

23-735
No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

STUART J. SHICKS

Petitioner,

v.

INDIANA DEPARTMENT OF CHILD SERVICES, et al.

Respondents,

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The
Seventh Circuit

PETITION FOR A WRIT OF CERTIORARI

FILED

AUG 07 2023

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES

ORIGINAL

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Pro Se Petitioner

QUESTIONS PRESENTED

1. Whether psychological persecution, deprivation of constitutional rights and prejudices against pro se litigants is allowed in any court of law or government agency hindering the due process afforded Petitioner.
2. Whether the United States Court of Appeals Seventh Circuit and all lesser courts have failed in their inaction to hold Indiana Department of Child Services et al, liable for their criminal actions that include but not limited to rewriting laws, fraud, destroying documents and psychological persecution .
3. Whether it is lawful for the State of Indiana to claim jurisdiction over a South Carolina resident and impliment their state rules and regulations over the South Carolina Court System or Department of Child Services and refuse to accept any South Carolina documents of evidence in favor of Petitioner.

PARTIES IN THE PROCEEDINGS

Petitioner Stuart J. Shicks was the plaintiff in the United States District Court for the Northern District of Indiana, Fort Wayne Division Case No. *1:21-CV-00224-DRL* and the appellant in the United States Court of Appeals for the Seventh Circuit Case No. *22-3297*.

Respondents Indiana Department of Child Services et al, were defendants in plaintiffs initially filed complaint in the United States District Court for the Northern District of Indiana Division Case No. *1:21-CV-00224-DRL* and appellees in the United States Court of Appeals for the Seventh Circuit Case No. *22-3297*.

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United States Court of Appeals for the Seventh Circuit Case No. *22-3297*

United States District Court for the Northern District of Indiana Fort Wayne Division
Case No. *1:21-CV-00224-DRL*

TABLE OF AUTHORITIES

CASES

Maubury v. Madison 5 U.S. 137 (1803)

Heck v. Humphrey 512 U.S. 477 (1994)

Hardwick v. Vreeken, et al. 15-55563 (2017)

Smith v. Organization of Foster Families, 431 U.S. 816 (1977)

Monell v. Department of Social Services, 436 U.S. 658 (1978)

United States v. Lee 106 U.S. 196 (1882)

Buckles v. King County 191 F.3d 1127 (1999)

Mathews v. Eldridge 424 U.S. 319, 339-49 (1976)

Monroe v. Pape 365 U.S. 167 (1961)

Scheuer v. Rhodes 416 U.S. 232 (1974)

Colorado River Water Conservation District v. United States 424 U.S. 800 (1976) (*The Colorado River Doctrine*)

Troxel v. Granville 530 U.S. 57 (2000)

CONSTITUTIONAL PROVISIONS

Amendment V of the United States Constitution

Amendment IX of the United States Constitution

Amendment XI of the United States Constitution

Article VI of the United States Constitution

STATUTORY PROVISIONS

18 U.S Code § 242 Deprivation of Rights Color of Law

18 U.S. Code § 1001 (A)(2)(3) Scheming to Conceal Court Documents

18 US. Code § 1519 Anti-Shred Provision

18 U.S. Code § 2071 Concealment of Records

28 U.S. Code § 1651 (a) Issue of Writ

42 U.S. Code § 658, Title IV-D, Section 458 Social Security Act

42 U.S. Code § 1983 Color of Law (Civil Rights Act of 1871)

16 AM Jur 2d §98 page 132 West Key Number Digest, Contracts (key) 2, 101 (1)

16 AM Jur 2d, § 78 page 306 West Key Number Digest, Civil Rights (key) 1326 (4)

16 AM Jur 2d, § 76 page 304 West Key Number Digest, Civil Rights (key) 1324

Federal Rules of Appellate Procedure 4(a)

SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari be issued to review the judgements below:

I, Stuart J. Shicks, on behalf of myself, do hereby petition for a writ of certiorari to review the judgments of the United States District Court for the Northern District of Indiana, Fort Wayne Division and the United States Court of Appeals for the Seventh Circuit. There has been no fair opportunity to support my complaint or good faith determination of my due process in any court. They have all failed to uphold the law or rather be the law. There has been no justice for the wrongs inflicted upon me. If liberty is light (God), justice (judicial process) and rule of destiny (political process) where is my liberty when I have not been afforded the last two?

I, Shicks believe this court has a responsibility and legal duty to protect any and all of my constitutional, statutory and civil rights, afforded to me by these statutory rights listed: *16 AM Jur 2d, § 78 page 306 West Key Number Digest, Civil Rights (key) 1326 (4), 16 AM Jur 2d, § 76 page 304 West Key Number Digest, Civil Rights (key) 1324, 18 U.S. Code § 1001 (A)(2)(3), 18 US. Code § 1519, 16 AM Jur 2d §98 page 132 West Key Number Digest, Contracts (key) 2, 101 (1).*

RIGHTS

Parental rights are fundamental rights protected under common law which is the supreme law of the land. These fundamental rights are possessed by the individual, not a married couple. Fundamental rights are also called substantive rights and natural rights. These rights shall not be infringed upon by any government agency or court. The biological parent is always the best solution for the parent and child under the Constitution of the United States of America. Federal Courts and State Courts can and must protect the right of man to enjoy the mutual care, company, love and affection of his children and this cannot be taken away from him without due process of law. It is a family's right to privacy which the state cannot invade or it becomes actionable for civil rights damage. Under state and federal law a parent presumed to be suitable and fit cannot have their rights taken away and has the right to protect their children's welfare. The current system is being driven by money and greed rather than the best interest of the family unit. Parenting is a complex and subjective process which is completely dependent upon the child and the decisions the parents make about lifestyle, religion, morals and many other factors that cannot be intervened with or infringed upon as stated by the Supreme Court themselves. See *Amendment V United States Constitution, Amendment IX United States Constitution, Amendment XI United States Constitution, Article VI United States Constitution, Maubury v. Madison 5 U.S. 137 (1803)*. Which are fully stated out further in this document.

