v. Wheaton Glass Co.*, 319 F. Supp. 229, 235 Dist. Court, D. New Jersey

1970 which held that as to void proceedings they are not barred even after an Appeal and in U.S. v One Toshiba Color Television, 213 F.3d 147, 150, 3rd Cir. 2000:

However, such a concession does not preclude challenge to subject matter jurisdiction at any subsequent stage of the proceedings, even after decision on appeal, as here. Fed.R.Civ.P. 12(h) (3) permits a challenge to subject matter jurisdiction at any time, for jurisdiction cannot be conferred upon the Court by the parties. We conclude that the doctrine of laches should not be considered when the issue is whether a judgment is void.

### **III. Jurisdiction**

Mr. Reardon petitions for a hearing of the Judgments of the Lower Court's. The District Court's decision was entered on June 10, 2021 and the Appellate Court's decisions were entered on February 4, 2022 and December 5, 2022 which alleged the Court's lacked jurisdiction over the law- suit and that there is no relief of any kind available and the Appellate Court so affirming said decision. This Petition is brought under 28 U.S.C. §2101.

**IV. Statutory and Constitutional Provisions involved 28 U.S.C. 1331, 1367; 42 U.S.C. 1983; Amendments 1, 4, 5, 6, 8, 9 and 14, N.J.S.A. 2C:58-7(a) and (c), N.J.S.A. 2A:15-49(d) and Canons of Judicial Conduct 1-3. A41-44.**

### **Statement of the Case**

This Lawsuit was brought when I learned of the issues of Void Proceedings after being denied declaratory relief in the State Courts due to jurisdictional, Discretionary and Mandatory defects against Judges Steinberg and Greene in the state courts and for acting as Trespassers in the law for all PCR Judges and Appellate Court Judges due to said mentioned defects. I asked for Equity, Declaratory, Prospective, and Costs Relief and for a Certificate of Acknowledgment to have

the Lower Courts issue such Certificate so that I could have the court to set aside my criminal proceedings for being void and to get a new Trial, and new hearings on all the other rights I was denied of.

While it is true that I made statements as to my criminal proceedings as they happened, the original lawsuit and subsequent amendments stated enough other facts that would imply Jurisdictional, Discretionary, Mandatory or Trespassing Defects that the court overlooked and relied solely on the facts that it construed as the basis of my Lawsuit. For example, Pages A53, Statement 13 and A78, Statement 22 state jurisdictional claims; A56, Statement 21 thru a58, statement 24 all refer to intentional Violations of my rights; A59, statement 28; refers to issues never decided by the State in the PCR Motions, it is well settled law that issues not decided by a state court will not bar review in the federal Court; A66, Statement 34 thru 67 Statement 39, A75, Statement 10 thru A76, Statement 15 state intentional violation of rights; A73, Statement 1 requirement to recuse and A74, Statement 8 lists Lawsuit against Steinberg and Greene which required them to recuse themselves and not doing so stripped Jurisdiction from them. There were numerous legal reasons for the liability claims against the respondents but were denied and ignored by all Lower Courts.A45-243.

This case was/is not a Rooker-Feldman case as I was not asking the court to review an adverse state Court decision. The state courts found my motions to be time barred and thus there was no issue decided by the State for review.

This case falls under Skinner v Switzer, 131 S.Ct. 1289, 2011; 1291:

Held: There is federal-court subject-matter jurisdiction over Skinner's complaint, and the claim he presses is cognizable under § 1983. Pp. 1296-1300.

(b) The Rooker-Feldman doctrine does not bar Skinner's suit. This Court has applied the doctrine only in the two cases from which it takes its name, *Rooker v. Fidelity Trust Co.*, 263 U.S. 413, 44 S.Ct. 149, 68 L.Ed. 362, and *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 103 S.Ct. 1303, 75 L.Ed.2d 206. See *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280, 125 S.Ct. 1517, 161 L.Ed.2d 454. Given "the narrow ground" the doctrine occupies, *id.*, at 284, 125 S.Ct. 1517, the Court has confined Rooker-Feldman "to cases ... brought by state-court losers ... inviting district court review and rejection of [a state court's] judgments," 544 U.S., at 284, 125 S.Ct. 1517. Skinner's complaint encounters no Rooker-Feldman shoal. "If a federal plaintiff 'present[s][an] independent claim,'" it is not an impediment to the exercise of federal jurisdiction that the "same or a related question" was earlier aired between the parties in state court. 544 U.S., at 292-293, 125 S.Ct. 1517.

