

Supreme Court, U.S.

FILED

AUG - 7 2024

OFFICE OF THE CLERK

No. 24-215

---

In the  
Supreme Court of the United States

JAMUS BRYANT ,

*Petitioners,*

v.

BONNIE HEATHER  
MCLEAN, in  
her official and individual  
capacities; *et al.*,

*Respondents.*

---

On Petition to the  
United States Court of  
Appeals for the Tenth  
Circuit

---

---

PETITION FOR A WRIT  
OF CERTIORARI

---

Jamus Bryant  
Pro Se  
1029 S. Queen St.  
York Pa. 17403  
(215)812-7642  
Jamus.bryant@gmail.com

## **QUESTIONS PRESENTED**

1. Whether the Tenth Circuit District Court and the Federal Appeals Court failed to address the specific and substantial allegation that the state court fraudulently procured personal and subject matter jurisdiction in the state court case.?
2. Whether the dismissal and abstention under the Younger doctrine by the lower courts improperly precluded the Petitioner from having his claims of fraudulent jurisdiction procurement thoroughly reviewed and/adjudicated.?
3. Whether the National Security Act can be lawfully applied to deprive a parent of their fundamental right to parent in a case where the court's personal and subject matter jurisdiction has been fraudulently procured?

## **PARTIES TO THE PROCEEDINGS**

**JAMUS ORAN BRYANT,  
Plaintiff – Appellant;**

v.

BONNIE HEATHER MCLEAN, in her official and individual capacities; CHRISTINA APOSTOLI, in her official and individual capacities; FRANK ANTHONY MOSCHETTI, in his official and individual capacities; JONES LAW FIRM, P.C.; APRIL JONES, in her individual capacity; GRANT BURSEK, in his official and individual capacities; ANGELINA CORDOVA, in her individual capacity; THE STATE OF COLORADO; UNITED STATES OF AMERICA; STACY MICHELLE ANGEL, in her official and individual capacities; DANIEL T. TOWNSEND, in his official and individual capacities; GILBERT M. ROMAN, in his official and individual capacities; JOHN DOE, in his official and individual capacities,

**Defendants – Appellees**

## **RELATED CASES**

- Angel v. Bryant, 2020DR00079 – Colorado District Court;*
- Angel v. Bryant, 2021CA1128 – Colorado Court of Appeals;*
- Angel v. Bryant, 2022SA40 - Colorado Supreme Court;*
- Angel v. Bryant, 2022SA42 – Colorado Supreme Court;*
- Angel v. Bryant, 2023SC169 – Colorado Supreme Court;*
- Angel v. Bryant, 2021CA1724 – Colorado Court of Appeals;*
- Angel v. Bryant, 2021SA353 – Colorado Supreme Court;*
- Angel v. Bryant, 2021CA1930 – Colorado Court of Appeals;*
- Angel v. Bryant, 2022SA15 – Colorado Supreme Court;*
- Angel v. Bryant, 2022SA64 – Colorado Supreme Court;*
- Angel v. Bryant, 2022CA838 – Colorado Court of Appeals;*
- Angel v. Bryant, 2022SA226 - Colorado Supreme Court*

-*Angel v. Bryant*, 2022SA271 –  
Colorado Supreme Court;  
-*Angel v. Bryant*, 2022CA1485 –  
Colorado Court of Appeals;  
-*Angel v. Bryant*, 2022SA289 –  
Colorado Supreme Court;  
-*Angel v. Bryant*, 2022CA1990 –  
Colorado Court of Appeals;  
-*Angel v. Bryant*, 2022CA2281 –  
Colorado Court of Appeals;  
-*Angel v. Bryant*, 2023SA47 –  
Colorado Supreme Court;  
-*Angel v. Bryant*, 2023CA460 –  
Colorado Court of Appeals;  
-*Angel v. Bryant*, 2023SA201 –  
Supreme Court;  
-*Angel v. Bryant*, 2024CA556 – Court  
of Appeal;  
-U.S. Dist. Ct. District of Ohio  
(Dayton) CIVIL DOCKET FOR  
CASE #: 3:23-cv-00217-TMR-CHG

## TABLE OF CONTENTS

	Pages
Questions Presented.....	i
Parties to the proceedings .....	ii
Related Cases.....	iii
Table of Contents.....	v
Table of Cited Authorities.....	viii
Petition for Writ of Certiorari.....	1
Introduction.....	1
Opinion Below.....	4
Jurisdiction.....	4
Constit. Provisions Involved.....	5
Statement of the Case.....	6

