

23-5-08
In the Supreme Court of the United States

Plaintiff, Cassandra McGuire, Pro Se

v.

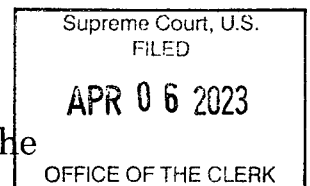
Defendant, Judge Allan Kern; State of Tennessee,

Respondent. Lauren Kisner Attorney for the State of TN.

On Petition for a Writ of Certiorari to the

United States Court of Appeals for the Sixth Circuit

Federal Case 3:22-cv-00275; Appeals Docket No. 22-5614



PETITION FOR A WRIT OF CERTIORARI APPEALED FROM
SIXTH CIRCUIT COURT

27 E. Chandler Ave. Apt. B
Evansville, IN 47713
615-482-6897
caveritt2000@yahoo.com

I. QUESTION PRESENTED

1. Did the Appeals Courts err by Affirming the District Court in complete disregard for the Supreme Court rulings regarding State agencies can be sued for ignoring direct court orders since they lack jurisdiction to override judicial orders?
2. Are the Federal courts allowed to hear cases regarding voided orders that are being pursued by a Magistrate Judge who has no jurisdiction over the matter?
3. Are Federal Courts at liberty to grant relief from voided orders when low courts refuse to comply with high courts?
4. Are Federal Courts allowed to hear Federal Questions aside from domestic relations claims that hold no legal authority?
5. Are Federal Courts allowed to grant Injunctions in regards to low courts non compliance of high court orders to establish order in the State courts?

II

6. Are Federal Courts allowed to hear civil treason, abuse of process stimulated by a voided order, and fraud upon the courts (misrepresented facts in regards to an Appeals Court's order that were voided) aside from domestic relations claims that hold no legal authority?
7. Has the defense waived the right to respond?
8. Can Section 1983 Claims can be heard in Federal Court regarding judges who act in clear absence of jurisdiction.

II. LISTED PARTIES AND RELATED CASES

9. McGuire v. State of Tennessee Magistrate Judge Allan Kern U. S. District Court for the Middle District of Tennessee, Final Order Doc. No.15 Case.3:22-cv-00275;Filed 07/14/22.
10. McGuire v State of Tennessee Judge Allan Kern U.S. Sixth Circuit Court of Appeals Final Order Doc. No. 22-1 Case 22-5614; Filed 03/17/2023

III

11. McGuire vs State of Tennessee, Claims Commission, Claim
Number 0546-GL-22-0501387-001. Lack of Jurisdiction in 2022.
No Order attached.

III. TABLE OF CONTENT

12. Opinions Below.....	1
13. Jurisdiction.....	1
14. Constitutional and Statutory Provisions Involved.....	1
15. Statement of the Case	2
16. Reasons for Granting the Writ	15
17. Conclusion.....	18

IV. INDEX OF APPENDICES

18. Appendix A. Sixth Circuit Courts Order	25
a. Fed. Civ. 22-5881, Doc. No. 30 ORDER	Appendix A
19. Appendix B Federal Courts Order	25
a. 3:22-cv-0027 Doc. No. 15 MEMORANDUM OPINION AND ORDER.....	Appendix B

V. TABLE OF AUTHORITIES

Cases

- 20. Armstrong, 380 U. S. 545 (1965).....23
- 21. Chambers v Michigan35
- 22. El-Kareh v. Texas Alcoholic Beverage Comm'n, 874 S.W.2d 192,
19436
- 23. Firestone v Cleveland Tr. Co.35
- 24. Home Depot U.S.A. Inc. v Jackson 139S. Ct. 1743, 1746 (2019)
.....34
- 25. *Kowalski v. Boliker*, 893 F.3d 987, 998 (7th Cir. 2018)....24,30,31
- 26. Omer. V. Shalala, 30 F.3d 1307 (Cob. 1994).....37
- 27. State ex rel. Latty, 907 S.W.2d at 486.....14

Statutes and Rules Robert Bevars

- 28. Fed Rules Civ. Proc., Rule 60(b)(4)9,10,21,22,23
- 29. Section 2 of Article III.....2,20,21,22,24
- 30. TENN. CODE ANN. 37-1-158, 37-1-10712
- 31. 42 U.S.C. § 198318,19,24,27