A state-court decision is not reviewable by lower federal courts, but a statute or rule governing the decision may be challenged in a federal action. See, e.g., *Feldman*, 460 U.S., at 487, 103 S.Ct. 1303. Because Skinner's federal case—which challenges not the adverse state-court decisions but

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the Texas statute they authoritatively construed —falls within the latter category, there was no lack of subject-matter jurisdiction over his federal suit. Pp. 1297-1298.

c) Measured against this Court's prior holdings, Skinner has properly invoked §1983.

In this Lawsuit I challenged the State's Customs, Practices, Procedures, Usages and Statutes as being unconstitutional as being in Contradiction to the Common Law which deprived the plaintiff of his Constitutional Rights which is Permitted as per Skinner Supra even though they touch on the same issues as previously ruled on by the State.A8-40.

This is also not covered by *Heck v Humphrey*, 512 U.S. 477, 1994 case since

it is not relevant due to the following reasons:(1) No Habeas Corpus issues involved;(2) I was not suing for damages for direct Violation of Constitutional Rights and was not seeking exoneration,;(3) I am not suing for damage only. I sought both Equity and Legal Relief and even if the Legal Relief is void, the Equitable Relief is valid as I was seeking the following Relief: (i) A Certificate of Acknowledgment to return to the State to seek my sentence and conviction be set aside for the Discretionary, Jurisdictional and/or Mandatory Defects in my trial; (ii) I was suing the customs, practices, procedures and usages employed to try me which do not touch upon the trial, conviction and sentence in which this court clearly held in Heck @481 -487 and 503 that such suits are available; (iii) That Heck does not address Lawsuits for Jurisdictional, Discretionary and/or Mandatory Defects in the state Proceedings; (iv) that Heck does not involve Void Proceedings; (v) Heck does not address Abuse of Process Lawsuits; (vi) Heck does not involve the issues of challenging the Constitutionality of the State's Customs, Usages, Practices, Procedures and Statutes; (vii) Heck does not claim to bar suits asking for Equity Relief; (viii) Heck does not address issues as to officials who are Trespassers in the law; (ix) When pure damages claims are sought, that is when damages are viable.A8-36.

#### Reasons to grant the Writ

##### A. Violations of Mandates and what they are.

The issues as to why this writ should issue are Clear. This Court held in U.S. v Wong Kim Ark, 169 U.S. 649, 654, 1898 as Follows:

*In this as in other respects, it MUST be interpreted in the light of the common law, the principles and history of which were familiarly known to the framers*

of the Constitution.

This court also held in *Solem v Helm*, 463 U.S. 277, 286:

*Blackstone's commentaries are accepted as the most satisfactory exposition of the common law of England.*

Blackstone has thus held as follows:

Introduction to the Laws of England, Page 69:

These customs..now become a permanent rule, which it is not in the breast of any subsequent judge to alter or vary from according to his private sentiment; he being sworn to determine, not according to his own private judgment, but according to the known laws and customs of the land; not delegated to produce a new law, but to maintain and express the old one. Yet this rule admits of exceptions, where the former determination is most evidently contrary to reason.

Book 1, Chapter 9, Page 342:

But, on the other hand, any *malicious or tyrannical abuse* of their office is sure to be severely punished; and *all persons who recover a verdict against a justice, for any wilful or malicious injury, are entitled to double costs.*

Given these are Mandates to be absolutely complied with by all Judges,

Federal and State, this court has held as follows:

Introduction to the Laws of England, Page 89:

Where the Statute Law and Common law differs the common Law gives place to the Statute Law.

Introduction to the Laws of England, Page 92:

...For the freedom of our constitution will not permit, that in criminal cases a power should be lodged in any judge, to construe the law otherwise than according to the letter.