Reasons for Granting the Petition.....	21
I. Whether the Tenth Circuit District Court and the 10th Circuit Court of Appeals failed to address the specific and substantial allegation that the state court fraudulently procured personal and subject matter jurisdiction in the state court case.....	21
II. Whether the dismissal and abstention under the Younger doctrine by the lower courts improperly precluded the petitioner from having his claims of fraudulent jurisdiction procurement thoroughly reviewed and adjudicated .....	27
III. Can the National Security Act be lawfully applied to deprive a parent of their fundamental right to parent, without notice and in a case where the court's personal and subject matter jurisdiction has been fraudulently procured?.....	40
CONCLUSION .....	45

Table of Appendices.....	49
A. APPENDIX A - DISMISSAL ORDER, U.S. COA 10TH CIRCUIT, MAY 10TH, 2024.....	51
B. APPENDIX B - SHOW CAUSE ORDER, U.S. COA 10TH CIRCUIT, APRIL 1ST, 2024.....	60
C. APPENDIX C - SHOW CAUSE ORDER, U.S. COA 10TH CIRCUIT, APRIL 15TH, 2024 .....	67
D. APPENDIX D - ORDER ON MAGISTRATE JUDGE'S RECOMMENDATION, 10TH CIRCUIT, MARCH 20TH, 2024.....	69
E. APPENDIX E - NOTICE OF APPEAL, 10TH CIRCUIT, MARCH 28TH, 2024 .....	120
F. APPENDIX F - VERIFIED MOTION TO SET ASIDE VOID ORDER PURSUANT TO F.R.C.P. RULE 60(b)(4) IN RESPONSE TO THE.....	126

G. APPENDIXE G - AMENDED AFFIDAVIT OF PETITION FOR WRIT OF HABEAS CORPUS AND OTHER DECLARATORY AND INJUNCTIVE RELIEF.....149
---

## CITED AUTHORITIES

<i>Melo v. United States</i> , 505 F.2d 1026 (10th Cir) .....24, 36;
<i>Hagans v. Lavine</i> , 415 U.S. 533 (1974) .....24;
<i>Main v. Thiboutot</i> , 100 S. Ct. 2502 (1980)....24, 31, 37;
<i>Joyce v. United States</i> , 474 F.2d 215, 219 (3d Cir.1973).....6, 7;
<i>FW/PBS, Inc. v. City of Dallas</i> , 493 U.S. 215, 231 (1990) .....29, 30;
<i>Mitchell v. Maurer</i> , 293 U.S. 237, 244 (1934).....30, 42;
<i>Juidice v. Vail</i> , 430 U.S. 327, 331-332 (1977)....30;
<i>McNutt v. General Motors Acceptance Corp.</i> , 298 U.S. 178 (1936).....30;
<i>Village of Willowbrook v. Olech</i> , 528 U.S. 562 (2000).....31;

<i>Basso v. Utah Power and Light Company</i> , 495 F.2d 906 (10th Cir. 1974).....	31;
<i>Henry v. Office of Thrift Supervision</i> , 43 F.3d 507 (10th Cir. 1994).....	32;
<i>Givens v. Zerbst, supra</i> , 255 U.S. page 19, 41 S. Ct. 227, 229, 65 L. Ed. 475.....	32;
<i>Huffman v. Pursue, Ltd.</i> , 420 U.S. 592, 611 (1975).....	33, 35;
<i>Younger v. Harris</i> , 401 U.S. 37 (1971).....	15, 20, 21, 22, 25-36, 38;
<i>United States v. Reynolds</i> , 345 U.S. 1 (1953).....	34, 35, 41;
<i>Hamdi v. Rumsfeld</i> , 542 U.S. 507 (2004).....	34, 35, 41;
<i>Steel Co. v. Citizens for a Better Environment</i> , 523 U.S. 83 (1998).....	35;
<i>Ruhrgas AG v. Marathon Oil Co.</i> , 526 U.S. 574 (1999).....	35;
<i>Mathews v. Eldridge</i> , 424 U.S. 319 (1976).....	36;
<i>Arbaugh v. Y &amp; H 21 Corp.</i> , 546 U.S. 500 (2006).....	37;
<i>Ashcroft v. Iqbal</i> , 556 U.S. 662 (2009).....	37;

