No. 23-6090

ORIGINAL

In The Supreme Court of the United States

IN RE KURT A. BENSHOOF,
A.R.W. BY AND THROUGH HIS FATHER,

Petitioners,

v.

CITY OF SEATTLE, DAVID S. KEENAN,
JESSICA R. OWEN,

Respondents.

To the Honorable Justices of the United States Supreme Court

PETITION FOR WRIT OF HABEAS CORPUS

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QUESTIONS PRESENTED

The twelve-year parenting Covenant between Petitioner and Respondent Owen regarding their son was impaired by the family court proceeding without jurisdiction, absent a justiciable controversy, and facilitating Owen's perjury. The exercise of Petitioner's firmly held religious beliefs resulted in retaliatory constitutional violations by Respondents: family court vaguely declared Petitioner a "credible threat"; Covenant obligations were impaired; Petitioner was denied access to court records and courtrooms; Petitioner was subjected to indentured servitude and cruel punishments under family court bills of pains and penalties; star chamber evidence was considered in secret; and, a trial *in absentia* was held to terminate all familial contact between Petitioners. Absent *in personam* and subject matter jurisdiction, Respondent City of Seattle enforced imprisoning restraints upon Petitioner's liberties by filing nearly one hundred "domestic violence" charges against Petitioner, and $300,000 in arrest warrants, because Petitioner texted his son funny memes to keep A.R.W. from committing suicide.

The questions presented are:

1. Whether family court proceeded in absence of jurisdiction and absent a justiciable controversy, thereby violating the Due Process Clause of the Fourteenth Amendment and warranting a writ of habeas corpus.
2. Whether family court impaired the obligations of contracts in violation of U.S. Const. Article I, § 10, Clause 1 by allowing, enabling, and facilitating

Owen's felony perjury to abrogate the parenting covenant.

3. Whether the family court accusation of "credible threat" levied upon Petitioner was void for vagueness.

4. Whether Petitioner's right to due process was violated when court clerks and sheriff deputies barred Petitioner from case records and courtrooms.

5. Whether Respondent Keenan's secretive consultation of the Judicial Information System constituted a *de facto* Star Chamber proceeding.

6. Whether family court's trial *in absentia* violated Due Process.

7. Whether the coordinated discriminatory animus by judges, attorneys, and the mother of A.R.W. against Petitioner's religious beliefs was the direct and proximate cause of the imposition of excessive fines, or cruel and unusual punishments, upon Petitioner in violation Eighth Amendment to the U.S. Constitution.

8. Whether family court violated U.S. Const. Article I, § 9, Clause 3 by imposing a Bill of Pains and Penalties upon Petitioner's class.

9. Whether family court violated the Thirteenth Amendment to the U.S. Constitution by subjecting Petitioner to involuntary servitude as a condition of familial association with his minor son, A.R.W.

10. Whether a parent has the right to advocate for the rights of their minor child in federal court, and thereby seek a writ of habeas corpus to arrest the unlawful imprisonment of themself and their minor child.

PARTIES

Petitioner is A.R.W.'s father and reverend of a humble home church. Petitioner was the appellant in the Ninth Circuit Court of Appeals, was the petitioner in the United States District Court for the Western District of Washington, is the plaintiff in the United States District Court for the Western District of Washington, was the petitioner in the Supreme Court of Washington, was the petitioner in King County Superior Court, was the respondent in King County family court, and was petitioner and respondent in two *ex parte* petitions in King County Superior Court.

Respondent City of Seattle ("City") is a municipal corporation and is a defendant in the United States District Court for the Western District of Washington.

Respondent David S. Keenan ("Keenan") is a judge for King County Superior Court. Keenan was an appellee in the Ninth Circuit Court of Appeals, was a respondent in the United States District Court for the Western District of Washington, is a defendant in the United States District Court for the Western District of Washington, was a respondent in the Supreme Court of Washington, was a respondent in King County Superior Court, and was the presiding administrative law judge in King County family court.

Respondent Jessica R. Owen ("Owen") is a private individual and the mother of A.R.W. Owen was an appellee in the Ninth Circuit Court of Appeals, was a respondent in the United States District Court for the Western District of Washington, is a defendant in the United States District Court for the Western District of Washington, was a respondent in the Supreme Court of Washington, was

a respondent in King County Superior Court, was the petitioner in King County family court, and was petitioner and respondent in two *ex parte* petitions in King County Superior Court.

Washington Attorney General Robert Ferguson shall be immediately served by Petitioner pursuant to 28 U.S.C. § 2252.

DECISIONS BELOW

Decisions related to this case in the lower courts vary slightly in case captioning, but all contain Petitioner, Owen, and Keenan as parties with the exception of King County family court. The order dismissing Owen's first petition for temporary restraining order, dated September 3, 2021, is attached hereto as Appendix A; docket number 21-2-11149-8. The order denying Petitioner's petition for temporary restraining order in King County Superior Court, dated September 16, 2021, is attached hereto as Appendix B; docket number 21-2-12270-8. Final orders regarding Owen's parentage action, dated October 21, 2022, are attached hereto as Appendix C; docket number 21-5-00680-6. The order of King County Superior Court dismissing Petitioner's habeas petition, dated July 19, 2022, is attached hereto as Appendix D; docket number 22-2-11112-7. The order of the Supreme Court of Washington dismissing Petitioner's habeas petition, dated May 8, 2023, is attached hereto as Appendix E; docket number 101964-5. The order of U.S. District Court for the Western District of Washington dismissing Petitioner's habeas petition, dated June 12, 2023, is attached hereto as Appendix F; docket number 2:23-cv-751-RAJ.

The order to show cause of the Ninth Circuit Court of Appeals staying briefing of Petitioner's habeas appeal, dated June 28, 2023, is attached hereto as Appendix G. The order of the Ninth Circuit Court of Appeals dismissing Petitioner's habeas appeal, dated October 27, 2023, is attached hereto as Appendix H; docket number 23-35418.

Petitioner has a pending lawsuit naming defendants City of Seattle, Keenan, and Owen, in U.S. District Court for the Western District of Washington pursuant to 18 U.S.C. § 1962(c)(d) and 42 U.S.C. §§ 1983; 1985.[1]

JURISDICTION

Petitioner brings this action pursuant to the original jurisdiction of this Court under Article III of the United States Constitution,[2,3] pursuant to the 1867 Habeas Corpus Act of Feb. 5, 1867, 14 Stat. 385, 386 ("Habeas Corpus Act"), which states, "...[I]n all cases where any person may be restrained of his or her liberty in violation of the constitution..." respondent(s) "shall make return of said writ and bring the party before the judge who granted the writ, and certify the true cause of the detention of [Petitioner] within three days thereafter...", and in accordance with 28 U.S.C. §§ 2243; 2254.

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[1] *Benshoof v. Admon, et al.*, WAWD Case No. 2:23-cv-1392-JNW
[2] Art III, § 1 "The judicial power of the United States, shall be vested in one Supreme Court..."
[3] Art III, § 2 "The judicial power shall extend to all cases, in law and equity..."

