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No. 23-177

In the Supreme Court of the United States

Terrence Fitch

PETITIONER

v.

Thomas McAdams,

ET AL., RESPONDENTS

*ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT*

PETITION FOR A WRIT OF CERTIORARI

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ORIGINAL

QUESTION PRESENTED

The main issue before the Court pertains to the determination of subject matter jurisdiction by the Seventh Circuit of the Eastern District of Wisconsin. The Plaintiff needs to be informed that a necessary hearing, as per *Turner v. Rogers*, 564 U.S. 431 (2011), was not conducted.

The Appellate has raised concerns regarding subject matter jurisdiction in various state court proceedings due to the absence of the required *Turner* hearing. This raises questions about the potential violation of the Appellant's due process rights and whether it constitutes a valid legal basis for court intervention?

The *Accardi* Doctrine Requires government officials to follow agency regulations which has become an important rule of law even when it's not convenient. Unpublished agency guidelines are not considered binding rules under this doctrine, but guidelines that establish procedural and substantive restraints to protect individuals from arbitrary treatment by government officials should be covered. It's important to have a consistent application of these rules, especially in cases where individual rights are affected. See *United States ex rel. Accardi vs. Shaughnessy*, 347 U.S. 260 (1954).

(I)

PARTIES TO THE PROCEEDING

Petitioner (plaintiff-appellant below) is Terrence Fitch. Respondents (defendants-appellees below) are Thomas McAdams in his official and individual capacity, James James (Jim) Sullivan in his official and individual capacity, Lisa Bangert in her official and individual capacity, Ann Hetzel in her official and individual capacity, Samantha Levihn in her official and individual capacity, John Barrett in his official and individual capacity, A Hunt in her official and individual capacity as State Actors and contractors of the Milwaukee County Child Support Agency.

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Terrence Fitch, respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Seventh Circuit in this case.

OPINIONS BELOW

On August 2, 2022, the Eastern District of Wisconsin's ruling, indexed as 22-cv-523, rejected the lawsuit filed by the Appellant, Terrence Fitch, acting as his own representative. The State of Wisconsin, Judge Thomas McAdams, Child Support Director James "Jim" Sullivan, Guardian Ad Litem Lisa Bangert, Child Support attorneys Ann Hetzel and Samantha Levihn, and Child Support

Representative A. Hunt are all being accused individually and collectively under the color of state law. This data was released in August 2022.

On April 18, 2023, the Seventh Circuit issued its judgment in Terrence Fitch, Appellant vs. Thomas McAdams et al., Index No. 22-2522, which resulted in the dismissal of the Appellant's case. The Appellant claims that the failure to hold a needed hearing in accordance with Turner v. Rogers, as well as the disregard for the necessity for subject matter jurisdiction, violated his right to a fair hearing and resulted in the loss of personal freedom. As a result, the Rooker-Feldman doctrine hypothesis holds that the absence of a "final order" renders the review judgments unjustified by the circumstances of this particular case.

JURISDICTION

The judgment of the Seventh Circuit court of appeals was entered on April 18, 2023. This writ is brought under 28 U.S.C. §1257(a) which provides the Supreme Court with jurisdiction over final judgments of state courts in cases involving federal law, including subject matter jurisdiction.

The present case involves questions of federal law regarding subject matter jurisdiction, including the impact of Turner v. Rogers, 564 U.S. 431 (2011) and the Rooker-Feldman doctrine. The decision by the Seventh Circuit Court, Eastern Wisconsin dismissing the Appellees complaint against is reported 22-cv-523 as Thomas McAdams, James "Jim" Sullivan, Lisa Bangert, Ann Hetzel, Samantha Levihn, John Barrett, A Hunt.

In their severally, jointly and in their individual and personal capacities as Judge\Prosecutors as State Actors under the Color of State law. As reported in April 2023.

**CONSTITUTIONAL, STATUTORY, AND OTHER PROVISIONS
INVOLVED**

United States Constitution First Amendment: Congress shall make no law Respecting an establishment of religion, or prohibiting the free exercise thereof; or Abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

United States Constitution Second Amendment: A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed. United States Constitution Fifth Amendment: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation. United States Constitution Sixth amendment: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for,

obtaining witnesses in his favor, and to have the assistance of counsel for his defense United States. Constitution Fourteenth Amendment: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. *Turner v. Rogers*, 564 U.S. 431 (2011) was a decision decided by the United States Supreme Court in which the Court ruled that a defendant in a child support contempt action must be given appropriate notice and an opportunity to be heard before being imprisoned. The Court determined that, even if the defendant is represented by counsel, a civil contempt hearing that may result in jail requires that the defendant be given notice of the allegations and an opportunity to be heard.