<i>Goldberg v. Kelly</i> , 397 U.S. 254 (1970).....	39;
<i>Osborn v. Bank of the United States</i> , 22 US 738 (1824).....	40;
<i>Troxel v. 24 Granville</i> , 530 U.S. 57 (2000).....	40;
<i>Boumediene v. Bush</i> , 553 U.S. 723 (2008).....	41;
<i>Holder v. Humanitarian Law Project</i> , 561 U.S. 1 (2010).....	42;
<i>Rasul v. Bush</i> , 542 U.S. 466 (2004).....	42;
<i>Mitchell v. Forsyth</i> , 472 U.S. 511 (1985).....	42;
<i>Bell v. Hood</i> , 327 U.S. 678 (1946).....	43;
<i>Plyler v. Doe</i> 457 U.S. 202 (1982).....	43;
<i>Ex parte McCordle</i> , 74 U.S. (7 Wall.) 506 (1869).....	43;
<i>Zadvydas v. Davis</i> , 533 U.S. 678 (2001).....	43;

## **STATUTES**

- 42 U.S.C. 1983.....15, 16, 19;
- 28 U.S.C. § 1254(1).....17;
- 28 U.S.C. § 1292(a)(1).....28;
- 28 U.S.C. § 1331.....17, 19;
- National Security Act 50 U.S.C.  
Chapt 44.....2, 6, 14-18, 33-35, 40-45;
- U.S. Const. amend. XIV.....18;
- F.R.A.P. Rule 4.....29;

## **PETITION FOR A WRIT OF CERTIORARI INTRODUCTION**

Petitioner, Jamus Oran Bryant (hereinafter Bryant), an African American male, stands before this Honorable Court seeking redress for profound injustices perpetrated by the Colorado state judicial system and overlooked by the 10<sup>th</sup> Circuit judiciary. The gravamen of this petition rests on the failure of the lower courts to address Bryant core allegations of fraudulent procurement of jurisdiction, systemic oppression, and the unlawful invocation of the National Security Act. These actions have not only violated Bryant's constitutional rights to be heard but also starkly contravene the very purpose of 42 U.S.C. § 1983, a cornerstone of civil rights law designed to protect individuals from abuses of power by state actors.

Bryants' ordeal began with state court proceedings fraught with procedural irregularities, including lack of service of process that led to a lack of personal and subject matter jurisdiction. Despite clear evidence

demonstrating these fundamental defects, the state court refused to address jurisdictional failings, effectively depriving Bryant of a fair hearing and due process. When Bryant sought relief in federal court, his claims were dismissed under the Younger abstention doctrine, which was misapplied given the extraordinary circumstances of his case.

As an African American, Bryants' experience is emblematic of the systemic oppression that 42 U.S.C. § 1983 was enacted to combat. The state and federal courts' refusal to address the fraudulent procurement of jurisdiction and the subsequent denial of due process and equal protection rights underscores a broader pattern of judicial indifference to the plight of marginalized individuals. This judicial inaction perpetuates systemic bias and discrimination, effectively silencing Bryants' attempts to seek justice and redress for the violations of his constitutional rights.

Adding a troubling dimension to Bryants' case is the unlawful invocation of the National Security Act by the state court. This invocation served to suppress evidence, conduct closed proceedings,

and restrict Mr. Bryants' ability to defend himself and challenge the state courts fraudulent jurisdiction. Such misuse of National Security provisions not only infringes on Bryants' 14<sup>th</sup> Amendment due process right to be heard and First Amendment right to access the court but also sets a dangerous precedent for the erosion of civil liberties under the guise of national security.

The actions of the federal courts in dismissing Mr. Bryant's § 1983 claims without addressing the underlying jurisdictional and constitutional issues are antithetical to the purpose of civil rights protections. 42 U.S.C. § 1983 was established to provide individuals with a federal remedy against state actors who violate constitutional rights. By failing to adjudicate Mr. Bryant's substantive claims and instead focusing on procedural compliance, the federal courts have undermined the efficacy of § 1983 as a tool for protecting civil rights.

This petition for writ of certiorari presents an urgent call for this Honorable Court to intervene and rectify the profound injustices Mr. Bryant has suffered. It seeks to restore the fundamental principles of justice

and fairness by addressing the core issues of fraudulent jurisdiction procurement, systemic oppression, and the unlawful invocation of national security provisions. Granting this petition will reaffirm the commitment of the judiciary to protect the civil rights of all individuals, particularly those from marginalized communities who continue to face systemic discrimination and abuse of power.

## **OPINION BELOW**

The United States Court of Appeals order is reported at *Jamus Oran Bryant v. Bonnie Heather McLean et. Seq.* No. 24-1123 (D.C. No. 1:23-CV-00997-NYW-KAS) (D.Colo.) It is also reproduced at App. 481.

