No. 23-6096

IN THE SUPREME COURT OF THE UNITED STATES

ORIGINAL

THOMAS OLIVER,
Petitioner

v.

JOSEPH LEONARD MICHAUD,
MARY SUSAN MCELROY,
JOHN JAMES MCCONNELL JR.,
WILLIAM EDWARD SMITH JR.,
PATRICIA ANNE SULLIVAN,
LINCOLN DOUGLAS ALMOND,
GUSTAVO ANTONIO GELPÍ JR.,
JEFFREY ROBERT HOWARD,
WILLIAM JOSEPH KAYATTA JR.,
Respondents



On Petition for Writ of *Certiorari* to
the United States Court of Appeals
for the First Circuit

**PETITION FOR WRIT OF *CERTIORARI***

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## QUESTION PRESENTED

1. Can a party to civil litigation in the United States—no matter who the party is—commit crimes in order to win its case, all the while have judges at every level similarly violate federal criminal law (and rules of procedure, judicial canons, and the U.S. Constitution) in order to assist the party to win its case—or in other words, should criminal activity inside or outside the court prevent a case from going through the court?

The answer, of course, is a resounding "no," and this court must stand firm with Petitioner and the American people in declaring that answer to the respondents and to other such actors nationwide who are equally nefarious. To the best of Petitioner's knowledge, the U.S. Supreme Court has never answered this question.

"The greatest lies are told in the name of truth. The greatest crimes are committed in the name of justice." — **Jim Garrison**

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## JURISDICTION OF THIS COURT

Relevant issues revolve around constitutional and federal law. This court has jurisdiction pursuant to Rule 10(a) when "a United States court of appeals has.....so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power" and (c) "a.....United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court or has decided an important federal question in a way that conflicts with relevant decisions of this Court" (emphasis added).

The judgment was entered on June 9, 2023. The notice of appeal was timely filed on June 19, 2023. Justice was blocked on August 14, 2023, with the appeal being denied. The *en banc* hearing petition was timely filed on August 14, 2023, and justice was again blocked on August 16, 2023, with denial of the petition. This petition is brought pursuant to 28 U.S.C. § 1254(1).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

18 U.S.C. §§ 4, 1503, and 1512
28 U.S.C. §§ 1254, 1746
Due Process of the Fifth Amendment to the U.S. Constitution
Seventh Amendment to the U.S. Constitution

## STATEMENT OF THE CASE

The question presented in this petition regards a communication from respondent Joseph Leonard Michaud (hereinafter "Michaud") to the U.S. District Court for the District of Rhode Island (hereinafter "district court"). His illicit contact there followed the blueprint of his illicit contact to at least three of Petitioner's former attorneys in Massachusetts in violation of M.G.L. c. 268 § 13B—a felony at the time even for civil matters—and to the Office of the U.S. Trustee, which violated 18 U.S.C. §§ 1503 and 1512—the latter carrying a maximum 20-year prison sentence.[1] The state law has since been changed because Petitioner *repeatedly* revealed Michaud's crimes in multiple court filings and elsewhere; however, he was about to be appointed judge, and it was changed in order ***not*** to prosecute him so that the plan

[1] https://www.stloiyf.com/blog/post/clandestine-modification-of-rules-and-laws-by-the-u-s-legal-system-most-people-do-not-see/

could be implemented. Emboldened from his successes in Massachusetts and California as a result of his criminal behavior going unrestrained and unpunished, he contacted the district court after he or another defendant received an automated PACER notification of the impending lawsuit. Respondent McElroy (hereinafter "McElroy"), rather than upholding justice, opted to consent to the conspiracy, vacate her just ruling, and replace it with an unjust/illegal ruling, thus violating 18 U.S.C. § 4.....as did respondent McConnell and several or all of the remaining respondents in a chain reaction of each covering for the judges below them. See the excoriating petition for writ of *mandamus* filed on February 22, 2023 (doc. no. 00117979506, hereinafter "the PFWOM").[2] So far, no entity has lifted a toxic finger to prosecute the offenders.