The State Courts failed to comply with these mandates in that they did not uphold N.J.S.A.2C:58-7 as written. *Juzwin v Asbestos Corp.*, 900 F.2d 686, 692,

3<sup>rd</sup> Cir. 1990.A288-289:

It is not surprising, then, that modern jurisprudence recognizes no set principle of retroactivity... Instead, modern decisions reflect a balancing approach which recognizes that "statutory or even judge-made rules of law are hard facts on which people must rely in making decisions and in shaping their conduct."

Book 4, Chapter 22, Page 293:

...The justice, before whom such prisoner is brought is bound immediately to examine the circumstance of the crime alleged; and to this end by statute 2 & 3 Ph. & M. c.10 che is to take in writing the examination of such prisoner, and the information of those who bring him, which Mr. Lambard observes was the 1<sup>st</sup> warrant given for the examination of a felon in the English law. For at the common law, nemo tenobatur prodere Seipsum; and his fault was not to be wrong out of himself, but rather to be discovered by other means, and other men. If upon this inquiry it manifestly appears, either that the suspicion entertained of the prisoner was wholly groundless, in such cases only it is lawful totally to discharge him. Otherwise he must either be committed to prison, or give bail.

I was denied of my probable cause hearing and the basis for the charges and proofs thereof before prolonged incarceration and to reasonable bail in that my bail was set at \$100,000.00 full cash bail for which no basis for the charges was proffered before being jailed for a prolonged period of time. Violation of my 8<sup>th</sup> Amendment rights to reasonable bail and due process right to the proper procedure for setting bail. 5<sup>th</sup> Amendment right.

Blackstone's Commentaries, Book 4, Chapter 23, Page 302:

The offence itself must also be set forth with clearness and certainty.

The indictment did not descend to particulars and was premised on the mere wording of the Statute. Which is not permissible unless the statute lays out with clarity all the elements of the offense. My indictment did not state what the unlawful purpose is or was.

Blackstone's Commentaries, Book 4, Chapter 23, Page 308:

at all events, to pay costs, unless the information shall be tried within a year after issue joined.

The charges were joined on June 21, 1990 and was not tried till 18 months later and I had to pay my attorney fees. [this is also a basis for a speedy trial.]

Book 4, Chapter 27, Page 346:

and therefore it is there usual to try all felons immediately, or soon, after their arraignment.

I was to be tried immediately or soon after my arraignment. Obviously 18 months is not immediately or soon after my arraignment since I was arraigned in July 1990 and not tried till December 1991. A speedy Trial presents a question of fact that a jury must decide. Cockburn, C. J., in Reg. V Justices of Berkshire, 4 Q.B. Div. 471.

Page 349-350...

...Attorney ought to aid in what questions to ask, or ask them himself, as well with the law.

Counsel assigned to me failed to do either and failed to serve the subpoenas on my witnesses after agreeing to do so and Judge Greene denied me the right to a reasonable delay to so do this.

Blackstone's Commentaries, Book 3, Chapter 23, Pages 371-372; Book 4, Chapter 27, Pages 346, 351:

For, as they do not allow a less number than two witnesses to be plena probatio, they call the testimony of one, though never so clear and positive, semi-plena probatio only, on which no sentence can be founded.  
1676 Concessions and Agreements of West, New Jersey: CHAP. XX:

That in all matters and causes, civil and criminal, proof is to be made by the

*solemn and plain averment of at least two honest and reputable persons.....*

My conviction and sentence was enforced which denied my right to not have such a sentence inflicted on me.

Page 351-352:

...no evidence shall be admitted to prove any overt act not expressly laid in the (page 352) Indictment.

The Indictment failed to say the bomb was to be a parcel bomb to be mailed to my ex-girlfriend, my ex-wife or some Camden County Judge and the State was allowed to bring into the trial testimony from my ex-girlfriend and ex-wife to make it appear they were the targets of my, alleged, parcel bomb.

Ch. 27, Page 353...

...That whatsoever could be brought in favor of the subject should be admitted to be heard.

[This deprives judges from denying evidence which is in favor of the accused so long as it goes to the subject of the trial. So, for example, in my case, I tried to admit my last will and testament, that I made before trying to commit suicide, as relevant to the fact that it went to my state of mind at the time of the alleged crime as well as the fact it named the 2 alleged targets and should have been permitted but the court refused to let it in.]