## **JURISDICTION**

The United States Court of Appeals for the Tenth Circuit judgement was entered on May 10th, 2024. Accordingly, this Court has jurisdiction under 28 U.S.C. § 1254(1) and 28 U.S.C. § 1331.

## **CONSTITUTIONAL PROVISIONS INVOLVED**

Due Process (U.S. Const. amend. XIV): The state court, by fraudulently procuring jurisdiction, deprived Bryant of his right to a fair hearing and due process. The state court's actions have resulted in significant procedural irregularities, including the denial of a proper forum to address his claims and defend his parental rights.

Equal Protection Violations (U.S. Const. amend. XIV): The actions taken by the state court and other state actors have disproportionately and unfairly targeted Bryant, violating his right to equal protection under the law. There are claims of systemic bias and discrimination against the Colorado state courts, exemplified by a fraudulent procurement of personal and subject matter jurisdiction and compounded by a fraudulent invocation of National Security Act under the direction of the U.S. States Air Force that ultimately sanctioned

and allowed its servicemembers to abduct Bryants' 2-year-old child under military powers.

First Amendment Violations: Bryant alleges that his right to free speech and to petition the government for redress of grievances has been impeded by the state and federal court's actions. The improper handling of his case has effectively impeded Bryants attempts to challenge the violations of his statutory and constitutional rights.

#### **STATEMENT OF THE CASE**

Petitioner, Bryant, initiated (42 U.S.C. §§ 1983, 1985(3), 1986), (28 U.S.C. § 1331), (28 U.S.C. § 2679(b)(1)), (C.R.S. § 14-13-301 et. Seq). and (CRS § 24-34-306) against multiple state and federal defendants, alleging systemic oppression, abuse of power, and violations of his constitutional rights. Central to Bryants' claims is the argument that the state court proceedings were invalid due to lack of service, resulting in fraudulent procurement of jurisdiction.

### *2nd Amended Complaint*

On March 28, 2024, Bryant filed a 2nd Amended Complaint in federal court, outlining 42 causes of action, based upon lack of service and jurisdictional fraud. Bryant also alleged specific facts demonstrating a continuation of jurisdictional fraud and a conspiracy to deprive him of his constitutional rights.

### *Petitioner's Responses to Motions to Dismiss*

On August 24th, 2023, the Jones law firm file a motion to dismiss. The Jones defendants motion to dismiss failed to controvert the fraudulent procurement of jurisdiction allegations set forth in Bryant 2nd amended complaint.

On September 13, 2023, in response to the Jones Law Firms, August 24th, 2023, motion to dismiss, Bryant, argued against the dismissal by claiming the state court lacked personal and subject matter jurisdiction over the state court case.

Bryant argued he was not served summons and copy of complaint and the state court fraudulently procured jurisdiction on January 14<sup>th</sup>, 2020. Bryant's response repeatedly alleged the state court's jurisdiction was fraudulently procured and highlighted the procedural due process violations resulting from the court's actions.

On August 28<sup>th</sup>, 2023, the State defendants filed a motion to dismiss, the motion to dismiss failed to controvert the fraudulent procurement of jurisdiction allegations set forth in Bryant's 2nd amended complaint.

On September 17, 2023, in response to the state defendants' motion to dismiss, Bryant reiterated his argument that he was not served summons and copy of complaint and the state court fraudulently procured personal and subject matter jurisdiction on January 14<sup>th</sup>, 2020. Bryant provided detailed arguments about the lack of proof of service in the state court record and, emphasized the state courts due process violations. Bryant also argued that the 10th Circuit lacked subject matter jurisdiction to apply the

Younger Abstention doctrine based upon the State Courts fraudulent procurement of jurisdiction.

On October 2<sup>nd</sup>, 2023, State Defendants filed their Reply. The Reply failed to address the lack of proof of service in the state court record.

On October 2<sup>nd</sup>, 2023, the Federal defendants filed a motion to dismiss. The motion to dismiss failed to address the state court fraudulent procurement of jurisdiction allegations that Bryant claimed in his 2<sup>nd</sup> amended complaint.

On October 16<sup>th</sup>, 2023, in his response to the federal defendants motion to dismiss, Bryant continued to that the state court fraudulently procured personal and subject matter jurisdiction, and that of proof of service is missing from the state court record. Bryant continued to claim that the 10<sup>th</sup> Circuit lacked subject matter jurisdiction, arguing in support that the state courts fraud fell squarely within the exceptions of the Younger abstention doctrine.

On October 30<sup>TH</sup>, 2023, Federal Defendants filed their Reply. The Reply failed to address the lack of proof of service in the state court record.