"The exposure and punishment of public corruption is an honor to a nation, not a disgrace. The shame lies in toleration, not in correction." — **Theodore Roosevelt**

## INTRODUCTION

This petition does *not* hinge on subtleties of law; it hinges on outright blatant crime—violations of not just Title 18 of the U.S. Code, but of state criminal law as well—by parties who are versed in law and know better. Petitioner has been a victim of crime roughly thirty to forty times in his life. Only about four of those occasions have *not* been at the hands of the U.S. legal system. This 90 percent criminal offense rate by members of the system is abysmal and appalling. Our legal system should fight *for* justice, not *against* justice. Issuing the writ will be the most important thing the high court has done this century because it will strike at the very root of corruption and go a long way towards restoring *true* justice to the American people. The issue at the heart of this petition has been a long time coming and must be addressed *now*.

Briefly, this petition is a result of rampant crime and corruption. The cases necessitating it concern a $30,000+ "debt" that was fraudulently created against Petitioner and a $300,000+ condominium that was stolen from someone else to pay it, while several individuals inside and outside the court system committed heinous transgressions in order to do so. All this happened with Petitioner being blocked several times from *ever* having a trial of any kind, a default judgment rightly given to him

[2] https://www stloiyf.com/evidence/pdfs/mandamus.pdf

being illegally ripped out of his hands and converted into a fraudulent judgment for Michaud, and countless civil and criminal laws being broken as Petitioner was driven into extreme poverty and the U.S. Constitution was not simply trampled—but instead obliterated.

As he has done *at least three times* in the Massachusetts state case and once in the bankruptcy matter, Michaud called the district court and violated multiple criminal laws, some of which include 18 U.S.C. §§ 1503 and 1512. Most or all of the other respondents are guilty of 18 U.S.C. § 4 because they have issued orders that attempt to bury the facts and evidence, or they are accessories to this felony. Events underlying this petition would be inconceivable in countries with the most corrupt legal systems. Lo and behold, it has happened right here on our doorstep in the United States.

## REASONS FOR GRANTING *CERTIORARI*

Why should the U.S. Supreme Court decide this matter? One reason is that crime should not prevent a case from progressing through the American court system. To the contrary, it should *require* a matter to progress through it. There are 206 million additional reasons why this high court should intervene.[3] Furthermore, a just decision here will positively affect millions of litigants—those who fight against corruption in our legal system—*pro se* or not. A ruling in favor of justice will send a message that committing crimes in order to win an action is not OK. Sadly, doing so is now standard operating procedure in the lower courts across the nation. It happens every day in every court in every state, and it is repulsive. If this court has any respect for the Framers and for the glorious document they created, the U.S. Constitution, it will hear this case.

Finding case law to support this petition is extremely arduous, if not impossible, because the system—overwhelmingly—covers for its bad actors, which is not good to say the least. It's not as if Petitioner has no idea what he is talking about when making such a blunt statement. He is, after all, the world's leading expert on the topic, has spoken nationally, and literally wrote the book on the subject.....well, actually two books.[4] [5] This is not a title he cherishes. But he simply can't handle injustice directed at him, a friend, or people he doesn't even know. Injustice is something Petitioner's

[3] https://www.law360.com/pulse/articles/1521688/-kids-for-cash-judges-slapped-with-206m-damages-ruling, *Wallace et al. v. Powell et al.*, Civ. No. 3:09-CV-286

[4] https://www.amazon.com/Stack-Legal-Odds-Your-Favor/dp/0996592903

[5] https://www.amazon.com/Our-American-Injustice-System-Syndicate/dp/0996592970

mind really cannot reconcile.

Only sixteen known domestic judges have been prosecuted and convicted of crimes, two of which were for obstruction of justice.[6] [7] [8] This number, incidentally, grossly underestimates the number of them who have deliberately contravened the law. In fact, at least two of the respondents, Michaud and McElroy, have *intentionally* obstructed justice and violated 18 U.S.C. §§ 4, 1503, and 1512 in 1:22-cv-00354, and others have either explicitly done so in 23-1184 and 23-1518 or have been accessories.

What has happened to Petitioner is clearly a violation of due process and the Seventh Amendment. Mountains of evidence of this and other wrongdoing can be found in Petitioner's second book, on his websites, in court records, in blog posts, and elsewhere.[9] Petitioner does not operate secretively but displays everything publicly.