V

Other Sources

32. <https://www.mylawquestions.com/what-does-lack-of-jurisdiction-mean.htm#:~:text=When%20a%20court%20for%20legal,render%20any%20decision%20about%20it>8
33. <https://www.scotusblog.com/2016/10/legal-scholarship-highlight-when-lower-courts-dont-follow-supreme-court-precedent>.....5
34. supreme.justia.com/cases/federal/us/209/123/ 7
35. https://www.supremecourt.gov/DocketPDF/18/18-7070/76529/20181218092909982_00000008.pdf15
36. <https://globalwrong.files.wordpress.com/2013/01/judicial-immunity.pdf>14
37. <https://casetext.com/case/rigsby-v-rigsby-9>.....5,12,28
38. <https://www.yalelawjournal.org/note/federal-questions-and-the-domestic-relations-exception#:~:text=The%20domestic%2Drelations%20exception%20to,traditional%20authority%20of%20the%20states>17

VI

39. [https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1724
&context=facpubs](https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1724&context=facpubs).....20
40. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2629956
.....20
41. <https://ezlawpllc.com/blog-posts/ohvoidvoidable>.....29
42. [https://www.uscourts.gov/statistics-reports/appellate-courts-and
-cases-journalists-guide](https://www.uscourts.gov/statistics-reports/appellate-courts-and-cases-journalists-guide)34
43. [https://www.supremecourt.gov/DocketPDF/18/18-638/72381/201
81116162029757_000000001.pdf](https://www.supremecourt.gov/DocketPDF/18/18-638/72381/20181116162029757_000000001.pdf)13

OPINIONS BELOW

1. The Opinion of the United States Court of Regarding Sixth Circuit Court of Appeals appears in Appendix A and is considered not for publication.
2. The Opinion of the Federal Court of Middle Tennessee reviewed the merits and appears Appendix B. There is no indication of publication.

JURISDICTION

3. The date on which the United States Court of Appeals decided my case March 17, 2023 Ap. 22-5614 No Petition for rehearing was filed. A copy of the decision is attached in Appendix A. The Petitioner opted for **§ 1254. Courts of appeals; certiorari; certified questions**. Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods: **(1)** By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree in regards to the March 17, 2023 and is timely filed.
4. The date on which the United States Federal Courts of Middle Tennessee rendered judgment was July 14, 2022. A copy of the

decision is attached in Appendix B. A Reconsideration was filed Doc. No. 16 Case 3:22-cv-00275, 7/19/2022 and the Courts denied the Motion to Reconsider based on Notice of Appeal Doc. No. 20, Case 3:22-cv-00275; 7/22/2023. Timely Filed regarding discretionary.

CONSTITUTIONAL AUTHORITY

5. Section 2 of Article III gives the Supreme Court judicial power over “all Cases, in Law and Equity, arising under this Constitution”, meaning that the Supreme Court’s main job is to decide if laws are constitutional. The Supreme Courts have stated domestic relations matter to core cases and this is not a core case. This judge interfered with a core case without authority and that waives immunity.
6. The Supreme Court has authority over all government suits and original jurisdiction regarding Section 1983 claims and this case seeks Section 1983.

STATEMENT OF CASE

7. 2007-Custody Modification took place in Charlotte, TN (Docket No. 08-03-096-M) between Lewis and Averitt. Original case was heard 2004, Judge Andrew Jackson was presiding over both cases.
8. 2008-2010 the Appeals Courts heard the case, In re Drake L., No. M2008-02757-COA-JV, 2010 WL2787829, AT *9 (Tenn. Ct. App. July 13, 2010) and rendered a judgment for all parties to follow and that included child support to be voided and recalculated by the courts 2010 attached as (Exhibit P-1) which is a court order confirming acceptance and understanding of the high courts which would have been Appeals Courts. Each party was made aware and the courts were made aware. As of 2011 and then a final temporary order in 2012, Judge Jackson refused to adhere to the Appeals Courts orders by ordering the Appeals Courts set child support amounts when in fact they were set aside-with that being said Jackson used what was voided and unconstitutional to enforce child support. Supreme Court has ruled final temporary