An inspection of each defendants Motion to Dismiss reveals that each defendant invoked Younger abstention however none of defendants identified or directed the courts attention towards any pending proceeding in the state court, nor does the record contain any facts or evidence that indicate ongoing proceedings in state court.

#### *Petitioners Mandatory Judicial Notices*

On November 30, 2023: Petitioner, Jamus Oran Bryant, submitted a Mandatory Judicial Notice<sup>8</sup> that meticulously detailed the procedural deficiencies in the state court proceedings, particularly the failure to serve Bryant summon and copy of complaint, which resulted in the state courts fraudulent procurement of jurisdiction on January 14<sup>th</sup>, 2020. This notice included compelling evidence, such as affidavits and court records, demonstrating that Bryant was never properly served, thereby invalidating the jurisdiction of the state court.

Despite the gravity of these claims, the defendants did not provide any evidence to controvert the allegations of lack of service. The uncontroverted evidence presented by Bryant should have compelled the 10<sup>th</sup> Circuit to acknowledge the absence of personal and subject matter jurisdiction in the state court, rendering Younger doctrine inapplicable. However, the court inexplicably ignored this critical evidence.

The 10<sup>th</sup> Circuits failure to address the evidence provided in the Mandatory Judicial Notice perpetuated the procedural irregularities and constitutional violations against Bryant. This neglect not only denied Bryant his right to a fair hearing but also violated his due process and equal protection rights under the Fourteenth Amendment. The actions of the state court, compounded by the 10<sup>th</sup> Circuits district courts' dismissal of Bryant's claims without addressing Bryant state court fraudulent procurement of jurisdiction claim, highlights a systemic failure to uphold the principles of justice and fairness.

By ignoring the substantial and uncontested evidence demonstrating the lack of service in the state court record, the 10th Circuit district court has effectively undermined the integrity of the judicial process. This critical oversight necessitates review by this Honorable Supreme Court to rectify the profound injustices suffered by Bryant and to ensure that such procedural and constitutional violations are not perpetuated against others.

*Petitioner's Response to Defendants' Joint Motion to Stay Discovery*

On December 7th, 2023, Bryant, submitted a response<sup>9</sup> to the defendants' joint motion to stay discovery<sup>10</sup> and all further proceedings. In this response, Bryant argued that discovery is crucial to uncover evidence supporting his claims of improper service and fraudulent jurisdiction procurement. He emphasized that a stay of discovery would significantly prejudice his case, delay justice, and impede his ability to gather essential evidence. Bryant

reiterated that the state court's jurisdiction was fraudulently procured and that the federal court must address these jurisdictional issues before considering a stay of discovery. On December 21st, 2023, Joint defendants filed a Reply, however the Reply failed to address Bryants allegation that the state court fraudulently procured jurisdiction over the state court case.

*District Court Stay of Discovery  
Minute Order*

On February 14, 2024, the U.S. District Court issued a Minute Order<sup>12</sup> staying discovery and further proceedings in Bryant's case. However, the magistrate failed to address the critical claim that the state court fraudulently procured jurisdiction on January 14th, 2020, nor did the magistrate consider the lack of proof of service in the state court record and evidence detailed by Bryant in his Responses and Mandatory Judicial Notice. This oversight resulted in a

recommendation that ultimately ignored the foundational defects in the state court's jurisdiction and deprived Bryant of his right to be heard.

*Objection to Minute Order Stay of Discovery*

On February 27, 2024, Bryant filed a formal objection<sup>13</sup> to the February 14<sup>th</sup>, 2024, minute order, arguing that proof of jurisdiction must be established on the record, as mandated by legal precedents such as *Melo v. United States* 505 F.2d 1026 (8th Cir. 1974) and *Hagans v. Lavine* 415 U.S. 533 (1974).

Bryant emphasized that the 10<sup>th</sup> circuit cannot proceed if there are questions about its jurisdiction over the matter, citing *Main v. Thiboutot* 100 S. Ct. 2502 (1980) to underscore that void proceedings cannot confer validity on the court's decisions. Bryant again argued the issue of fraudulent procurement of personal and subject matter jurisdiction by the state court, and highlighted the defendants failure to address his fraudulent procurement of jurisdiction claim despite having a

legal obligation to prove jurisdiction. Bryant argued further the defendants refusal to contest his jurisdictional claims undermines their credibility and supports the validity of his allegations.