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TO THE HONORABLE JUSTICES OF THE SUPREME COURT:

Pursuant to Rule 20 of the Rules of this Court, and the Habeas Corpus Act of 1867, Petitioner Kurt Benshoof ("Petitioner") respectfully requests a writ of habeas corpus arresting the unlawful restraint upon his liberty, and the liberty of his son, A.R.W.; that is, their imprisonment under color of law.

Petitioner's request is justified under Rule 20.4(a) as all criteria are evidenced herein: (1) Petitioner has exhausted available remedies in every state and federal court below; (2) Petitioners have suffered ongoing irreparable harm for more than two years by their isolative separation;[4] (3) Imprisoning restraints upon Petitioners' liberty are a direct and proximate result of the invidious discriminatory animus against Petitioner's religious beliefs by public officials and private individuals in joint action with state actors, including Respondents.

Superior Court disregarded state law mandating that "upon application the writ shall be granted without delay."[5] Washington's Court of Appeals and Supreme Court effectively suspended habeas corpus for unlawful civil imprisonments, substituting a legal simulacrum termed a "personal restraint petition" in all cases not involving the death penalty under the Rules of Appellate Procedure ("RAP"), despite no declaration of war authorizing suspension of habeas.[6] RAP 16.3(c) indicates that the Supreme Court will "ordinarily exercise its [original] jurisdiction

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[4] *Elrod v. Burns*, 427 U.S. 347, 373 (1976) "The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury."
[5] RCW 7.36.040
[6] U.S. Constitution, Art. I, § 9, Cl. 2

by transferring the petition to the Court of Appeals" in a petition that does not involve the death penalty. RAP 16.4(d) states that the appellate court will only grant relief "if such relief may be granted under RCW 10.73.090, or .100." RAP 16.4(d), governing a "personal restraint petition." Petitioner's imprisonment is not criminal; therefore, the Court of Appeals would not grant relief. Whether by cunning artifice or negligent oversight, the RAP created a legal cul-de-sac whereby Petitioner, and those similarly subjected to imprisonment under civil family court administrations, are summarily denied state habeas remedy.

Petitioner's habeas petition before District Court, and his resultant habeas appeal to the Ninth Circuit, were dismissed via two abuses of discretion: (1) the misapplication of ***diversity*** case "domestic relations" exception *stare decisis* to a same-state habeas corpus petition; and (2) the misapplication of *res judicata* barring review of state court decisions under Rooker-Feldman for ***review of the proceedings***, conflated with the ***jurisdictional inquiry*** of habeas corpus.

By improperly denying federal subject matter-jurisdiction, the courts granted themselves the luxury of not having to consider irrefutable evidence: (1) family court lacked personal and subject matter jurisdiction; (2) no justiciable controversy existed before the court; and (3) Owen committed perjury foundational to, and dispositive of, Owen's barratrous Petition to Decide Parentage. Furthermore, it allowed the federal courts to avoid publicly hearing the shockingly corrupt inferences: family court allowed, enabled, and facilitated Owen's crimes; Superior Court intentionally looked the other way; and the Washington Supreme Court followed suit in lock-step.

"Determining" subject-matter jurisdiction is not to be conflated with "denying," Our courts have an "independent obligation to determine whether subject-matter jurisdiction exists..."[7] Whether through carelessness, ignorance, or malfeasance, dispositive judicial claims of domestic relations exception cannot withstand the strict scrutiny required for consideration of Petitioner's most primeval right, the right of familial relations with his son.[8] This natural right is unquestionable and inalienable, not just among humans, but lower mammals: ask any papa bear.

The great and central office of the writ of habeas corpus is to test the legality of unlawful restraint. The function of a writ of habeas corpus is to inquire into jurisdictional defects amounting to a want of legal authority for one restrained, on whose behalf it is asked, and the court in which a writ is sought examines only the power and authority of the court to act, not the correctness of its conclusions. A writ of habeas corpus is available when his imprisonment[9] is contrary to federal constitutional or statutory law and tests whether he has been accorded due process, not whether he is guilty. The purpose of a petition for writ of habeas corpus is not to correct errors of fact, but to determine whether his constitutional rights have been violated. "The basic principle of the Great Writ of habeas corpus is that, in a civilized society, government must always be accountable to the judiciary for a man's

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[7] *Arbaugh v. Y & H Corp.*, 546 U.S. 500 (2006)
[8] *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012, at 2019 (2017) cites *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520 (1993) for the proposition that the "Free Exercise Clause . . . subjects to the strictest scrutiny laws that target . . . 'religious status.'"
[9] RCW 9A.40.010(6); 9A.40.040(1)

imprisonment: if the imprisonment cannot be shown to conform with the fundamental requirements of law, the individual is entitled to his immediate release."[10] Habeas corpus is, above all, an adaptable remedy, and "is not now and never has been a static, narrow, formalistic remedy."[11] Federal courts may adjust the scope of the writ of habeas corpus in accordance with equitable and prudential considerations.

Petitioner does not contend assertions of federal court deference to state proceedings under the ***domestic relations*** exception in ***diversity*** cases;[12] nor does Petitioner contend res judicata proscribes appeals of final state court decisions: straw man logical fallacies are inherently moot. Constitutional violations presented in Petitioner's same-city habeas petition granted federal jurisdiction under 28 U.S.C. § 1331.[13] No evidence of "domestic relations" has been evidenced before any court. The absence of family court jurisdiction required the jurisdictional inquiry of habeas corpus. The misapplication of domestic relations exception, the compelling and unheard federal questions, the unlawful, malicious retaliations against the free exercise of Petitioner's beliefs and speech, the exhaustion of lower court remedy and, above all, the exigent circumstances of irreparable and immediate familial relationship harms, establish the rare conditions under which this Court must necessarily grant the writ which "is rarely granted."[14]

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[10] *Fay v. Noia*, 372 U.S. 391, 399-402 (1963)
[11] *Lehman v. Lycoming Cty. Ch. Svcs. Agcy.*, 458 U.S. 502 (1982) quoting J. Black, *Jones v. Cunningham*, 371 U.S. 236, 371 U.S. 243 (1963)
[12] *Ankenbrandt. v. Richards*, 504 U.S. 689 (1992) "A domestic relations exception to federal diversity jurisdiction exists as a matter of statutory construction. Pp. 693-701"
[13] *Axon v. FTC*, No. 21-86, 986 F. 3d 1173 (2023) 598 U.S. 175, J. Gorsuch concurring, at 34-35
[14] Supreme Court Rule 20.4(a)

STATEMENT OF THE CASE

A. Family Background of Petitioners and Owen

Petitioner and Owen discovered she was pregnant with Petitioner's son, A.R.W., in August 2008. Thereupon, they entered a sacred covenant as father and mother after notice, consideration, and accord; thereby exercising their unlimited right to contract. Under their covenant, they would henceforth have full, equal, and inalienable rights as parents of their son-to-be, sharing all significant decisions regarding A.R.W.'s care and upbringing, *inter alia,* education, medical and dental care, housing, family scheduling, and nutrition. Though they never married,[15] they raised A.R.W. amicably for the following twelve years, prioritizing their son's well-being and sharing equally in all significant decisions regarding their son.