STATEMENT OF THE FACTS

Section 42 USC 1983 allows a litigant to bring a civil action against an individual who violates his constitutional rights while acting under the color of state law. Appellant Terrence Fitch, pro se, challenges the decision of the Judge, which was based on the District Court lacking subject-matter jurisdiction to hear the case. Appellate argues that the Judge was biased in the decision so as to cover-up the fraudulent actions of the Appellant's with the Family Court. On February 1st 2021 Plaintiff appeared in court with Thomas McAdams, Lisa Bangert, Ann Hetzel and challenged the subject matter jurisdiction of court and judge during several family court

proceedings throughout the years 2021 and 2022. Plaintiff submitted several notices in support of his jurisdictional challenge prior to court proceedings to the Appellees. Thomas McAdams and other defendants failed to acknowledge and establish the subject matter jurisdiction on the record in state court. Plaintiff invoked his constitutional rights to a Turner Rogers trial by jury, and maintained his challenge to the subject jurisdiction matter. Despite filing numerous submissions and pleadings in efforts, Appellant was not given a required Turner Roger Hearing. As a result of the Appellees failing to take any action or acknowledge Appellant subject matter jurisdiction challenges. Appellant suffered damages directly linked to the Appellees' actions and non action. Furthermore, the Appellant has not received a judicial order or judgment signed by a judicial officer. Family Court is governed by the policies and procedures of the Uniform Interstate Family Support Act (UIFSA) which is a foreign treaty that was adopted by the United States on or about 1996 Appellate was not informed that he was under the control of the Hague Convention - Appellate has the right not to enter into any treaty pursuant to the 10th Amendment to the United States Constitution. The functions and job descriptions of the staff of the Family Court are controlled by a federal contract that was approved by the Governor of the State of Wisconsin. See attachment. Upon information and belief, the Appellate is entitled to relief in the lower court based on the case law wherein as ability to pay is a threshold matter to incarceration. The guidelines must include requirements that the IV-D agency must screen the case for information regarding the noncustodial parent's ability to pay or otherwise comply with the order. See, the final rule, we amended 45 CFR§303.6(c)(4) in re Turner vs. Rogers, 564 U.S. 431 (2011).

Appellant argued in the complaint that the violations of due process and others protected rights that has been inflicted upon him by so-called independent and foreign actors while these said actors convinced the public of a simulated and deceptive judicial process. Appellant's position is that the only appropriate level of strict scrutiny is that of constitutional review within the District Courts. The problem started with the federal contracts and the harsh and severe punishment that are detailed in the four walls of the contract. Being that the provisional terms of this Title IV-D contract are unconstitutionally vague with respect to due process, then the Appellate seeks compensatory and monetary relief.

APPELLATE RESULT BELOW

Even where the Appellant did not raise any jurisdictional issues, this court is obligated to raise such jurisdictional issues if it perceives ANY. See, *White vs. Nix*, 43 F.3d 374 (8th Circuit 1994) (quoting *Lewis vs. United States Farmers Home Admin.*, 992 F.2d 767, 771 (8th Circuit 1993)). On or around August 2022, the district court denied Appellant's complaint under the Rooker Feldman Doctrine, a district court lacks jurisdiction over "cases brought by state-court losers complaining of injuries caused by state-court judgments." *Exxon Mobil Corp v. Saudi Basic Indus Corp.*, 544 U.S. 280, 284 (2005). Appellant submitted a motion for reconsideration. Within the Appellant motion was a submission of Facts the lower state court did not conduct a required Turner Hearing and Appellant is not seeking to overturn any state court order or judgment. The District Court

concluded that the motion for reconsideration was an error of law or fact and the motion will be Denied, *Oto v. Metropolitan Life Ins. Co.*, 224 F.3d 601,606 (7th Cir 200). Notably, the District Court did not acknowledge any references to the inclusion of foreign laws pursuant to the UIFSA and to the Title IV-D contracts that were signed in agreement with state officials as the highest level. The eighth Circuit Court of Appeals has very recently cautioned that "subject matter jurisdiction should not be used to dismiss a case containing even a remotely plausible federal claim if the parties and the courts have already made [a] vast expenditure of resources." See, *Pioneer Hi-Bred*, 35 F.3d at 1242.