Bryant concluded that the 10th Circuits district court's failure to address Bryants fraud allegations, as well as the defendants' failure to refute his fraudulent procurement of jurisdiction claims, prejudices his case and contradicts established legal principles regarding jurisdiction and fairness. On March 12th, 2024, both the state defendants and the Federal defendants filed a responses to Bryants objection, however neither defendant addressed Bryants fraudulent procurement of jurisdiction allegations in their response.

*Plaintiffs Objection to February 27th, 2024 Recommendation of United States Magistrate Judge*

On February 27th, 2024, the magistrate again failed to address Bryants challenge that the 10th Circuit lacked subject matter

jurisdiction to dismiss under Younger based upon the state courts fraudulent procurement of jurisdiction on January 14<sup>th</sup>, 2020, notwithstanding Bryants jurisdictional challenge, the magistrate forthwith issued a recommendation to dismiss Bryant's claims under the Younger abstention doctrine<sup>16</sup>. The magistrate recommendation effectively deprived Bryant of his due process rights to a fair proceeding and to be heard.

On March 11<sup>th</sup>, 2024, in response, Bryant filed a formal objection<sup>17</sup> to the magistrate recommendation, emphasizing both, the defendants failure to controvert Bryants' lack of subject matter jurisdiction challenge and the magistrate's failure to address Bryants lack of subject matter jurisdiction. Bryant argued the magistrate lacked subject matter jurisdiction to proceed without first addressing the lack of proof of service in the state court record.

### *Plaintiffs Mandatory Judicial Notice*

On March 11<sup>th</sup>, 2024, Bryant submitted a "Mandatory Judicial Notice" (See App. 397) in the U.S. District Court for the District of Colorado. This document highlighted significant procedural errors and alleged fraudulent jurisdiction procurement in the state court case involving Bryant. Additionally, the notice set forth material facts evidencing that there was no ongoing state proceedings and the 10<sup>th</sup> circuit lacked subject matter jurisdiction to apply Younger abstention. The Courts failure to consider this evidence undermines the integrity of the judicial process and Bryant's right to a fair trial.

### *Order on Magistrate Judges Recommendation*

On March 20, 2024, 10<sup>th</sup> Circuit District Court issued an order<sup>18</sup> adopting the magistrate judge's recommendation. The District Court dismissed Bryants claims in part and issued an administrative stayed of

the case under the Younger abstention doctrine, despite Bryants objections highlighting lack of proof of service in state court record and without giving Bryant due process consideration of his claim that the 10th Circuit lacked subject matter jurisdiction to apply Younger doctrine based upon the state courts' fraudulent procured jurisdiction over the state court case on January 14<sup>th</sup>, 2020.

### *10th Circuit COA*

On March 28<sup>th</sup>, 2024, Bryant filed notice of appeal. The notice indicated Bryant intended to appeal the 10th Circuit District Court, March 20<sup>th</sup>, 2024, dismissal in part and administrative stay, on jurisdictional grounds.

On April 1<sup>st</sup>, 2024, the appeals court issued a show cause order (See App B). The order was silent on the primary allegation by Bryant that the District Court lacked subject matter jurisdiction to dismiss in part and stay Bryants' 2<sup>nd</sup> amended complaint under Younger without first addressing whether the state

court had lawfully obtained personal and subject matter jurisdiction over the state court case.

On April 10, 2024, in response to the appeals court show cause order, Bryant filed “Federal Motion to Set Aside Void April 1<sup>st</sup>, 2024, Order pursuant to F.R.C.P. Rule 60(b)(4)”<sup>21</sup>, therein, Bryant argued the 10<sup>th</sup> Circuit District Courts failure to address his lack of subject matter jurisdiction challenge deprived the District Court of subject matter jurisdiction to dismiss Bryants’ 2<sup>nd</sup> amended complaint in part and issue an administrative stay under Younger doctrine.

On April 15<sup>th</sup>, 2024, the appeals court issued a second show cause order<sup>22</sup> directing the appellees, “to file a written response addressing whether this court has jurisdiction over this appeal pursuant to 28 U.S.C. § 1292(a)(1).” However, the second show cause order failed to consider the primary merits of Bryants’ Rule 60(b)(4) motion (See App C.), therein, Bryant argued primarily the state court fraudulently procured jurisdiction over the state court case and as a consequence the 10<sup>th</sup>

Circuit District Court lacked subject matter jurisdiction to dismiss in part the 2nd amended complaint and abstain under Younger.