Regarding the prosecution of judges who have openly committed crimes while performing their official duties, there is some settled law regarding it, for example, *Wallace, Id.*, but few, if any, regarding when judges commit crimes in order to block a case from proceeding through the court system. Perhaps the closest opinion of this court is from *Cox Broadcasting Corp. v. Cohn*, 420 U.S. 469, 492-93 (1975), quoting *Craig v. Harney*, 331 U.S. 367, 374 (1947): "There is no special perquisite of the judiciary which enables it, as distinguished from other institutions of democratic government, to suppress, edit, or censor events which transpire in proceedings before it." If the meaning of the words "suppress" or "censor" could be interpreted to mean covering up the criminal actions of one or more judges preventing the prosecution of a civil case, then the lower courts have violated Rule 10(c). Petitioner, however, believes the issue may be one of first impression in all of jurisprudence nationally.

It appears that many judges who have been prosecuted—Ciavarella, Conahan, Spargo, Maloney, and others—have been convicted of bribery because they have *steered* cases in a particular direction, not *blocked them completely.* Furthermore, it is not known whether bribery was at play in 1:22-cv-00354 or it was blocked due to some other criminal factor because it was illegally blocked in its entirety before Petitioner had the chance to conduct discovery, including subpoenaing phone records, taking

[6] https://en.wikipedia.org/wiki/Category:Judges_convicted_of_crimes
[7] https://www.justice.gov/opa/pr/us-district-court-judge-sentenced-33-months-prison-obstruction-justice
[8] https://www.wapt.com/article/delaughter-breaks-silence-about-what-landed-him-in-prison/2088048
[9] https://www.stloiyf.com/evidence/letter.htm

depositions, and uncovering crucial additional evidence. So, while judges have been prosecuted for crimes committed during the course of their official duties, the question presented—in the most general sense regardless of bribery—remains unaddressed not just in this court but seemingly in all lower courts.

Certain courts across the nation have ruled that an action should terminate whenever a party has committed egregious wrongdoing, criminal or otherwise. The case should immediately end.....and *not* in the offender's favor! "'[Equitable estoppel] is wholly independent of the limitations period itself and takes its life, not from the language of the statute, but from the equitable principle that *no man will be permitted to profit from his own wrongdoing* in a court of justice.' (*Battuello*, 64 Cal. App. 4th 842, 847-848, 75 Cal. Rptr. 2d 548, quoting *Bomba v. W.L. Belvidere, Inc.* (7th Cir. 1978) 579 F.2d 1067, 1070.)" *Lantzy v. Centex Homes*, 73 P. 3d 517 (Cal. 2003) (strongest emphasis added).

The final reason for granting *certiorari* is the following. Despite the existence of well in excess of *fifty* lies in official court documents and astounding wrongdoing in the courts below, no judicial entity or governmental agency—OIG, OPR, GAO, or FBI—has stepped forward to remedy the massive injustice of stealing a condominium valued at over $300,000 from a *third* party to pay a fraudulently created debt of about $30,000 while more than a dozen federal crimes—never mind state crimes—were committed and the rules of procedure, the rules of professional conduct, judicial canons, civil laws, and the Constitution were violated in order to do so. Throughout it all, incredibly, Plaintiff never had a trial of any kind. This paragraph provides the most important reason this court needs to intervene.

**Violations of 18 U.S.C. § 4**

The 18 U.S.C. § 4 evidence trail is as follows: Michaud—a state judge who has recently been reprimanded—committed many, many state and federal crimes against Petitioner while creating the fraudulent debt against Petitioner and thereafter. As the record, Petitioner's website, his partner's blog, and his book *Our American Injustice System* show, McElroy violated 18 U.S.C. § 4 because she issued the bogus ruling after receiving the call from Michaud or because someone else did at the district court and then instructed her to issue it. Respondents McConnell, Gelpí, Howard, Kayatta, and Judges McCafferty and Johnstone all violated Canon 3(B)(6): "A judge should take appropriate action upon