orders in custody cases hold no legal authority¹². In fact the Magistrate Judge Allan Kern a low court to Judge Jackson, validated what was voided and that is the child support. They went so far as claiming the Appeals Courts determined child support amounts when in fact they were voided, to be set aside, and recalculated. No court can recalculate if they claim the Appeals Court set the amounts which they did not. Plain and Simple were statements in regards to void and recalculate. No judge under the Appeals Courts has authority to override the orders. As claimed by the Supreme Court, "It is the general abstract thing which is the subject-matter. The power to inquire and adjudge whether the facts of each particular case make that

¹ On appeal, this Court vacated the two later orders, which had purported to modify the parenting plan entered with the final judgment for divorce, and nullified the portion of the divorce judgment in which the trial court had deemed the parenting plan "temporary." *Id.* at *5. ("The trial court lacked authority to maintain indefinite control over the parenting plan, and the court's language in paragraph (2)(h), calling the plan temporary, does not undermine the finality of the Permanent Parenting Plan Order which was incorporated into the Final Decree of Divorce."). The *Davidson* court relied upon the provisions of Tennessee Code Annotated § 36-6-404(a) (2014), the statute governing parenting plans, which states in pertinent part:

² *Rigsby vs Rigsby*; *Davidson* is directly on point with respect to the case now before us. Similarly, in this case, the parenting plan order incorporated into the trial court's March 12, 2012, order is the statutorily required permanent parenting plan. The trial court was without authority to later modify it to make it "temporary," and its order to that effect is of no legal consequence.

case a part or an instance of that general thing-that power is jurisdiction of the subject-matter.” Judge Allen Kern has no jurisdiction in a child custody matter; he is a low court and handles child support matters if ordered or petitioned through state applications. These orders are from a custody modification and a court he has no jurisdiction over. He also has no jurisdiction to bypass court orders such as pay to Father directly. To believe he has authority to enforce voided orders, orders procured by Fraud while ignoring a direct Court Order from his Appeals Court is beyond defiance³. It is unheard of to make such moves without correct procedures. The courts failed to petition the Supreme Courts to change the orders instead they ignored the order in general.

³ Last week, the Supreme Court **issued a summary reversal** to enforce its own clear and on-point precedent. In doing so, the court reminded the lower courts of how authoritative it is. For instance, the court intoned that “it is this Court’s prerogative alone to overrule one of its precedents” and that those precedents “bound” the lower court whose decision was under review. The summary reversal fits a familiar picture of vertical “stare decisis,” in which the court issues formal precedents that lower courts are absolutely obliged to follow – and absolutely may not overrule.”#<https://www.scotusblog.com/2016/10/legal-scholarship-highlight-when-lower-courts-dont-follow-supreme-court-precedent/>

9. From 2008 when the case was in Appeals the child support court enforced beyond its power; they started collecting on child support amounts that were being appealed and they refused to adjust the percentage rates on back child support after the courts of Appeals rendered it VOID; (not that changing the rates would matter) 2010 Exhibit P-2, and currently they are enforcing Voided Orders from their direct court of Appeals based on an order from Judge Jackson who gave him no authority to do so as outlined in Exhibit P-3. Anything past void is irrelevant. Enforcing what is void has no authority. So why question the actions while enforcing voided orders? There is not a historical case that suggests they are worthy of a word but they continued to rant with defiance.
10. During this time they forced me to work while under doctors care creating more medical concerns, and delayed proper medical care. Ambulance from work 2015 (medical records), due to increased anxiety levels, and prior heart condition had complications 2014. This was while I was out of work undetermined from 2013-2015. They not only ignore two court orders, and Supreme Court Rules, they ignore Doctor's orders.

Imagine if I grabbed a judge from a hospital bed and forced him to work, the world would look at me as if I were insane.

11. The questions presented are in regards acting as a trespasser of the law, acting on what was voided and ignoring an Appeals court's orders preventing Due Process of law. A paid for process. A process that each citizen is entitled to—a matter of right. They enforced fraud orders in clear absence of jurisdiction, by not allowing for correct child support amounts, as demanded by the Court of Appeals⁴. They waited over a year and after the case was closed to enforce in a low court without authority to the original case (core case) and this was in complete absence of jurisdiction.