I also sought to have the testimony of a Therapist, who I was counseling with, that could verify I was suicidal. See State v Long, 801 A.2d 221,231-232, NJ Supreme Court 2002.

Additional 9<sup>th</sup> Amendment Rights.

Joseph Story's Commentaries, Pages 140 and 309 say respectively:

The Common Law is our Birthright and inheritance;

The Rights protected under the Constitution cannot be transferred or

surrendered by any Means.

Intentional Denial of rights:

Mr. Lawrence, Congressional Globe @1837:

If a Judge intentionally denies a citizen of his rights he is guilty of wilful wrong and deserving of punishment.

Pierson v Ray, 386 U.S. 547, 562, 567-568, Ft. Nt. [] 1967:

When a judge acts intentionally and knowingly to deprive a person of his constitutional rights he exercises no discretion or individual judgment; he Acts no longer as a judge, but as a " minister" of his own prejudices.

All these 9<sup>th</sup> Amendment Rights are Common Law Mandates, on the part of the State Judges and, for which this court held that the violation of a mandate is a ministerial act/duty/function for which the official is not immune from. This court said.

Bogan v Scott-Harris, 523 U.S. 44,, 51,52,1998:

Respondent's heavy reliance on our decision in Amy v Supervisors, 11 Wall. 136 (1871), is Misguided for this very reason. In that case, we held that local legislators could be held liable for violating a court order to levy a tax sufficient to pay a judgment, but only because the court order had created a ministerial duty. *Id.*, at 138 ("The rule is well settled, that where the law requires

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absolutely a ministerial act to be done by a public officer, and he neglects or refuses to do such act, he may be compelled to respond in damages to the extent of the injury arising from his conduct"). The treatises cited by respondent confirm that this distinction between legislative and ministerial duties was dispositive of the right to absolute immunity. See, e.g., Cooley 377 (stating that local legislators may be held liable only for their "ministerial" duties); Mechem § 647 (same).

Antoine v Byers & Anderson, Inc., 508 U.S. 429, 435, 1993:

Indeed, we have recently held that judges are not entitled to absolute immun-

*ity when acting in their administrative capacity. Forrester v. White, 484 U. S. 219, 229 (1988). 436 (absolute immunity from state law tort actions available to executive officials only when their conduct is discretionary)*

In re Charter Communications Inc., 343 F.3d 721, 784, 8<sup>th</sup> Cir. 2005:

Ministerial acts have long been recognized as non-judicial by the Supreme Court. See, e.g., *Custiss v. Georgetown & Alexandria Turnpike Co.*, 6 Cranch 233, 10 U.S. 233, 236, 3 L.Ed. 209 (1810).

This court's decision that all judges and courts must comply with mandates is a mandatory act as follows.

**Definition of Must:**

Generally refers to a mandatory requirement; imposes a duty or grants a right which is mandatory or imperative.

“Mandatory” refers to something that is required, and not optional or subject to discretion.

**Definition of Tyrant:**

1. The chief magistrate of the state, whether legitimate or otherwise, who violates the constitution to act arbitrarily contrary to justice. *Toull. tit. prel.n. 32.*

2. The term tyrant and usurper, are sometimes used as synonymous, because usurpers are almost always tyrants; usurpation is itself a tyrannical act.....

3. This term is sometimes applied to persons in authority who violate the laws and act arbitrarily towards others. *Vide Despotism.*

All the Common Law Mandates simply make certain acts Ministerial no different than a Statute does that if violated would hold the official liable.

Since All Courts are Mandated to comply with this law, then the State Judges Lost, Lacked or Usurped their Jurisdiction and/or Discretion, acted as Trespassers in the Law and Voids all orders by the State and by the lower Courts. They violated

the legal limits on their authority and voiding all orders by all judges/Courts and this court should issue this writ.

The State PCR Judges, the State Appellate Court Judges, Judge Hillman and the Appellate court Judges all failed to comply with the law and their limits under the law and all orders, opinions and decisions are void for violating the limits placed on their authority.

The PCR and Appellate court judges, by giving Credence, Credibility and Validity to Judges Greene and Steinberg's Violations, have become Trespassers in the Law as have the lower Courts. Elliott v Piersol @340.