B. Governor Inslee's Apartheid Proclamations

Inslee's Covid-19 "emergency" proclamations created a quasi-medical apartheid state. RCW 43.06.010(12) authorized Governor Inslee pursuant to the existence of a "public disorder, disaster, energy emergency, or riot." "Covid-19" was not a "public disorder, disaster, energy emergency, or riot."

Inslee asserted that his proclamations were consistent with CDC "guidelines." Administrative agencies, such as the CDC and FDA, cannot delegate authority which they were not congressionally granted. Like the CDC, the "FDA is not a physician. It has authority to inform, announce, and apprise—but not to endorse, denounce, or advise."[16]

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[15] Washington is not a common law marriage state.

[16] *Apter, et al., v Dept. of Health and Human Services,* No. 22-40802, at 24 (5th Cir. Sept. 1, 2023)

To ensure all people are protected when they are offered Emergency Use Authorization ("EUA") drugs, treatments, biologics, and devices, Congress was explicit in that "[n]othing in this section [21 U.S.C. 360bbb-3] provides the Secretary any authority to require any person to carry out any activity that becomes lawful pursuant to an authorization under this section (21 U.S.C. 360bbb-3(l))."

C. City of Seattle Apartheid Policies

City of Seattle ("City") implemented quasi-medical apartheid policies in lockstep with Inslee, which targeted Petitioner's class.[17] The City's face covering requirements were allegedly consistent with Washington Department of Health "recommendations" for public health. The Department of Health announced in 2020 that "the use of face shields alone is currently viewed as serving no purpose or providing any protection from the transmission of COVID-19,"[18] yet the City and Seattle grocery stores allowed the use of a face shield in lieu of a face mask.

The City's Covid-19 "vaccine" policies explicitly denied religious exemptions.[19] "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein."[20] The City deceptively marketed[21] the Pfizer BioNTech 162b2 experimental gene therapy treatment ("Pfizer GTT") to inject children, as it was not a "vaccine"

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[17] *See Village of Willowbrook v. Olech*, 528 U.S. 562, at 566 (2000) Note: Petitioner's class refers both to his class of protected religious beliefs and his class of one status.
[18] Washington DoH: *Face Shields*; WAWD Case No. 2:23-cv-1392-JNW (Dkt. No. 13-2 at 483).
[19] Appendix I: Public Health Seattle Order, pg. 4, September 16, 2021
[20] *West Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624 (1943)
[21] 18 U.S.C. § 1343 Note: The City received $131,510,475.60 under the CARES Act by falsely representing the Pfizer GTT as a "vaccine" [Footnote 22] to coerce parents to inject their children.

pursuant to state law.[22] In further disregard for federal law and the rights of Petitioners, the City entered into contractual agreement with the CDC under the PREP Act, via a Covid-19 Vaccination Program Provider Agreement, which expressly prohibited coercion.[23]

The City's professed Diversity, Equity & Inclusivity principles hypocritically contradicted the City's practice of prosecuting Petitioner for shopping sans face covering. In 2020, then-Mayor Jenny Durkan assured the public that the City's Office of Civil Rights ***policy*** protected citizens from discrimination.[24]

> "In addition, it is critical to note that ***there are valid reasons why some people can't wear face coverings – please do not discriminate***. If you experience or witness harassment or an act of bias, report it to the Seattle Office for Civil Rights Anti-Bias hotline at 206-233-7100. You can also report online at seattle.gov/reportbias. If it is an emergency, please call 9-1-1 immediately."

The City's ***practice*** has been to conspire with grocery stores to retaliate against Petitioner's firmly held religious beliefs through malicious prosecutions for more than three years.[25] This Court affirmed what the Justices called an "axiomatic" principle of constitutional law and set forth this principle categorically, without qualification, and without dissent. The principle was this: government "may not induce, encourage, or promote private persons to accomplish what it is constitutionally forbidden to accomplish."[26] "A citizen has the right to be free from governmental action taken to retaliate against the citizen's exercise of First

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[22] RCW 70.290.010(10)
[23] Appendix I: CDC Covid-19 Vaccination Program Provider Agreement, at line 12(a)
[24] https://durkan.seattle.gov/2020/05
[25] Seattle Municipal Court Case Nos. 656748; 656749
[26] *Norwood v. Harrison*, 413 U.S. 455, 465 (1973)

Amendment rights or to deter the citizen from exercising those rights in the future."[27] Under Washington law, even during a tuberculosis epidemic nothing "shall be construed to abridge the right of any person to rely exclusively on spiritual means alone through prayer to treat tuberculosis in accordance with the tenets and practice of any well-recognized church or religious denomination..."[28] Petitioner hasn't been sick since a bout of food poisoning *circa* 2016, and Covid-19 has a lower fatality rate than tuberculosis.

In flagrant violation of Title II of the Civil Rights Act of 1964, the City repeatedly imprisoned Petitioner for grocery shopping sans facemask pursuant to his religious beliefs, and the City continues to prosecute him to this day,[29] disregarding this Court's holding that "our construction of the effect of the Civil Rights Act is more than statutory. It is required by the Supremacy Clause of the Constitution... Future state prosecutions under the Act being unconstitutional, and there being no saving clause in the Act itself, convictions for preenactment violations would be equally unconstitutional, and abatement necessarily follows."[30]

D. Seattle Public Schools Apartheid Policies

In lock step with the City, Seattle Public Schools entered into a Memorandum of Understanding with the National Education Association in 2021 to implement quasi-medical apartheid policies.[31] These policies denied students entrance to Seattle

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[27] *Sloman v. Tadlock,* 21 F.3d. 1462, 1469-70 (9th Cir. 1994)
[28] *See* RCW 70.28.031(i)
[29] Seattle Municipal Court, Case Nos. 656748; 656749
[30] *Hamm v. City of Rock Hill,* 379 U.S. 306, 315 (1964)
[31] *Benshoof v. Admon, et al.,* WADC Case No. 2:23-cv-1392-JNW (Dkt. No. 13-3 at 275-291)

Public Schools unless they: (1) wore a face covering; and (2) had been injected with an experimental Pfizer GTT. Coercion violated line 12(a) of the City's Vaccination Program Provider Agreement. Petitioner's class was subjected to the same discrimination.

E. Kidnapping of A.R.W.

In September 2020, Owen moved out of the family home to live with her new girlfriend, a fellow high-end escort[32] and pathological liar, Magalie E. Lerman ("Lerman").

In August 2021 relations between Petitioner and Owen deteriorated when Petitioner discovered that Owen had injected A.R.W. with the Pfizer GTT, in violation of their Covenant and despite Owen avowing in writing that she would not.