This is nowhere close to being immune from suit or punishment. A magistrate Judge who has no authority to hear a modification

⁴ On review, the Tennessee Supreme Court unanimously affirmed the chancery court's decision that the TBI could be sued based on a statutory waiver of sovereign immunity for suits seeking declaratory or injunctive relief in challenging illegal or unconstitutional governmental action. The Court then ruled that the TBI lacked authority to refuse to comply with the final expungement order. The Court reasoned that under the expungement statutes, the trial courts—not the TBI—decide whether an offense is eligible for expungement. The Court emphasized that nothing prevents a district attorney general from consulting with the TBI on expungements, and noted that the State may appeal or otherwise challenge an expungement order it believes to be unlawful. But here, the State agreed to the entry of the expungement order, which became final after thirty days. Thus, the Court explained, the TBI was bound by the order and could not refuse to comply with it because state agencies lack the power to alter a judicial order, even one they deem to be incorrect. <https://supreme.justia.com/cases/federal/us/209/123/>

custody case attempted to conclude a modification custody case where a high court presided⁵. They also carried a voided order past its time without jurisdiction. The Supreme Court has jurisdiction over an Appeals Court so to assume or act in such a manner that contradicts that authority is treason.

12. The district court dismissed the case stating they have no jurisdiction in regards to voided order, abuse of process, judges acting in clear absence of jurisdiction, fraud upon the courts and due process. The courts allowed for a voided order to be made valid by suggesting they have authority as a low court to change a high court order but never provided his jurisdiction to do so. In fact he is in complete absence of jurisdiction.
13. How does he not prevent an Appeal if he doesn't comply with the appeals courts orders? This would alter numerous historical cases, so to cite three or four as the appeals courts did without looking at the current and more accurate orders regarding the ability to sue a judge, and what is considered waiver of immunity especially

⁵ When a court for legal reasons does not have authority over the parties to a case or the subject matter of the case, it is deemed to have a lack of jurisdiction. A court which lacks jurisdiction cannot hear the case or render any decision about it.
<https://www.mylawquestions.com/what-does-lack-of-jurisdiction-mean.htm#:~:text=When%20a%20court%20for%20legal,render%20any%20decision%20about%20it.>

when it's not in a judges power to take jurisdiction where he has none would be useless and improperly quoted. This is because most of the low courts are confused in regards to Domestic Relations, and what separates Domestic Relations and Valid Federal Jurisdictional cases? Voided orders are a Federal Statute, Rule 60, that alone gives the Federal Court to address the issue aside from domestic relations. There is no valid enforcement therefore there are no domestic relations claims because it's simply void.⁶ This Writ will also render true for other cases that arise out of this particular matter since numerous parties and agencies were involved. The continuation of petitioning the Supreme Court to resolve a matter that is extensive in nature and potentially involves numerous people and agencies needs to be addressed and compliance must be adhered to so I am not chasing the tail of the dragon to get the answers. Stare Decisis is for any case that applies to the same principle in nature which I understand. The Tennessee Supreme Court 2022 made it clear

⁶ Judgment is a void judgment if a court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process, Fed Rules Civ. Proc., Rule 60(b)(4), 28 U.S.C.A.; U.S.C.A. Const Amend. 5. Klugh v. U.S., 620 F.Supp. 892 (D.S.C. 1985).

state agencies can be sued for non compliance of a judicial order. They lack jurisdiction to change it just like the ADA, the DA, the Child Support Office, the Magistrate Judges (*They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers.*) . They all lack jurisdiction to change an appeals court order and especially after the case closed. The problem I foretell and I am no fortune teller is the courts attempting to force me to change every historical order and back the Supreme Court against the wall with consistent changing of laws with each case I present instead of allowing for justice to prevail. This will cease the senseless waste of court time if this can be addressed with precision and clarity since they seek it once again. The court that handles the Voided Orders to my understanding, especially since low courts or state courts can not or will not address them, must be a Federal Court. That in its simplest form is a federal ingredient.