**B. Ministerial Acts that Judges Steinberg and Greene violated are:**

1. Judge Steinberg was the criminal assignment Judge in Camden County and he lost, lacked or usurped his Jurisdiction, Discretion or Violated this mandate that forced Mr. Reardon to go through the biased and void proceedings in the state which in turn denied Mr. Reardon of all the rights listed in this petition.

2. He lacked, lost or usurped his Jurisdiction, Discretion and/or Violated Mandates by not directing Sgt.s Simon and Dawson to a neutral and detached Judge and he failed to comply with the Mandate that he was required to memorize, transcribe or summarize the proceedings before him as to these 2 Officers. M.P. v S.P., 169 N.J. Super 425,441, N.J. Appellate 1979 and Muller v Muller, N.J. Appellate, 2015:

In the trial divisions of the Superior Court and in the county courts, all proceedings in court shall be recorded verbatim.....

3. Due to the fact that my alleged crimes were to be directed at some Cam-

den County Judge or a Camden County Court Clerk, my ex-wife, and due to Fellow Jurist Rudolph Rossetti's order in January 1990, just 5 months prior to the charges against the petitioner that my civil suit was required to be transferred to another county due to a Camden County employee being a defendant, Judge Steinberg violated his ministerial acts of not transferring this case, under the circumstances, to another County and his violation to assign a Camden County Judge of whom Mr. Reardon had active lawsuits against both Judge Steinberg and Judge Greene, A292-293, this case was required to be transferred not only for these reasons, but because Ms. Reardon, a Camden County Court clerk, had a long and extensive contact and friendship with these Judges as their employee for numerous years.

As for Judge Greene, he violated his ministerial act of accepting appointment to try Mr. Reardon and for which he violated this ministerial Act which resulted in all the violations of my rights.

#### C. Loss of Jurisdiction of Judges Greene and Steinberg.

Both Judges had to recuse themselves from my criminal proceedings for the following reasons.

1. I had active lawsuits against Judges Greene and Steinberg prior to their becoming involved in my criminal Proceedings. These lawsuits were filed in 1985, 1988, 1989, 1990 and 1991. A292-293. The court said in Chandock v Chandock, 968 A.2d 1197-1198, NJ:Appellate Div. 2009 and Hundred East Credit Corp. v Eric Schuster Corp., 212 N.J. Super. 350, 358, 1986:A74, St. 8:

Prior litigation between Judge and party before him requires the Judge to recuse himself.

**Definition or Requires:**

Implies something mandatory, not something permitted by agreement.....

**Definition of Shall:**

As used in statutes and similar instruments, this word is generally imperative or mandatory

**Legal Definition of Duty:**

A legal obligation that entails mandatory conduct or performance.

a legal obligation, the breach of which can result in liability.

**Legal Definition of Obligation:**

The popular meaning of the term "obligation" is a duty to do or not to do something.

State v Utsch, 184 N.J. Super., 175, 181, 1982, N.J. Appellate; State v Tucker, 264 N.J. Super. 549, 555, N.J. App. 1993:

Court Must recuse itself on its own motion.

2. Failure to recuse causes loss of Subject Matter Jurisdiction. The Queen v The Justices of Suffolk, 18 Q.B. 416, 1852; The Queen v The Justices of London, 18 Q.B. 421, 1852; Regina v O'rady, 7 Cox C.C. 247, 1857.

3. Other reasons why state Judges lost jurisdiction or for which their decisions, orders and opinions are void are:

Panitch v. Panitch, 770 A. 2d 1237, 1239, N.J. App. Div. 2001:

[if a] judge fails to acknowledge a disqualifying predisposition or circumstance an Appellate court Must order recusal no matter what the source. [The PCR and Appellate court judges failed to comply with their own Mandate.]

Chandok v. Chandok, 968 A.2d 1197-1198, NJ:Appellate Div. 2009.