When Petitioner showed A.R.W. the Vaccine Adverse Event Reporting System data at cdc.gov and showed A.R.W. that the Pfizer GTT was still in Phase 3 of its clinical trial,[33] A.R.W. realized that Owen had lied that the Pfizer GTT was "safe" and "approved." A.R.W. was shocked that Owen coerced him with lies by telling A.R.W. that he would not be able to attend Seattle Public School, or play with any of his friends, unless he received the "safe" and "approved" Pfizer GTT. At that point, A.R.W. chose not to go back over to Owen's house, stopped returning Owen's texts, and hung up the phone on Owen when she called him.

Then, instead of accepting Petitioner's invitation to sit down for a family discussion with A.R.W., Owen attempted to cut off all contact between father and son

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[32] *Benshoof v. Admon, et al.*, WAWD Case No. 2:23-cv-1392-JNW (Dkt. No. 13-1 at 200)
[33] *See* https://clinicaltrials.gov/ct2/show/NCT04368728 [Note: Pfizer never completed Phase 3]

by seeking an immediate restraining order against Petitioner ("TRO").[34] Owen declared on August 23, 2021, in TRO case no. 21-2-11149-8 that: (1) Owen and Petitioner are the parents of A.R.W.;[35] (2) A.R.W. is related to Petitioner as his child;[36] and (3) Petitioner had raised A.R.W. his entire life.[37] A full denial order was issued the morning of September 3, 2021.[38] Later that day, Lerman stole[39] Petitioner's 2011 Toyota FJ Cruiser, and kidnapped A.R.W. by carrying him away in Petitioner's FJ Cruiser.[40] Owen's and Lerman's conspiracy thereafter used the mail in the furtherance of attempting to extort Petitioner for $19,000 as conditional for regaining custody of A.R.W. and the return of his FJ Cruiser.[41]

On September 20, 2021, Owen filed a barratrous Petition to Decide Parentage[42] ("parentage petition") as the mechanism by which to again seek a restraining order to abrogate Petitioner's familial right of association with A.R.W. Owen's parentage petition averred three elements essential to providing family court jurisdiction for her parentage action, that Petitioner: (1) was ***not*** the biological father of A.R.W.; (2) had ***never*** lived with A.R.W., and (3) had ***never*** held out A.R.W. as his son. As such, all three avowed statements evidenced Owen's inconsistent material statements of fact under penalty of perjury between the TRO and parentage petition in King County

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[34] *In re Owen and Benshoof,* King County Superior Court Case No. 21-2-11149-8 SEA
[35] *Benshoof v. Admon, et al.,* WADC Case No. 2:23-cv-1392-JNW (Dkt. No. 13-1 at 72)
[36] *Id.* at 73
[37] *Id.* at 62
[38] *In re Owen and Benshoof,* King County Superior Court Case No. 21-2-11149-8 SEA
[39] RCW 9A.56.070(1)(e) class B felony
[40] 18 U.S.C. §1201 [note: under §1201(g)(A)(B) "...offense shall include imprisonment for not less than 20 years."
[41] *See* King County Superior Court, *Benshoof v. Cliber, et al.,* 22-2-15958-8
[42] *In re Owen and Benshoof,* King County Superior Court Case No. 21-5-00680-6 SEA

Superior Court less than a month apart.[43] Among Owen's exhibits she included three Seattle Police Department incident reports spanning November 2015 to September 14, 2020, which all affirmed that A.R.W. is Petitioner's son."[44]

Two days later, on September 22, 2021, Owen again reversed course, contradicting herself by declaring under penalty of perjury, "Kurt...acted as [A.R.W.'s] father for [A.R.W.'s] entire life."[45] Owen also stated, "We moved in together in July of 2008. [A.R.W.] was born nine months later..."[46] "[Petitioner] always insisted on being treated as A.R.W.'s father and that A.R.W. was his."[47] "[September of 2020] I finally moved out of our shared residence..."[48] Two days later, on September 24, 2021, Owen stated to Seattle Police Department officers that A.R.W. was related to Petitioner as his "child", yet claimed that she was the sole "legal guardian" of A.R.W., a legal impossibility under Washington law.[49]

Of paramount importance to the instant habeas petition is that family court lacked statutory authority to obtain jurisdiction for such a parentage petition after a A.R.W. reached four years of age ***unless:*** (1) Petitioner was not the genetic father of A.R.W.; (2) Petitioner had never lived with A.R.W.; and (3) Petitioner had never held A.R.W. out as his son.[50] In other words, textbook barratry perpetrated by a pathological liar, enabled and facilitated by a prejudicial family court. By ignoring

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[43] RCW 9A.72.050; 9A.72.020
[44] *Benshoof v. Admon, et al.*, WADC Case No. 2:23-cv-1392-JNW (Dkt. No. 13-1 at 84, 89, 225)
[45] *Id.* at 229
[46] *Id.* at 230
[47] *Id.* at 230
[48] *Id.* at 231
[49] RCW 26.33.020(11) "Legal guardian" means...a person, *other than a parent...*"
[50] RCW 26.26A.435(2)

Owen's perjury, by ignoring the unclean hands doctrine, and by ignoring the doctrine of judicial estoppel, Keenan defied family court's "independent obligation to determine whether subject-matter jurisdiction exists, even when no party challenges it."[51] Worse still, Keenan repeatedly denied Petitioner's dispositive objections to the court's absence of subject matter jurisdiction and Petitioner arguing collateral estoppel.

F. Family Court Apartheid Retaliation

King County Superior Court judges implemented quasi-medical apartheid policies within the county courthouse in lockstep with the City. On November 12th and 15th of 2021, Petitioner sought to obtain records associated with Owen's parentage action from the court clerk. The clerk denied Benshoof access to all case documents and audio recordings, and then summoned a half dozen sheriff deputies, armed with loaded firearms, who demanded that Petitioner either cover his face to access case records or immediately exit the clerk's office. For the next eleven months, courthouse officers and security denied Petitioner in-person access to records and courtrooms, a nationwide problem in both state and federal courthouses.[52]

Keenan denied Benshoof's right to appear in the courtroom, and to testify before a jury of his peers.[53] "[S]tate-compelled segregation in a court of justice is a manifest violation of the States duty to deny no one the equal protection of its laws."[54] Then, family court proceeded to hold a trial *in absentia* on October 21, 2022, taking

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[51] *Hertz Corp. v. Friend,* 559 U.S. 77, 94 (2010)
[52] *See e.g., Howard G. Brown, et al., v. Shelly D. Dick., et al.,* Case No. 23-30540 (5th Circuit)
[53] Wash. Const. Art I §§ 10; 21; 22
[54] *Johnson v. Virginia,* 373 US 61 (1963)

into consideration the Guardian ad Litem recommendations. The Guardian ad Litem report asserted that Petitioner: (1) was an "extremist" for his religious beliefs regarding face masks and Pfizer GTT injections; (2) a "transphobe"[55] for watching the movie *"What is a Woman?"* with his son; and (3) needed to submit to a year of therapy with a PhD psychiatrist and ***take all prescribed medications*** before being allowed supervised visitations with A.R.W. In this way, an "unbiased" psychiatrist, recommended by the "unbiased" GAL, and approved by an "unbiased" Keenan, could require that Petitioner be injected with a Pfizer GTT as a condition of seeing A.R.W. again.