14. The Writ is to establish an Appeals Courts order and inform a Federal Court that no Magistrate Judge of a State Court has

Appeals Court authority and does not have Supreme Court authority. The Appeals Court gave the magistrate judge authority to cross over into a high court to finalize a custody hearing without subject matter jurisdiction, and hold a person in contempt, but never gave a statement as to how he can override Appeals Courts orders-simply claimed because he has power to hold someone in contempt as a magistrate judge that he can bypass Appeals Court Procedure, enforce voided orders, enforce fraud orders, and bypass all Supreme Court rulings and procedures such as right to Appeals. Tainted would not be the term for such situations. Regardless if he has authority to hear child support only cases, he doesn't have subject matter jurisdiction into modification cases and the judge with supported evidence was Judge Andrew Jackson which suggests he is a low court to Jackson. Judge Jackson never granted authority for Judge Allan Kern to intervene either way. The question is what authority does Kern have to overrule an Appeals Court? And they never answered that question which was the entire case from District Court to Appeals. They clearly are confused in regards to

Domestic Relations claims that arise from Kerns disobedience to Appeals Courts orders. Why did he refuse to comply with court orders? And he knows his orders can not be appealed to the high courts they hold no legal authority. The presiding Judge is Andrew Jackson and he is a high court state judge. Judge Andrew Jackson has the authority to appoint Kern as child support magistrate but he did not give that authority as outlined in the court order 2012.⁷ Supreme Court Rule 22 suggests the opposite of Appeals Courts Sixth District.⁸ What they referenced as his authority to overrule an Appeals Courts and a high Court to him was TENN. CODE ANN. 37-1-158, 37-1-107 and that is for contempt charges ONLY.

These authorities warrant no respect whatsoever since they were

⁷ TN Code § 37-1-107 (2021) The judge of the juvenile court may appoint one (1) or more suitable persons to act as magistrates at the pleasure of the judge. A magistrate shall be a member of the bar and may qualify and shall hold office at the pleasure of the judge

⁸ Pursuant to the provisions of Tennessee Code Annotated § 36-5-402(b)(4), the terms and conditions of the appointment of magistrates in child support cases, as magistrates are defined in Tenn. Code Ann. § 36-5-401(2), shall be prescribed by rule of the Supreme Court.

When the appointment of a magistrate is required and authorized by the Court, the director of the Administrative Office of the Courts shall so notify the presiding judge of the judicial district (or in counties having a metropolitan form of government, the director shall notify the trial court judge who hears more than 50% of the child support and domestic relations cases in such judicial district) and the appointment shall be made by the presiding judge in conformity with T.C.A. § 36-5-402. The appointment of magistrates in juvenile court shall not be governed by this provision but shall be governed by the provisions of Chapter 1 of Title 37.

issued in regards to a void order⁹. These laws do not give him authority to ignore a high court, and an Appeals Court order. They do not give him authority to hold me for 13 years on what was voided.

15. Federal Questions aside from Domestic Relations need to be addressed. The confusion regarding Domestic Relations vs Voided orders confirm they have entangled the two for some unknown reason and that warrants a request for clarity. Enforcing a voided order is worse than needing relief from a voided order because it was enforced, and that enforcement led to injury.
16. Once the courts recognize that the order is voided then the rest will fall into place such as abuse of process for improper purposes. Acting in clear absence of jurisdiction.
17. What court do we find resolution and remedy such as injunctive relief and financial remedy when a Federal Court who holds authority to address such issues ignores the complaint. Injunctive

⁹ The definition of void ab initio by that definition mandates that a void judgment can never gain legitimacy because it is void from the inception. Therefore this case is simple, if the judgment is void, then all subsequent orders and judgments are void as a matter of law.

https://www.supremecourt.gov/DocketPDF/18/18-638/72381/20181116162029757_0000001.pdf

relief demands to the low courts to obey the high court which threatens the economy as whole if ignored. It will deprive all citizens of the right to an Appeal if each low court ignores its high court.¹⁰ At what point are the courts held accountable for consistently ignoring what's been ordered and denying a citizen the right to stare decisis doctrine? The Supreme Court has made it clear a judge is protected from suit as long as he does not prevent Appeals to be taken.¹¹

18. The low courts need clarity regarding a voided judgment. A Party Affected by VOID Judicial Action Need Not APPEAL. State ex rel. Latty, 907 S.W.2d at 486. It is entitled to no respect whatsoever because it does not affect, impair, or create legal

¹⁰ I answer it is better to invade the judicial power of the States than permit it to invade, strike down, and destroy the civil rights of citizens, Judicial power perverted to such uses should be speedily invaded. ... And if an officer shall intentionally deprive a citizen of a right, knowing him to be entitled to it, then he is guilty of a willful wrong which deserves punishment."