**Zeller v Rankin, 101 S.Ct. 2020, 1981:**

**when a Judge Lacks Jurisdiction and he knows it, he Loses Judicial Immunity.**

**Judges Steinberg and Greene knew they Lacked Jurisdiction and failed to recuse themselves, for which I so alleged.**

**Denike v Cupo, 196 N.J. 502, 507, 2008, Supreme Court: a court has a Duty to avoid even the appearance of partiality.**

**Neder v United States, 527 US 1, 8, 1999:**

**Void proceedings based on refusal to recuse *requires* reversal.**

**State v Gioe, 950 A.2d 930, 936, N.J. App. 2008:**

**failure to recuse voids judgments and orders.**

**Caperton v Massey Coal CO., 129 S.Ct. 2252, 2254-2252, 2259-2260 and 2263, 2009:**

**Failure to recuse violates Due Process.**

**State v American Can Co., 42 N.J. 32, 38, N.J. Supreme Court, 1964:**  
**usurpation of jurisdiction voids proceedings.**

**United Student Aid Fund v Espinosa, 130 S.Ct. 1367, 1377, 2010:**

**A void judgment is a legal nullity. See Black's Law Dictionary 1822 (3d ed.1933); see also id., at 1709 (9th ed.2009). Although the term "void" describes a result, rather than the conditions that render a judgment unenforceable, it suffices to say that a void judgment is one so affected by a fundamental infirmity that the infirmity may be raised even after the judgment becomes final.**

**Instead, Rule 60(b)(4) applies only in the rare instance where a judgment is premised either on a certain type of jurisdictional error or on a violation of due process that deprives a party of notice or the opportunity to be heard.**

**In this lawsuit there are multiple reasons the State and Federal Proceedings**

are void. They are:

A. The State Proceedings were void for personal and/or subject matter jurisdiction and violations of mandates and Due Process.

B. I was denied my Due Process rights to adequate notice to prepare a defense to the charges for which all the specifics were not provided prior to trial and a right to a meaningful opportunity to be heard in that Judge Greene granted the state numerous delays to prepare its case but denied the same opportunity to Mr. Reardon and for which I was denied the State's position to motions the court allowed me to file and on the return date I was ambushed by the state's failure to notify me of its position and Judge Greene allowed the state to object to the motions without prior notice/knowledge to the plaintiff.

C. Immunity/Liability Issues.

This court held in VL V EL, 136 S.Ct. 1017,1020-1021, 2016:

if the judgment on its face appears to be 'record of a court of general jurisdiction, such jurisdiction over the cause and the parties is to be presumed unless disproved by extrinsic evidence, or by the record itself.

The state Judges cannot lay claim to this law as (i) the record is replete with the violations of their decisions to not comply with the Common Law and the mandates thereunder and as per case law on such issues which would deny Jurisdiction and/or Discretion from them; (ii) they had no right to claim Sovereign, Judicial or Absolute immunity based on the Very wording of 42 U.S.C. §1983.A14-22.

The courts can only rule based on the wording of the Statute itself which holds that injunctive relief is available when there is no declaratory relief available in the

State.A42. Judge Hillman failed to require the respondents to prove such relief is available. He pled a personal defense for the Respondents.A14-22.

Since I filed motions in the state as to such relief in 2009 and again in 2013 and was denied on the claim that the relief is untimely,A292-293, I have no such relief and that it was the Respondents that were required to proffer proof I have such relief and since they never asserted or proved, and were not required to prove this, then all the equitable relief I sought is and was valid and available and for which I was denied of by the Lower Courts.

The lower courts also violated my rights and denied me of Due Process in that they refused to comply with and uphold this courts decisions which comes by way of Payne v. Tennessee, 501 US 808, 855,1991:A2-40:

"[U]nless we wish anarchy to prevail within the federal judicial system, a precedent of this Court Must be followed by the lower federal courts no matter how misguided the judges of those courts may think it to be"

Since the Lower courts failed to comply with this Mandatory/Ministerial act/function they have again denied me of my rights and are either liable for a civil suit or I am entitled to relief from the courts' abusive orders, opinions and findings. Lawrence v State Tax Commission @282 and also violated my Due Process rights and the Equal Protections of the Law as per National Life Insurance Co. v United States @530.