The GAL report stated that A.R.W. "feels that he needs to see [his Dad]" and "On August 16th [A.R.W.] disclosed contemplating jumping off a balcony at summer camp to kill himself."[56] Isolating A.R.W. from his father is a "severe impairment of parent/child contact...[and] constitutes sufficient evidence from which [to] conclude that [Owen] created a danger of serious psychological damages to [A.R.W.]."[57] Without a hint of self-reflection, Keenan, Owen, and the GAL blamed A.R.W.'s suicidal ideation on Petitioner.

On October 21, 2022, Keenan followed the "unbiased" GAL recommendations and issued final orders, subjecting Petitioner to immediate arrest if Petitioner so much as asks another family member text A.R.W., "Dad loves you!" prior to October

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[55] Ironically, Petitioner owns more wigs and dresses than many transgenders. Petitioner is a heterosexual man with *xy* chromosomes who respects the rights of consenting adults to do whatever they want with their own bodies behind closed doors.
[56] *Benshoof v.Admon, et al.*, WAWD 2:23-cv-1392-JNW (Dkt. No. 13-3 at 334)
[57] *Marriage of Burrill,* 113 Wn. App. 863, 872 (Wash. Ct. App. 2002)

21. 2027, six- and one-half months after his son's eighteenth birthday.

G. City of Seattle Escalating Retaliation

A.R.W. twice tried running away from Owen's to come home to his father, presuming that the police would thereby apprehend that A.R.W. was being held against his will by Owen and her lies. The second time, on January 23, 2023, Seattle police officers instead dispatched their Hostage Negotiation Team, surrounded Petitioner's home with blaring sirens and PA systems. A.R.W. reluctantly returned to Owen's. The City then filed eighty-nine charges against Petitioner and issued a $250,000 arrest warrant.[58]

The City's "domestic violence" prosecutions of Petitioner are as malicious[59] and legally flawed as family court. Since the first case[60] was heard November 16, 2022, the City has failed to evidence legal service of process under RCW 35.20.270(1), rendering the municipal court without *in personam* jurisdiction. Municipal judges have simply ignored Petitioner's dispositive written motions and *viva voce* objections by special appearance. In similar disregard for the law, the City has proceeded without subject matter jurisdiction to adjudicate domestic violence allegations. Only a superior court can have jurisdiction over a domestic violence proceeding because family court exercised jurisdiction involving Petitioner, Owen, and their minor son.[61]

The City's orchard of racketeering influence yields a corruptly organized harvest of Fruits of the Poisonous Tree, *inter* alia, victim tampering and witness

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[58] Seattle Municipal Court Case No. 671384
[59] RCW 9.62.010 Malicious prosecution is a gross misdemeanor.
[60] Seattle Municipal Court Case No. 669329
[61] RCW 7.105.050(1)(a)(d)

retaliation.[62] When police saw Petitioner's 2011 Toyota FJ Cruiser being driven on August 26, 2023, officers called for the King County Guardian 1 helicopter, the Snohomish County helicopter, and the Washington State Patrol helicopter, as well as seeking assistance from the Star Chase System.[63]

REASONS FOR GRANTING THE PETITION

Pursuant to the Habeas Corpus Act of February 5, 1867, Ch. 28, § 1, 14 Stat. 385 and 28 U.S.C. § 2254, this Court is authorized to grant a writ of habeas corpus to free Petitioners from the unlawful imprisonment perpetrated by Respondents. Habeas is remedially appropriate: this Court has "an obligation to determine whether subject-matter jurisdiction exists..."[64]

Under 28 U.S.C. § 2243, the Court entertaining Petitioner's application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.

I. PRECLUSION OF FEDERAL EXCLUSION

A. Res Judicata Proscribed

The lower federal courts' domestic relations exclusion was improperly cited in the District and Ninth Circuit Courts dismissals for two reasons. While the *Rooker-Feldman* doctrine rightly prevents lower federal courts from hearing direct appeals of state court decisions, this Court inferred a salient distinction between *habeas* and

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[62] 1962(c)(d); 18 U.S.C. §§ 1512(b)(1); 1513(d);
[63] Seattle Municipal Court Case No. 675405 Police Report
[64] *Hertz Corp v. Friend*, 559 U.S. 77, 94 (2010)

certiorari, which is of paramount importance. "All the authorities agree that *res judicata* does not apply to applications for habeas corpus. The courts must be kept open to guard against injustice through judicial error."[65] This distinction cannot be overstated. Lower federal courts, by conflating the appellate review of *certiorari* with the direct jurisdictional inquiry of *habeas corpus*, have enervated the Great Writ, weakening our Republic's foundational defense against tyranny, suspending its power of inquiry into our modern day star chambers: family courts.

Secondly, Petitioner and Owen have never been parties to "domestic relations," a rubric ***presumed*** to include all parents and children: *au contraire,* the term includes parents in contractual privity with the state through marriage licensure[66] or domestic partnership.[67] Washington family courts are incorporated under Revised Code of Washington Title 26 Domestic Relations.

B. Federal Questions Mandate

Petitioner comes before this Court as the remedy of last resort because the lower courts' over-broad application of domestic relations exclusion has evidenced not only both prongs of an abuse of discretion test,[68] but concurrent disregard for the recent opinion of J. Gorsuch, concurring, 598 U.S. 175, at 34-35 (2023) in the Court's ruling on *Axon v. FTC*, No. 21–86, 986 F. 3d 1173 (2023). "Today, §1331 provides that

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[65] *Darr v. Burford*, 339 U.S. 200, 214-215 (1950)
[66] RCW 26.04.140 Marriage license. Before any persons can be joined in marriage, they shall procure a license from a county auditor, as provided in RCW 26.04.150 through 26.04.190.
[67] RCW 26.60.020(1) "State registered domestic partners" means two adults...who have been issued a certificate of state registered domestic partnership by the secretary.
[68] *U.S. v. Hinkson*, 585 F. 3d 1247, 1262 (9th Cir. 2009) citing *United States v. U.S. Gypsum Co.*, 333 U.S. at 395, 68 S.Ct. 525 (1948); *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. at 405, 110 S.Ct. 2447 L. Ed. 2d 359 (1990)

"district courts shall have original jurisdiction of *all* civil actions arising under the Constitution, laws, or treaties of the United States. Not *may* have jurisdiction but *shall*. Not *some* civil actions arising under federal law, but *all*."[69] Of note, original habeas jurisdiction of district court is not exclusive but concurrent with this Court under the Habeas Corpus Act.

Just as the broad application of *Chevron* deference rendered administrative agency actions opaque to federal court oversight, so too has the doctrine of domestic relations exclusion. The instant case is unique in that the fundamental threshold issue was, and remains, the glaring absence of family court jurisdiction. It is ethically and legally impossible to grant deference to a *void ab initio* family court proceeding.