<https://globalwrong.files.wordpress.com/2013/01/judicial-immunity.pdf>

¹¹ "The test proposed above also addresses the question of subject-matter jurisdiction—the statutory authority of judges to hear specific kinds of disputes. Although the Supreme Court suggested in *Stump* that a clear lack of subject-matter jurisdiction will subject a judge to liability, it was plainly troubled by the possibility that a judge might be subjected to suit for an honest and harmless mistake." A test based on the ability to appeal necessarily will shield good-faith errors. As long as the judge does not take actions that prevent appeal, he will be protected by an irrebuttable presumption of immunity."

rights." Ex parte Spaulding, 687 S.W.2d at 745 (Teague, J.,concurring).¹²

19. The argument in regards to treason is that of the low courts not adhering to a high court direct order. And taking up power and authority where they have none. That is to be addressed in Federal Court only when remedy and relief is sought; this creates the law and equity. Treason is not a domestic relations matter. Fraud Upon the Court is not a domestic relation matter. Abuse of Process is not a Domestic Relations matter. These are separate issues aside from voided orders that were used to enforce domestic relation matters that in no way hold legal authority. Domestic Relations matter that the court has no authority to hear which places them in complete absence of jurisdiction. Clear absence of jurisdiction is grounds for litigation and lawsuits and that is the only way a judge loses immunity. One can not assume a judge has jurisdiction if they refuse to hear the matter. They assert he has

¹² If an appeal is taken, however, the appellate court may declare void any orders the trial court signed after it lost plenary power over the case, because ILiJ a void judgment is a nullity from the beginning and is attended by none of the consequences of a valid judgment.

https://www.supremecourt.gov/DocketPDF/18/18-7070/76529/20181218092909982_0000008.pdf

the authority to suggest a citizen is in contempt but he loses that right if he does not have jurisdiction to hold someone in contempt. In fact they are void on its face. They hold no legal authority whatsoever and until that is reestablished we get what we have and that is an entire tainted government without guidance, claiming they have no real understanding and are not equipped to discuss a case that enters multiple jurisdictions. I should not have to rise to Supreme Court Level on a Closed Case for the Supreme State Court to say they are not allowed to ignore an Appeals Court. The Federal Courts should be aware they are not to usurp power where they have none and they are not able to enforce what has been voided by a high court. Specifically they are not to assert jurisdiction where they have none. A magistrate judge who is to be appointed by a Juvenile Judge and who was not appointed has no authority. And especially who has no authority to validate what was voided on his own accord in clear absence of jurisdiction. No court order suggests he was appointed to take over child support because the case was pending on temporary orders that hold no legal authority. This is because the case was voided, the

magistrate judge has no jurisdiction, and the temporary orders hold no legal merit according to the Supreme Court. This leads to Treason, Fraud Upon the Courts, and Abuse of Process.

20. The Appeals Courts Appendix A, address the importance of addressing issues aside from domestic relations such as racketeering and conspiracy but refuse to acknowledge the importance of a judge acting on voided orders. There has never been a court that has allowed for a low court to challenge its authority so to start now without specifics except they have authority over a matter aside from the original case is astounding to hear.
21. The Appeals Courts Appendix A stopped short in regards to the issues that are to be addressed such in rare instances but manipulated the words to rewrite history in disregard to stare decisis by denying me the later part. How bold? They failed to address the later part of the statements and that is, “necessary to answer a substantial federal question that transcends or exists apart from the family law issue¹³: in regards to my situation.

13

<https://www.yalelawjournal.org/note/federal-questions-and-the-domestic-relations-exception>

Situation being voided, judgements being enforced, fraud orders created out of complete disregard for Appeals Orders that are binding and directive to all low courts in that jurisdiction. And finally temporary orders that have no legal effect. All reasons to lose judicial immunity.