Other abuses by the lower courts can be found in Mitchum v. Foster, 407 US 225, 241, 1972 therein cited by this court. Congress felt the need to pass 42 U.S.C. §1983 for the following reasons:

and Representative Perry concluded: "*Sheriffs, having eyes to see, see not; judges, having ears to hear, hear not; witnesses conceal the truth or falsify it; grand and petit juries act as if they might be accomplices . . . [A]ll the apparatus and machinery of civil government, all the processes of justice, skulk away as if government and justice were crimes and feared detection. Among the most dangerous things an injured party can do is to appeal to justice.*" *Id.*, at App. 78.[31]

Those who opposed the Act of 1871 clearly recognized that the proponents were extending federal power in an attempt to remedy the state courts' failure to secure federal rights. The debate was not about whether the predecessor of §1983 extended to actions of state

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courts, but whether this innovation was necessary or desirable.[32]

This legislative history makes evident that Congress clearly conceived that it was altering the relationship between the States and the Nation with respect to the protection of federally created rights; it was concerned that state instrumentalities could not protect those rights; it realized that state officers might, in fact, be antipathetic to the vindication of those rights; and it believed that these failings extended to the state courts.

In the Petitioner's State criminal proceedings all the prosecutors, Judges, Some witnesses and by the unwitting Juries violated these very things without regard to the Law, my rights and their duty to such and the lower courts have said it has no discretion due simply to the fact the original defendants are judges and failed to allow me to amend my complaint in Compliance with F.R.Civ.P. 19 and the fact that all those sough to be added conspired with the judges and for many and various reasons are liable under the law.

#### Relief Sought

I pray this court will issue and approve of this writ and hear my petition, that the Court will overturn and re-instate this lawsuit in its entirety due to the fact that

the State Courts violate my rights as set out herein and are not immune but liable, that you will give me Double or Treble costs from the filing of this lawsuit to date as per Blackstone's Commentaries or treble Costs fore violation of RICO Laws and that the case would be remanded to a new court due to the violation of my 1<sup>st</sup>, 5<sup>th</sup> and 9<sup>th</sup> Amendment Rights by the Lower courts. Blackstone's Commentaries, Book 1, Chapter 9, Page 342 or Book 3, Chapter 8, Page 121 or Book 4, Chapter 15, Page 307.

That all the respondents and lower courts have denied me of all the rights and remedies stated herein and I should be granted the relief sought herein due to the Lower Courts failure to comply with and uphold the Common Law and this Court's decisions.

A finding as to whether Federal Judges can be sued civilly for the violations of Mandates or are they only susceptible to have their decisions, opinions and orders declared void?

#### Conclusions

The Lower Courts have abused their discretion intentionally, wilfully and deliberately and denied my 1<sup>st</sup> Amendment Rights to petition and a meaningful opportunity to be heard; my 5<sup>th</sup> Amendment rights to Procedural Due Process for the procedures to be followed by the courts to Void Proceedings and to the Equal Protections of the Law by denying me of equal treatment as to defendants in that the Lower courts held this pro se plaintiff to comply with his duties under the law but has failed to make the respondents to comply with their duties under the law, differing treatment, and for denying me the same treatment under the law as to all

counseled plaintiffs to the Rights and Issues raised in this Lawsuit and Petition, differing treatment to all other Plaintiff's lawsuits under similar conditions/circumstances. As to the Liability of the State Defendants they were biased and required to recuse themselves and did not so do which stripped Jurisdiction and/or Discretion from them.A244-289.

As a result of my conviction I continue to be denied the right to keep and bear arms, to run for public office and was denied my right to take custody of my grandson who was placed in the foster care state program or to sit on any jury the court recognized a right to stop continued denial of rights but failed to grant me an injunction under these circumstances. A8-36.

With all the violations of my Rights, Remedies, Mandates, Conspiracy and other unlawful acts the respondents, and those I sought to add Under F.R.Civ.P. 19 and was denied, all the parties and proposed parties have conspired to railroad this dissenter and to intentionally deprive him of all his rights, Remedies and Mandates without concern for the law and my Rights. I would also point out that the 3 Prosecutors I sought to add would be liable under the State Court Decision of State v Zisa, N.J. Appellate, 2015:A73-243.