Furthermore, if Respondents were to disingenuously claim in Return that Petitioner's habeas collaterally seeks injunctive relief to stay state court proceedings,[70] the violations of Petitioner's first amendment rights remain an exception pursuant to 28 U.S.C. § 2283.[71]

C. Federal Habeas Authority

Justice Black, speaking for a unanimous Court in *Jones v. Cunningham*, 371 U. S. 236, 243 (1963), observed "The sparse legislative history of the [Habeas Corpus Act] gave "no indication whatever that the bill intended to change the general nature of the classical habeas jurisdiction."[72] ....Nor, since that time, has this

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[69] *Axon v. FTC*, No. 21-86, 986 F. 3d 1173 (2023) 598 U.S. 175, (J. Gorsuch concurring, at 34-35)
[70] e.g., Seattle Municipal Court Case Nos. 669329; 671384; 675405
[71] *Mitchum v. Foster*, 407 U.S. 225 (1972)
[72] Bator, Finality in Criminal Law and Federal Habeas Corpus for State Prisoners, 76 Harv.L.Rev. 441, 476-477 (1963) [Footnote 2/3]

Court ever held that the congressional purpose originally underlying the statute barred use of the federal writ to free children from unlawful state custody."[73]

In an early test of the Habeas Corpus Act, a 12-year-old child petitioned for a writ of habeas corpus to free herself from her unlawful imprisonment. Having been unlawfully restrained under indentured servitude by her mother's former slave owner, the young girl's freedom was restored in only a matter of days under habeas corpus.[74] The similarities with the instant case cannot be overlooked.

"[28 U.S.C.] Section 2243 commands the judge "entertaining" an application to award the writ or issue an order to show cause "unless it appears from the application that the applicant . . . is not entitled thereto."[75] The district court and Ninth Circuit simply turned a blind eye to the irrefutable evidence of Owen's unclean hands, ignoring unrebutted evidence that Keenan proceeded without a justiciable issue and in absence of jurisdiction. By theatrical misdirection, the Houdini courts performed their disappearing act. The foremost issue that ***there had never been a "child custody" proceeding*** vanished behind the tautological curtain of absolute federal deference to state "child custody" proceedings, *ipse dixit ipso facto.*

D. District Court Abuse of Discretion

District Court asserted, "It is well-settled that federal district courts have no jurisdiction over child custody issues, which are exclusively matters of state law.[76] Yet, the first line of *Ankenbrandt* reveals domestic relations exceptions apply to

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[73] *Lehman v. Lycoming Cty. Ch. Svcs. Agcy.*, 458 U.S. 502, 518-19 (1982)
[74] *In re Turner*, 24 Fed. Cas. 337 (No. 14247) C.C.D. Md. (1867)
[75] *Brown v. Allen*, 344 U.S. 443, 506 (1953)
[76] Appendix F at 1, citing *Ankenbrandt v. Richards*, 504 U.S. 689, 702-704 (1992)

diversity cases. Petitioner did not file a diversity case habeas: the expression of one thing implies the exclusion of others: e*xpressio unius est exclusio alterius.*[77] Any student of jurisprudence should know that a habeas petition is an inquiry of the trial court's ***jurisdiction***, not a petition for a trial *de novo*, nor an appeal. Conspicuously, *Ankenbrandt* held "the Court of Appeals erred by affirming the District Court's invocation of the domestic relations exception" in an action which "in no way seeks a divorce, alimony, or child custody decree."[78] Similarly, Petitioner's habeas petition "in no way seeks a divorce, alimony, or child custody decree."

A similar straw man stated, "Federal habeas has never been available to challenge parental rights or child custody."[79] *Lehman* cautioned against habeas expanding to include collateral challenges to the custody decision, yet *Lehman* did not proscribe federal inquiry investigating an absence of family court jurisdiction. *Lehman* quoted Justice Black, speaking for the unanimous Court in *Jones v. Cunningham, Supra,* who observed that the federal writ of habeas corpus "is not now and never has been a static narrow, formalistic remedy."[80]

In other words, *Lehman* expressly acknowledged the appropriateness and need for habeas remedy over cases in which the restraints on liberty are severe and immediate, particularly when no valid state "child custody" proceeding was ever initiated involving "domestic relations."

E. Ninth Circuit Abuse of Discretion

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[77] *Reading Law: The Interpretation of Legal Texts,* Scalia and Garner (published 2012)
[78] *Ankenbrandt v. Richards,* 504 U.S. 689, 690 (1992)
[79] Appendix F at 1, citing *Lehman v. Lycoming Cty. Ch. Svcs. Agcy.,* 458 U.S. 502 (1982)
[80] *Lehman v. Lycoming Cty. Ch. Svcs. Agcy.,* 458 U.S. 502, [Footnote 19] (1982)

The Ninth Circuit held that District Court did not err in dismissing Petitioner's habeas under *Lehman* for "lack of subject matter jurisdiction"[81] despite the evidence before both courts that the principal issue presented by Petitioner was family court's ***lack of family court subject matter jurisdiction.*** Petitioner's twenty-page show cause response was deemed "so insubstantial as not to require further argument."[82]

II. CONSTITUTIONAL VIOLATIONS OF DUE PROCESS

A. Absence of Jurisdiction

If this Court considers family court an administrative law court incorporated under RCW Tile 26 Domestic Relations, as Petitioner contends, then family court could not obtain jurisdiction without Petitioner's consent, which the court did not obtain. Petitioner and Owen were never in contractual privity with the state by marriage licensure or domestic partnership, nor is Washington a common law marriage state. Family court parenting plans and orders, the very documents which have imprisoned Petitioners for more than two years, are for "dissolution of marriage or domestic partnership, declaration of invalidity, or legal separation."[83] *Expressio unius est exclusio alterius:* the expression of one thing implies the exclusion of others. The *Family Law Handbook: Understanding the Legal Implications of Marriage and Divorce in Washington State*[84] is "provided by the county auditor when an individual applies for a marriage license."[85] Noteworthily, the handbook is not provided in

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[81] Appendix G, Ninth Circuit Case No. 23-35418, Docket. Entry 3, at 1 (June 28, 2023)
[82] *Id.* Docket. Entry 8, at 1 (October 27, 2023)
[83] RCW 26.09.004(3)(4)
[84] https://www.courts.wa.gov/newsinfo/content/pdf/flhbmarriageedition.pdf
[85] RCW 2.56.180(2)

hospital maternity wards.

If this Court considers family court a Court of Equity, then family court could not obtain jurisdiction. The unclean hands doctrine and irrefutable evidence of Owen's perjury foundational to her parentage action precluded family court from accepting Owen's petition as valid, let alone proceeding the next year to grant summary judgment and final orders.