Apparently, neither the state defendants nor the federal defendants addressed the state courts fraud allegation because the 10th circuit appeals court did not direct them to do so. Ultimately, the state defendants informed Bryant that they will not be addressing Bryant's primary argument that alleged the state courts jurisdictional fraud deprived the 10th circuit of subject matter jurisdiction to dismiss and abstain under Younger. Here the state defendants explicitly stated they will only be addressing Bryant's argument in the alternative, stating, "The Tenth Circuit appeals court directed us to address whether it has jurisdiction over your appeal pursuant to 28 U.S.C. § 1292(a)(1), and that is why we will only be addressing that issue." Similarly, the Federal defendants ignored Bryant's demand for proof of service from the state court record.

On May 10<sup>th</sup>, 2024, the appeals court dismissed Bryants appeal, without consideration of Bryants primary jurisdictional claim that argued the state courts jurisdictional fraud deprived the 10<sup>th</sup> Circuit District Court of subject matter jurisdiction to dismiss in part and abstain under Younger doctrine. The dismissal effectively deprived Bryant of his due process right to proof of jurisdiction and right to be heard.

#### **REASONS FOR GRANTING THE PETITION**

- I. Whether the Tenth Circuit District Court and the 10th Circuit Court of Appeals failed to address the specific and substantial allegation that the state court fraudulently procured personal and subject matter jurisdiction in the state court case?**

Bryant argues he has a substantive due process right to be heard by a court with valid subject matter jurisdiction (See F.R.A.P. Rule 4), as well as a substantive due process right to “proof” of jurisdiction.

### **Supporting Case Law:**

***Joyce v. United States, 474 F.2d 215, 219 (3d Cir. 1973)*** (“once that issue was raised, the district court had no discretion to proceed to a final adjudication of the cause of action...” “Where there is no jurisdiction over the subject matter there is, as well, no discretion to ignore that lack of jurisdiction.” *See* F.R.Civ.P. 12 (h)(3).

- FW/PBS, Inc. v. City of Dallas, 493 U.S. 215, 231 (1990) (“[E]very federal appellate court has a special obligation to 'satisfy itself not only of its own jurisdiction, but also that of the lower courts in a cause under review,' even though the parties are prepared to concede it.”) *Mitchell v. Maurer, 293 U.S. 237, 244 (1934)*. *See* *Juidice v. Vail, 430 U.S. 327, 331-332 (1977)* (standing). ’

Here the facts show that all of the defendants listed in Bryant's 2nd amended complaint invoked the Courts jurisdiction under Younger abstention doctrine, however, when Bryant, in response, re-asserted his claim that proof of service is lacking in

the state court record and that on January 14th, 2020, the state court fraudulently procured personal and subject matter jurisdiction over the state court case, the defendants, unexplainably remained silent and ignored the due process requirement to provide proof of service from the state court record.

- *McNutt v. General Motors Acceptance Corp.*, 298 U.S. 178 (1936) (“Here, the allegation in the bill of complaint as to jurisdictional amount was traversed by the answer. The court made no adequate finding upon that issue of fact, and the record contains no evidence to support the allegation of the bill. There was thus no showing that the District Court had jurisdiction, and the bill should have been dismissed upon that ground.”)
- *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 231 (1990) (“And it is the burden of the "party who seeks the exercise of jurisdiction in his favor,")

Additionally, the facts contained in the record show the lower courts failed to take notice of the service defects in the state court record, failed to decide Bryants' specific jurisdictional challenge and conferred jurisdiction where none existed. This oversight has undermined Bryants due process rights under the 14<sup>th</sup> amendment of the U.S. Constitution to be heard, equal protection and fair adjudication of his 2<sup>nd</sup> amended complaint and appeal.

The facts in the record indicate the U.S. 10th Circuit Court of Appeals issued its May 10th, 2024, order (See App. A,) without adequately deciding the fundamental jurisdictional issues raised by Bryant in his *Verified Motion to Set Aside Void April 1st, 2024 Order pursuant to F.R.C.P Rule 60(b)(4) in Response to the Appeals Court April 1st, 2024, Show Cause Order* (See App. C), therein Bryant asked the question, "Did the 10<sup>th</sup> Circuit federal court properly assess whether the state court had proper jurisdiction over the case before deciding to abstain under Younger?" An inspection of the May 10th, 2024, order reveals the Appeals Court failed to decide this critical jurisdiction

question, effectively, denying Bryant his right to be heard and the equal protection of cited case laws that mandate proof of jurisdiction appear on the record such as *Main v. Thiboutot*, 100 S. Ct. 2502 (1980) and *In Basso v. Utah Power and Light Company*, 495 F.2d 906 (10th Cir. 1974), and *In Henry v. Office of Thrift Supervision* 43 F.3d 507 (10th Cir. 1994.).