On Appeal January 30th, 2023 Appellant submitted a motion for Rule 50(a) "facts of findings and conclusion of law" to the Seventh Circuit Court of Appeals, notably the Seventh Circuit denied the motion without explanation or providing conclusion of facts, the Circuit response "DENIED" on February 9th, 2023.

On Appeal April 18th, 2023 the Seventh Circuit denied Appellant appeal stating, "We agree with the district court that Fitch's suit is so devoid of merit that it fails to engage the jurisdiction of the federal courts." *Hagans v. Lavine*, 415 U.S. 528, 536–37 (1974); *Restoration Risk Retention Grp., Inc. v. Gutierrez*, 880 F.3d 339, 346 (7th Cir. 2018)

On Appeal May 15th, 2023 Appellant submitted a second motion for Rule 50(a) "facts of findings and conclusion of law" to the Seventh Circuit Court of Appeals, notably the Seventh Circuit denied the motion without explanation or providing conclusion of facts, the Circuit response "DENIED" on May 22nd, 2023.

On Appeal May 15th, 2023 Appellant submitted a Judicial Notice to the Seventh Circuit Court of Appeals, notably the Seventh Circuit “DENIED” the Judicial Notice without a conclusion on May 22nd, 2023.

REASONS FOR GRANTING THE PETITION

Turner v. Rogers, 564 U.S. 431 (2011) refers to the legal authority for the Supreme Court of the United States to hear a case through a writ of certiorari. In the case of Turner v. Rogers, the subject matter jurisdiction is based on the fact that the Eastern District of Wisconsin, Milwaukee Division, had jurisdiction over the case as a state court of record. The issue before the Supreme Court in this case was whether the Rooker-Feldman doctrine applies in the absence of a "final order" being issued, and whether in light of the fact that a mandatory Turner hearing was never conducted by the lower state court. As to the “fake and deceptive judicial process” and “We agree with the district court that Fitch’s suit is so devoid of merit that it fails to engage the jurisdiction of the federal courts” arguments being used to dispose of this case, despite Appellant due process was violated as they did not conduct the required Turner hearing which means the Appellant is not a state court loser.

ARGUMENT

- 1) Does the Rooker-Feldman doctrine apply in the absence of a “final order” being issued from the lower State court?
- 2) How can the Appellant be a “State Court loser” without a final order on the record?
- 3) How can the "fake and deceptive judicial process" and “We agree with the district court

that Fitch's suit is so devoid of merit that it fails to engage the jurisdiction of the federal courts" arguments be used to dispose of this case, despite the Appellant not receiving due process to begin with in light of the absence of a required Turner hearing being performed by the lower state court?

- 4) If the lower federal district court states they do not have subject matter jurisdiction over this matter, then how can the lower State court have subject matter in light of the fact they are not adhering to federal and state laws pursuant to "45 CFR§303.6(c)(4)" which they must do?
- 5) Since the Appellant has it on good authority from the Governor's office that the Milwaukee County Child Support Agency is a Private organization, in light of the "***Accardi Doctrine***" how are their actions at the state level seen as anything other than unconstitutional acts by the higher courts as they have no governmental powers or authority whatsoever?

The decision conflicts with the constitutional, statutory, and other provisions involving the impact of *Turner v. Rogers*, 564 U.S. 431 (2011) on subject matter jurisdiction is a question of federal law that requires this Court's review. The present case raises critical questions about the interplay between the Rooker-Feldman doctrine and the requirement of a mandatory Turner hearing in the context of subject matter jurisdiction. The resolution of these questions will have a significant impact on the administration of justice and the practice of law in the federal courts. Therefore, the undersigned counsel respectfully requests that this Court grant the petition for

a writ of certiorari and provide guidance on the important issues presented in this case.

CONCLUSION

Wherefore the Appellate asks that the court grant his writ of certiorari and extraordinary writ of certiorari.

Respectfully submitted.