Lastly, we remind all concerned that "the primary duty of a prosecutor is not to obtain convictions, but to see that justice is done." Frost, *supra*, 158 N.J. at 83 (1999)

This Bias and abuse was also demonstrated by the Lower Courts and their orders, opinions and decisions should be set aside as I was told that federal judges cannot be sued for Equity and/or Prospective relief and I am entitled to such relief

and their orders showed their bias and abuse.

I could never take issue with Void Proceedings in the lower Courts for the following reasons.A2-40.

1. Judge Hillman refused and repeatedly failed to address and redress this issue.

2. I could never appeal this issue for the following reasons. I had to present a compelling reason to have an issue that was not first heard in the District Court and since I can't even get heard and relief on a normal appeal I couldn't present a compelling issue. The 3<sup>rd</sup> Cir. In Page v Schweiker, 786 F.2d 150, 153, 3<sup>rd</sup> Cir. 1986:

It is well-established that, absent "compelling circumstances," an appellate court will not reverse on grounds raised for the first time on appeal.

Due to the fact that Judge Hillman did refuse to address the void orders process, and not being able to present such to the Appellate Court's position on such matters, I was forced to continue to keep filing motions after motion to get my right to be heard on such issues, the Lower courts did abuse their discretion and malign, defame and slander my name by claiming I am in effect abusing process when it is they who are abusing discretion.A2-40,37-39 in particular.

It should also be noted that the Lower Courts failed to comply with the procedures for Void proceedings as follows:

1. The Courts relied on the facts giving the State Court's jurisdiction that they cannot do. Andrews v Andrews, 188 U.S. 14, 35, 1904 which says:

*does not preclude inquiry into the jurisdiction of the court in which a judgment is rendered over the subject matter or the parties affected by it, nor into the facts necessary to give such jurisdiction.*

2. As above stated the court cannot estop an inquiry to the Jurisdiction of the State proceedings.

The lower court's decisions are those of Tyrants and thereby voiding them.

Judge Hillman's final order is based on contradictory claims and positions.

He says on that there is prospective relief available against Judges, A14,16,17, which automatically allows that there is some fact(s) that are sustainable to grant relief and then turns around and says that there are no set of facts that could be stated to grant any relief. A19-22.

He claims that as to possible facts that I could seek prospective relief if it were possible for which there is such a fact. The fact(s) is/are that the state has and continues to enforce it's customs, practices, procedures and usages that deny all accused, at least in Camden County, of all their Common, Case, Statute and Constitutional Law rights, remedies and mandates set out in this lawsuit and thus set out in this petition.A14-17.

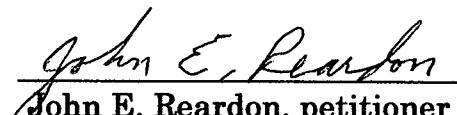
Judge Hillman claimed that injunctions are geared to stop an ongoing practice and that if discovery were permitted, that the facts as to whether the State is continuing with their Customs, Practices, Procedures, Usages and Statute law and violation of rights would in fact lead to facts that shows a need to enjoin said actions that Judge Hillman said would result in a valid claim as to injunctive relief by his own beliefs but he has found that in his Mind there is no such relief available since there is no facts that would lead to the discovery of any claim for injunctive relief making his decisions void and unenforceable since he has decided

Since this court, Buckley v Fitzsimmons, 509 U.S. 259, 269, 1993 and the 3<sup>rd</sup> Cir. In Hughes v Long, 242 F.3d 121, 125, 2001, both held that the official claiming such immunity must prove it exists for the function in question and the fact that (1) they never did do; (2) they were never required to so do; and that Judge Hillman and the 3<sup>rd</sup> Cir. Both pled said defense for them, the decisions of the lower courts are abusive and void for Due Process and Hearings under the 1<sup>st</sup> and 5<sup>th</sup> Amendments and void for such claims and for becoming trespassers in the law.

They became a Trespassers' in the law by approving of said unconstitutional rights, remedies and mandates and their orders bespeaks that they granted relief to the Respondents based on their Title and Position.

The decision of the 3<sup>rd</sup> Cir. is also an act of allowing Judge Hillman's order to go uncorrected and thus became a Trespasser in the Law as well and failed to consider the contradictions of Judge Hillman's orders, opinions and decisions.

Dated: February 23, 2023

  
John E. Reardon, petitioner