JURISDICTIONAL STATEMENT

On May 17th 2023 United States Court of Appeals Seventh Circuit entered their final judgement and failed to hold Indiana Department of Child Services Allen County/United States District Court of the Northern District of Indiana, Fort Wayne Division liable for their actions against me, Biological Father by claiming *Federal Rules of Appellate Procedure 4(a)*. They stated the appeal date of 30 days was not met by post dating appeal to December 28, 2022 instead of the original post date of December 19, 2022. United States Court of Appeals Seventh Circuit erred in their decision as they purportedly post dated the document. Clerk also failed to recognize that a rubber stamp is legally binding. Signature stamps are legally binding as long as the stamp represents the user's intention and is validated. Therefore if the signature stamp meets these requirements it is considered a legal signature. Post master stamps on a Live appeal is a dated certified Living document to the date. That is the Law. This is in violation of *18 U.S. Code § 2071*. The bias against me as a pro se litigant by the courts and court officials has not ceased. The term "pro se litigant" is SUBTERFUGE (something designed to deceive) used by Attorneys or Judges that believe themselves superior to laymen. This is clearly an example of "class biased invidious" (producing resentment or ill feeling by unfairly slighting someone) and "discriminatory animus" (an attitude or feeling that motivates somebody's actions). *Under Rule 10 (c)* if a state court or a United states court of appeals has decided an important question of federal law that conflicts with a relevant decision of this court then the Supreme Court has the right to step in. You clearly have that right in this case. Will the Supreme Court right the wrongs done when you clearly have the ability to do so?

RELEVANT CONSTITUTIONAL PROVISIONS

Amendment V of the United States Constitution states a US citizen can not be deprived of their right to life, liberty or property without due process of law.

Amendment IX of the United States Constitution states the enumeration in the Constitution of certain rights shall not be construed to deny or disparage other rights retained by the people.

Amendment XI of the United States Constitution states the judicial power of the United States should not be construed to extend to any suit of law prosecuted against one of the United States Citizens of another State or a Foreign State.

Article VI of the United States Constitution specially states no officials or judges have immunity and are subject to the law of land as every other citizen of the United States is bound.

INTRODUCTION

The nature and background of the case is highly based on persecution by psychology, infringement of my parental jurisdictional rights and rights as a pro se litigant. The Indiana Department of Child Services used a legally dismissed psychological case from South Carolina Courts to make claims against me said Petitioner, of whom was never a party in the neglect of the child. He had been a resident of South Carolina for years when neglect charges were filed in Indiana against the biological mother. I was never privy to the mother's actions and neglect of the child. There are no findings and facts against me in order to have had my parental rights taken away. Indiana Department of Child Services et, al forced upon me rules, regulations and authorities which should have never been allowed under the Supreme Law of the land. Common law tells us any law, rules, regulations and policies enforced upon me said Petitioner, in the name of law is fraud. Laws, rules, regulations and policies have been given to them by the people but not to control the behavior of the people but rather the officials themselves. For no lack of better words it has been like a witch hunt and at no point was I ever seen as not guilty but was forced a guilty sentence on me in every way possible and noone stopped them. Indiana had no jurisdiction over me to take my child.

STATEMENT OF THE CASE

I, Stuart J. Shicks, Petitioner, has been victimized for years by a corrupt system of judicial misconduct in Indiana Courts. They perpetrated an unconscionable scheme to criminally defraud the United States Government and willfully deprive me of my Constitutional rights for the sole intent of unlawful financial gain. The Respondents named in this case have conspired to commit fraud by and through the establishment and enforcement of fraudulent psychological evaluations and falsified documents that were created with complete disregard of evidence and facts. Perjury can be found on multiple documents throughout the entire court.

CONCLUSION

In Conclusion, I, the Petitioner does pray that this Court observe the practice of fundamental fairness in Substantial Justice and not act as simple bystanders while I am denied the right to redress when my Life, Liberty, Property and The Pursuit of Happiness have been denied under color of law *18 U.S Code § 242 Deprivation of Rights Color of Law, 42 U.S. Code § 1983 Color of Law (Civil Rights Act of 1871)* by state and federal employees of the United States.

Under *Rule 20.2, 28 U.S Code § 1651 (a)* petition for an extraordinary writ or writ of certiorari should be granted because there is a clear violation of principle law that caused irreparable harm. The Petition for Writ of Certiorari should be granted.

Respectfully Submitted,
STUART J. SHICKS

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(*Shicks v. Indiana Department of Child Services, et al.*)

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