22. Section 1983 Claim violation of Due Process and Substantive Due Process. The magistrate judge gave no valid reason for overruling an appeals court order to invade my life and steal from me, causing me actual injury and ignoring medical creating gross negligence.
23. Due Process regarding proper procedure has been violated by denying me the right to the Appeals courts order. The demands from the Supreme Court are if anything is remotely close to stare decisis doctrine then the low courts are to comply. Denying a person the right to an appeals court order has in fact denied them the right to the appeals. Also by ignoring Supreme Court rules/orders they changed the course of predictability regarding stare decisis in reference to temporary orders that hold no legal authority and no court especially one in clear absence of

jurisdiction has authority to hold some for 13 years without end dates. To conspire against a citizen regarding violating civil rights is for perverse reason only.

24. The Civil Rights Act of 1871 is a federal statute—numbered 42 U.S.C. § 1983—that allows people to sue the government for civil rights violations. Lawyers sometimes refer to cases brought under 42 U.S.C. § 1983 as "Section 1983" lawsuits. This case reeks of Federal Laws and with each Federal assertion has been invoked and placed at the forefront in comparison to voided orders that hold no legal authority regarding Domestic Relations.

25. When judges or officers of the court violate due process or substantive due process which includes fraud upon the courts they have in fact violated Substantive Due Process because they have no legal authority to commit fraud to invade a life. Due Process refers to procedure and being denied the access to comply with an Appeals Courts order has in fact denied me (them) procedure of law and compliance of Supreme, Federal, and State laws.

26. Domestic relations is complex on its face but "It asserts that, following Ankenbrandt, federal court jurisdiction exists over all

non-core actions properly arising under either the diversity or federal question jurisdiction statutes.”¹⁴

27. Domestic relations when explored properly is very liberal when warranted even though it seems closed to the naked eye. The confusion comes only from the mind itself that has yet to understand the separation of Domestic Relations vs Federal Law. “Applying the exception to bar federal courts from jurisdiction over bona fide federal questions would violate Article III, which endows federal courts with jurisdiction over all federal-question cases in law or equity.”¹⁵ Law and Equity has been considered tangible and that means injunction which I pleaded for in initial complaint and each Amended Complaint. It must have been well pleaded of course that of but a Pro Se, and I asserted Federal Tort Claims only which may be heard. I am not sure the distance that comes between a party stating a magistrate who has no authority whatsoever, has enforced a voided order in complete absence of jurisdiction takes back seat to domestic relations that have no

¹⁴ <https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1724&context=facpubs>

¹⁵ https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2629956

legal authority whatsoever.¹⁶ The case has all federal ingredients. Only a Federal Court can give relief from a voided order when all state remedy has been denied. The denial from the state court comes from the fraud upon the courts. Why would a court give you relief from a voided order if they have already committed fraud? They would not. Federal Rule 60 is a Federal Statute that was to be complied with by low courts however they ignored the Federal Law leaving it to Federal Courts to resolve the matter.

28. Remedy requested was 809 million in accordance with time per incarcerated hour since there is no comparison as far as amounts in these types of situations. An injunction to enforce order be restored in state courts regarding compliance of Appeals Courts order and restore the laws such as judges acting outside of jurisdiction and for magistrate judges to comply with Supreme Court Rule 22 and wait to be appointed.

REASONS FOR GRANTING THE PETITION

¹⁶ Another test that courts will often use to determine federal question jurisdiction is called the Grable Test, established in *Grable & Sons Metal Products, Inc. v. Darue Engineering & Manufacturing*. This is a two-part test: Does the claim have a "federal ingredient" for federal question jurisdiction under Article III Section 2 of the Constitution? Does the claim meet the requirements for 28 USC 1331 federal question jurisdiction?

29. I am requesting from the courts to hear a case that contradicts history and current Supreme Court rulings regarding jurisdiction and authority to change judicial orders, especially that of a high court. I need permission to enforce Supreme Court Rulings and request the enforcement of stare decisis doctrine so order may be reestablished once again. Also to address the conflict amongst the courts regarding voided orders, and clear absence of jurisdiction which removes immunity from judges. The conflict between Domestic Relations and Federal Laws such as Rule 60, Civil Treason, Abuse of Process Fraud Upon the Courts.