receipt of reliable information indicating the likelihood that a judge's conduct contravened this Code....." They all ignored Petitioner's emails and/or Michaud's and McElroy's crimes described in the PFWOM and elsewhere. Since Petitioner revealed the felonies committed by Michaud and McElroy to them and they tried to conceal them with dispositive rulings and by disregarding Petitioner's emails, they have all committed misprision under 18 U.S.C. § 4. Case law is crystal clear on the subject. Not only must a person know a felony has been committed, but s/he must take "affirmative steps to conceal the crime."[10] Ruling against Petitioner while completely ignoring the fact that judges in the lower courts and others committed felonies, each of the preceding appellate and U.S. District Court for the District of New Hampshire judges took those "affirmative steps to conceal the crime[s]." Evidence of the cover-up is unmistakable.....if it's not disregarded and/or stricken from the record.

**Violations of 18 U.S.C. §§ 1503 and 1512**

The 18 U.S.C. §§ 1503 and 1512 evidence trail is just as clear as for 18 U.S.C. § 4. Beginning with the docket in 1:22-cv-00354, it is clear something happened between January 25 and 26, 2023, the days when the case opening notice was issued and everything was then abruptly "vacated," respectively. And that *something* was a communication from Michaud. According to court staff with whom Petitioner spoke, a case opening notice being issued followed by an immediate one-eighty the day afterward had never happened previously. Based on Michaud's track record of previous calls to the Massachusetts lawyers representing Petitioner in the originating case and to the Office of the U.S. Trustee, both of which were violations of a myriad of state and federal criminal statutes—some carrying 20-year maximum prison sentences—it was not too difficult to determine what happened. Michaud again committed felonies by interfering with justice. This is also clear because it took McElroy nearly two weeks to cobble together the "reason" for the dismissal, when in reality, if she had a legitimate reason for doing so, she would have had the reason already and dismissed the case at that time, not needed to scramble to issue the terminating order after vacating everything.

Of note is another smoking gun. After McElroy wrongly dismissed the complaint in 1:22-cv-00354, she immediately went looking for any other cases Petitioner had pending and found 1:22-CV-

[10] *United States v. Olson*, 856 F.3d 1216 (9th Cir. 2017)

00421. She dismissed it for the very same diversity "reason" so that the dismissal of 1:22-cv-00354 wouldn't look so contrived. If she—or another judge at that court—had allowed Petitioner's case against Fidelity to continue but not 1:22-cv-00354, that would have been a blaring red flag. However, in her enthusiasm to block Petitioner, she dismissed it on the exact same day, February 7, 2023, rather than waiting several weeks to make it not look so obvious. There is no way *Fidelity* would have been next in the queue since it was filed almost two months after Petitioner filed his first case.

"Truth is treason in the empire of lies." — **Doctor Ron Paul**, *The Revolution: A Manifesto* (United States: Grand Central Publishing, 2008), preface, p. 5

## CONCLUSION

Commoners go to court to be made whole, not to have crimes committed against them. So many people experience injustice in this nation, but wouldn't if judicial actors could be held accountable for deliberate criminal misconduct. To make Petitioner whole *and* to take a huge step towards restoring public confidence in our system, this court *must* take remedial action and either direct the lower court to vacate the judgment and enter a judgment in favor of Petitioner for the relief sought in the original complaint, or, at the very least, reprimand and/or terminate the judicial offenders involved if possible, vacate the lower court judgments, and allow the matter to proceed. Issuing the writ would be taking the first step in the direction of justice.

"Most of us.....thought that justice came into being automatically, that virtue was its own reward, that good would triumph over evil. But.....we know this just isn't true. Individual human beings have to create justice. And this is not easy because the truth often poses a threat to power. And one often has to fight power at great risk to themselves. The truth is the most important value we have, because if the truth does not endure, if the government murders truth, if we cannot respect the hearts of these people, then this is not the country in which I was born, and it's certainly not the country I want to die in." — **Kevin Costner**, *JFK*

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 7, 2023

Thomas Oliver, *pro se*

When the legislative or executive functionaries act unconstitutionally, they are responsible to the people in their elective capacity. The exemption of the judges from that is quite dangerous enough. I know no safe depository of the ultimate powers of the society, but the people themselves. — **Thomas Jefferson**