Whether an administrative court or a Court of Equity, family court could not obtain jurisdiction without presentment of a justiciable controversy. The doctrine of judicial estoppel proscribed family court from allowing Owen to assert inconsistent and perjurious claims which impugned her character as a witness and evidenced that family court lacked statutory authority to overcome testimony that Petitioner was already known to be A.R.W.'s father.[86] Instead, family court allowed, enabled, and facilitated Owen's inconsistent material statements of fact: Owen's felony perjury.[87]

B. Due Process Right To Access Case Records

Equitable principles of justice cannot abide court officials denying Petitioner access to case documents throughout the proceeding. It shocks the conscience as an egregious violation of Due Process, and for its brazen tyranny of *might makes right.*

C. Star Chamber Trial *In Absentia*

The Due Process Clause entitles a person to an impartial and disinterested tribunal...This requirement of neutrality in adjudicative proceedings safeguards the two central concerns of procedural due process: the prevention of unjustified or

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[86] RCW 26.26A.435(2)
[87] RCW 9A.72.050(1); 9A.72.020

mistaken deprivations and the promotion of participation and dialogue by affected individuals in the decision-making process.[88]

As the modern *Minority Report*[89] equivalent of communist East Germany's Stasi files, the Judicial Information System ("JIS") enabled Keenan, multiple court commissioners, and the Guardian ad Litem, to access, review, and consider records regarding Petitioner. As neither Keenan nor the court commissioners disclosed to Petitioner that they had consulted the JIS in their deliberations as commanded by law,[90] Petitioner did not learn until after-the-fact that JIS information had been considered.

As such, Keenan violated due process elements of a fair hearing: (1) the right to examine opposing evidence; and (2) a decision based exclusively on the evidence presented. An esteemed judge, Henry J. Friendly, wrote, "There can likewise be no fair dispute over the right to know the nature of the evidence on which the administrator relies."[91] This Court held that even a prison hearing regarding good time credits required "a written statement by the factfinders as to evidence relied on and the reasons for [the disciplinary action]."[92]

D. No Determination of Unfit Parenting

This Court has held that a determination that a parent is "unfit" is required to abrogate the right familial association between parent and child; declaring it "plain

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[88] *See Carey v. Piphus*, 435 U.S. 247, 259–262, 266–267, 98 S.Ct. 1042, 1043, 1050–1052, 1053, 1054, 55 L.Ed.2d 252, (1978)

[89] 2002 film based upon the Philip K. Dick novel of the same name, wherein police utilize predictive technology to arrest and convict criminals before they commit the crime.

[90] RCW 2.28.210(2)

[91] *Some Kind of Hearing,* Univ. Penn. Law Review Vol. 123:1267 at 1283, Henry J. Friendly (1975)

[92] *Wolff v. McDonnell,* 418 U.S. 539, 564-65 (1974), quoting *Morrissey v. Brewer,* 408 U.S. 471 (1972)

beyond the need for multiple citations" that a natural parent's "desire for, and right to, the companionship, care, custody, and management of his or her children'" is an interest far more precious than any property."[93] Not only did Keenan never determine Petitioner an "unfit father", Keenan simply asserted that Petitioner poses a "credible threat" to A.R.W. despite the fact Petitioner has never yelled at his son, let alone spanked him. Not even Owen, among her many absurd lies, claimed Petitioner has ever yelled at or spanked *any child*, nor did Owen claim Petitioner ever threatened to hit an adult, nor did so. "Credible threat" was nothing more than discriminatory innuendo, pejorative legalese employed to violate Petitioner's familial rights under color of law because of the invidious discriminatory animus held by Keenan, Owen, and the Guardian ad Litem, prejudicial of Petitioner's beliefs.

Family court did not give Petitioner fair notice of what constituted a "credible threat", but the tautological inference was clear: Keenan, Owen, and the Guardian ad Litem harbored such scornful contempt for Petitioner's beliefs that no evidence or legal plausibility was required, *ipse dixit ipso facto.* Their ends justified their means. While Keenan and Owen deemed Petitioner's beliefs offensive to their own standards, this Court has held prohibitions against annoying conduct as void for vagueness.[94]

III. Cruel and Unusual Punishments

The punishments inflicted upon Petitioners by the City, Keenan, and Owen, have been cruel, disproportionate, and without just cause. As a corollary, what has happened is no less absurdly unconstitutional than if the following events occurred:

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[93] *Santosky v. Kramer,* 455 U.S. 745, 758-59 (1982)
[94] *Johnon v. United States,* 576 U.S. 591, 602-3, 135 S. Ct. 2551, 2561, 192 L. Ed. 2d 569 (2015)

(1) City and county officials converted to Islam and decreed all Seattleites must wear burqas to protect others from invisible demonic forces under a "public health" claim of compelling governmental interest; (2) the City prohibited Christians, such as Petitioner, from entering public accommodations, schools, and courthouses, sans burqa; (3) Respondents declared Petitioner a "credible threat" to A.R.W. because of Petitioner's heterodox beliefs, thereby criminalizing all contact between Petitioners.

A. Excessive Fines

By ignoring irrefutable evidence of Owen's perjury, and evidence that Keenan knowingly and willfully allowed, enabled, and facilitated Owen's perjury, the City established further pretexts for its malicious prosecutions of Petitioner. The City's issuance of three hundred thousand dollars in arrest warrants arising from nearly one hundred "domestic violence' charges exemplifies our country's proximity to the precipice of banana republicanism. The City's excessive bail violates the Eighth Amendment through the Equal Protection Clause of the Fourteenth Amendment.

B. Bill Of Pains and Penalties

In Petitioner's *Monty Pythonesque*[95] corollary, *supra,* illustrating the sadistic, retaliatory measures which self-anointed paragons of diversity, equity, and inclusivity supported against Petitioner's class, Respondents effectively required Petitioner to swear a loyalty oath, converting to ritualized orthodox[96] burqa wearing or have his familial rights abrogated. This Court held a provision implemented to

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[95] *Monte Python's Life of Brian,* Satirical examination of state-sponsored prejudices and oppressive discrimination.

[96] Rasmussen Reports Poll: COVID-19: Democratic Voters Support Harsh Measures Against Unvaccinated - Rasmussen Reports®

punish an individual or group of individuals by excluding them from their chosen vocation without a judicial trial as an unconstitutional bill of pains and penalties.[97] Forcing Petitioner to choose between his right to express his spiritual faith and his familial rights to father A.R.W. violated the First Amendment[98] and U.S. Constitution Article I, § 10, Clause 3.