30. Section 2 of Article III gives the Supreme Court judicial power over “all Cases, in Law and Equity, arising under this Constitution”, meaning that the Supreme Court’s main job is to decide if laws are constitutional.

a. The reason the court should grant the Writ is to resolve the questions presented; to establish authority in the courts. To remedy a voided order.¹⁷

¹⁷ Certiorari is an appropriate remedy to get rid of a void judgment, one which there is no evidence to sustain. *Lake Shore & Michigan Southern Railway Co. v. Hunt*, 39 Mich 469.

- b. This case has been lingering for more than 13 years. This Court's review is needed to ensure the continued availability of relief from such frauds, due process violations, and void judgments as explained in the Federal Rules of Civil Procedure, Rule 60(b)(3)(4)(5)(6).
- c. The only issues are the issues in the question to this court, because if the judgment in this case is void on its face, then there is nothing that happened after the void judgment was issued to give it legitimacy, according to *Armstrong*, 380 U. S. 545 (1965)
- d. To address subject matter jurisdiction regarding judges who act in complete absence of jurisdiction which is overstepping boundaries; jurisdictional boundaries. No magistrate judge has authority to override an Appeals Court order.
- e. To confirm treason, abuse of process, fraud upon the courts are held in Federal Court only. Abuse of process and civil treason are asserted with lack of jurisdiction.
 - i. I could not enter Magistrate Kerns court and have a custody hearing - he would lack subject matter

therefore he can not conclude a modification case and if he does so then he is in clear absence of jurisdiction.

- f. To address Section 1983 claims regarding government and the ability to sue government when immunity is lost and on what grounds? Judicial immunity is only granted when they are not in clear absence of jurisdiction and ignoring direct case related Appeals Court orders that are binding is grounds for law and equity.
- g. This is also to assert and reaffirm that judges who intervene in cases where they were not appointed and in clear absence of jurisdiction can be sued in domestic relation cases.

“Dellenbach and Bradley , Kowalski’s complaint against Judge Boliker centers on her interference in a case to which she was never assigned and over which she had no responsibility. Judge Boliker cannot assert judicial immunity over matters so far removed from matters under her jurisdiction.”

SUPREME COURT AUTHORITY

- 31. The Supreme Court is the highest court in the United States.

Article III of the U.S. Constitution created the Supreme Court and

authorized Congress to pass laws establishing a system of lower courts. In the federal court system's present form, 94 district level trial courts and 13 courts of appeals sit below the Supreme Court. The Supreme Court has authority over all government suits and original jurisdiction regarding Section 1983 claims. There is not a state remedy that I have not sought that I am aware of. It seems to be the most terrifying case of all mankind to take on. There is no knowledge in this area in State court especially in regards to magistrate judges in complete absence of jurisdiction, ignoring a binding Appeals order.

CONCLUSION

32. The courts had no right to deny me access to an Appeals Court's order which led to the injunction request. The courts had no right to deny me medical care on a voided order, committed by fraud, and in clear absence of jurisdiction. The courts if they would have complied with Supreme Court rulings they would have known that a temporary order holds no legal authority and they do not have the authority to enforce it. And never do they have the right to hold someone for unknown amounts of time and considering Judge

Allan Kern could not conclude a custody matter he had no authority to complete a final parenting plan therefore he used a temporary order that held no legal authority whatsoever, and that misrepresented the truth on its face, as he refused to remedy the situation by sending it back to the court for further review. He had every chance to say no this is wrong but instead he enforced what was illegal and continued tainting the government machinery itself. This did cause harm to me, in fact I was placed in the hospital for some time when I was to be out of work. I was transported by ambulance to the hospital from work because I could not recover properly.

33. The state has refused to respond in a timely manner, and they refused to address the issues at Appeals Courts level. Waiver of Oral Argument is requested unless the courts need for further explanation. I trust I have simplified and clarified the simplicity of this case

Cassandra McGuire

6/27/2023

(Please accept this electronic signature)

A handwritten signature in black ink, appearing to be 'Cassandra McGuire', with a long horizontal flourish extending to the right.