C. Involuntary Servitude

Respondents legitimized their bill of pains and penalties, masking their hate crimes behind another Hobson's choice; that is, they offered Petitioner a four-hour supervised visit once per week with A.R.W. in a windowless room if Petitioner *chose* to pay $1500 per month to the only supervision facility in Seattle, AT INDABA, Inc.[99]

Involuntary servitude, except as a punishment for crime whereof the party has been duly convicted, is prohibited.[100] Each month, Petitioner was effectively indebted $1500 as a peon to AT INDABA, Inc.; only through compulsory service to a third-party employer, and transfer of third-party payment to AT INDABA, Inc. through interstate commerce involving Petitioner's credit card, would Respondents permit Petitioner visitation with A.R.W. This Court long ago prohibited such peonage.[101]

IV. *Pro Se* Parental Representation of A.R.W.

Federal courts inconsistently discourage or prevent parents from representing their minor children on several grounds, *inter alia,* uncertainty of the child's wishes,

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[97] *Cummings v. Missouri,* 71 U.S. 277 (1867)
[98] *West Virginia State Board of Education v. Barnette,* 319 U.S. 624 (1943)
[99] Washington Regular Profit Corporation, UBI #603419861
[100] United States Constitution, Thirteenth Amendment § 1, Clause 1
[101] *Clyatt v. United States,* 197 U.S. 207, 215 (1905)

lack of parent's legal acumen, and inherent discrimination against parents of lesser financial means. Inconsistent federal court holdings necessitate resolution. District Court avoided ruling on Petitioner representing A.R.W. in his habeas petition, declaring the issue moot under its domestic relations exception dismissal.

A. Circuit Court Split

Contradictory holdings among the Circuit Courts on the issue of *pro se* parents representing their children requires this Court's consideration to uniformly resolve this legal tension, particularly ripe given the widespread assaults upon parental rights across America, and contemporaneous litigation in the Fifth, Sixth and Ninth Circuits. The Fifth Circuit recently upheld *pro se* parental representation of minor children,[102] yet District Court in Seattle denied Petitioner's attempt to represent A.R.W.,[103] and a *pro se* mother has recently appealed to the Sixth Circuit.[104]

B. *Pro Se* Parent Exclusion

"[T]he right of self-representation has been protected...since the beginnings of our Nation."[105] 28 U.S.C. § 1654 codified a child's *pro se* right. Opposition to *pro se* parental representation contends safeguarding the child against three potential prejudices: (1) biased representation conflicting with the "best interests of the child"; (2) minor incapacity precluding their informed choice of *pro se* parental representation; and (3) unskilled representation. The hypocrisy of Respondents' predictable oppositions will be addressed in turn.

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[102] *Raskin v. Dallas Independent School Dist.*, No. 21-11180 (5th Cir. 2023)
[103] *Benshoof v. Inslee, et al.*. WAWD Case No. 2:22-cv-01281-LK, dismissed without prejudice.
[104] *Terpsehore Maras v. Mayfield City SD BoE, et al.*, Case No. 22-3915 (6th Cir.)
[105] *Faretta v. California*, 422 U.S. 806, 812 (1975)

Biased Representation. Ironically, this was enabled, facilitated, and perpetrated throughout family court, disregarding the express wishes of A.R.W. to restore the self-determination A.R.W. earned and exercised at age eleven; that is, the autonomy to choose daily which parent's house he stayed at. The bests interests of any child having two fit parents unquestionably include: (1) unfettered access to nurturing from both parents; and (2) sound parenting decisions regarding the physical, mental and emotional well-being of the child. Instead, Respondents conspired to isolate A.R.W. from Petitioner so that A.R.W. could be coerced into experimental Pfizer GTT injections without his father's second opinion heard.

Minor Incapacity. Petitioner and Owen agreed that A.R.W. was mature enough at age eleven for self-determination regarding which parent's house he stayed at, yet at age twelve Keenan and Owen asserted A.R.W. incapable of understanding that his father was a "credible threat." A month later, Keenan and Owen determined A.R.W. possessed the maturity to "chose" to be injected with an experimental Pfizer GTT, yet A.R.W. was still incapable of determining whether his father was a "credible threat." Thereupon, Keenan and Owen made "unbiased" decisions on behalf of the "incapacitated" A.R.W. The positions of Keenan and Owen were self-contradictory and absent internally consistent logic, selectively determining which choices A.R.W. was allowed to make. In other words, their ends justified their means.

Unskilled Representation. Parents routinely make "unskilled, if caring, decisions" for the children.[106] Government was not delegated the authority to

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[106] *Raskin v. Dallas Independent School Dist.*, No. 21-11180, at 24 (5th Cir. June 2, 2023)

determine if a parent possesses the medical acumen to choose which medicine to give their child, nor the legal acumen to litigate their child's interests. The Ninth Amendment reminds us that "[t]he enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

C. Indigency Preclusion

While Petitioner's habeas petition may lack standing to argue general applicability of this issue before this Court, exceptional exigent circumstances require doctrinal abatement in the instant case. Owen's imprisonment of A.R.W. includes isolating him, barring communication with any attorney to advocate for A.R.W.'s wishes and interests. Thus, fourteen-year-old A.R.W. cannot petition for emancipation from Owen to end his imprisonment, a First Amendment violation of his right to redress.

Even if an attorney were able to contact A.R.W., Petitioner no longer has the financial means to pay legal advocacy costs for his son. This illustrates that federal court doctrine inherently excludes indigent parents and their children from civil remedy, denying access to our courts[107] and indirectly suspending the privilege of habeas.[108] This violates the Fourteenth Amendment's Equal Protection Clause, affording remedy as a special privilege to only those parents possessing ample financial means.[109]

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[107] Wash. Const. Art I § 10 "Justice in all cases shall be administered openly, and without unnecessary delay."
[108] U.S. Const. Art. I, § 9, Cl. 2
[109] Wash. Const. Art I § 12 "No law shall be passed granting to any citizen, [or] class of citizens...privileges...not equally belonging to all citizens..."

Equities Weigh Entirely In Favor Of Writ

No impartial court in America can abide the irrefutable evidence of perjury, barratry, and abuse of discretion, nor the prejudicial malfeasance, misfeasance and nonfeasance, by public servants entrusted with the solemn duty of safeguarding our courts, our communities, and our children from the proximate harms of injustice.

It is common knowledge that very few parents possess the wherewithal to bring an action before this Court. Parents with financial means typically resolve legal issues in the lower courts through paid attorneys, and most of them would be financially destitute if they paid attorneys to take their claim through every level of state and federal courts to reach this Court. The vast majority of parents lacking the financial means to hire an attorney are without the legal acumen to bring a *pro se* writ before the highest court in our country. Mindful of these factors, and as a father who holds familial rights to be the most sacred, Petitioner's habeas is brought before this Court not just on behalf of Petitioners, but on behalf of every parent and child who has been subjected to the unnecessary cruelties of family court injustice. Amen.

CONCLUSION

For the reasons stated in this petition, Petitioner respectfully requests, on behalf of himself and A.R.W., that this Court issue a writ of habeas corpus without delay to arrest the ongoing restraints upon Petitioner and the deprivations of his liberty, as well as the restraints upon A.R.W. and the deprivations of A.R.W.'s liberty, perpetrated under color of law by Respondents.

VERIFICATION

I, Kurt Benshoof, do hereby declare that the foregoing facts and conclusions of law are true and correct to the best of my knowledge under penalty of perjury in the state of Washington, under penalty of perjury of the laws of the United States, and further avow said facts and conclusions under voluntary penalty of death by hanging. Executed this seventeenth day of November in the year 2023, in the city of Seattle, in the county of King, in the state of Washington.

Dated November 17, 2023.

Respectfully submitted,

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