- The Supreme Court, in *Village of Willowbrook v. Olech*, 528 U.S. 562 (2000), held that equal protection claims can arise from discriminatory treatment even when the individual is not part of a larger class. The 10th Circuit's failure to consider cited case precedent and dismissal of Bryant's appeal without addressing primary jurisdictional challenge fails to adhere to the Supreme Court's mandate to ensure that individuals are not subjected to discriminatory practices in the judicial process.
- *In Givens v. Zerbst*, supra, 255 U.S. page 19, 41 S. Ct. 227, 229, 65 L. Ed. 475, the court said: "\* \*\* In

consequence of the limited nature of the power of such courts the right to have exerted their jurisdiction, when called in question by collateral attack, will be held not to have existed unless it appears that the grounds which were necessary to justify the exertion of the assailed authority existed at the time of its exertion and therefore were or should have been a part of the record."

Accordingly, given the substantial unresolved fundamental jurisdictional challenges on the record, and the deprivation of Bryants' fundamental constitutional rights that have resulted in irreparable injury. Bryant ask this Supreme Court to uphold the due process principles of equal protection, to be heard, and fairness, by granting his Petition for a Writ of Certiorari to conduct a thorough review of the entire case, or in the alternative, review of the May 10th, 2024, judgment of the United States Court of Appeals for the Tenth Circuit.

II. Whether the dismissal and abstention under the Younger doctrine by the lower courts improperly precluded the petitioner from having his claims of fraudulent jurisdiction procurement thoroughly reviewed and adjudicated?

The application of the Younger abstention doctrine by the lower courts effectively barred Bryant from having his substantial claims reviewed, despite the serious nature of the jurisdictional fraud allegations. The lower courts dismissed and stayed the case based on procedural technicalities rather than addressing the substantive allegations of jurisdictional fraud, conspiracy, and fundamental constitutional violations (See App. D).

Bryants case falls squarely within the exception to Younger abstention. Bryants allegations of state court fraudulent jurisdiction procurement (14th amendment), conspiracy to violate his constitutional rights, systemic procedural abuses including loss of right to Petition government (1st amendment) and retaliatory sanctions, fraudulent warrant issuance (4th amendment) and the

precedent weaponization of the National Security Act (50 U.S. Code Chapter 44)<sup>27</sup> constitute extraordinary circumstances that necessitate federal review and intervention. See 2nd amend complaint (fraudulent procurement of jurisdiction, cause of actions #1-4), (arbitrary filing requirement, paragraph #66, cause of action #34) (fraudulent and malicious warrant issuance paragraph's #43, #53, #191, #203, cause of actions #8 and #9), (retaliation for Petitioning the government, cause of action #27) (fraudulent conspiratorial invocation of national security act paragraphs #43 and #53, cause of actions #16 and #18)

These state court actions align with systemic bias and oppression claims, requiring detailed judicial scrutiny and corrective measures to restore justice. The lower 10<sup>th</sup> circuit courts failure to consider these exceptions represents a significant oversight that undermines Bryants' right to a fair trial.

- *Huffman v. Pursue*, Ltd., 420 U.S. 592, 611 (1975) (“Younger, and its civil counterpart which we apply today, do of course allow intervention in those cases where the District Court properly finds that the state proceeding is motivated by a desire to harass or is conducted in bad faith, or where the challenged statute is “flagrantly and patently violative of express constitutional prohibitions in every clause, sentence and paragraph, and in whatever manner and against whomever an effort might be made to apply it.””)

This case presents an opportunity for the Supreme Court to clarify the proper application of Younger abstention in cases involving allegations of fraudulent jurisdiction procurement, denial of court access, and proper applications of the National Security Act.

### Supporting Case Law:

- *Younger v. Harris*, 401 U.S. 37 (1971): Outlines the Younger abstention doctrine, emphasizing the importance of not interfering with state court proceedings except under extraordinary circumstances.
- *Huffman v. Pursue, Ltd.*, 420 U.S. 592 (1975): Identifies exceptions to Younger abstention in cases of bad faith, harassment, or other extraordinary circumstances.
- *Ankenbrand v. Richards*, 504 U.S. 689, 705 (1992) (*Pennzoil Co. v. Texaco Inc.*, 481 U.S. 1 (1987)), the Court stated, "we have never applied the notions of comity so critical to Younger's "Our Federalism" when no state proceeding was pending nor any assertion of important state interests made."

Neither state nor federal courts can exercise subject matter jurisdiction over a claim which does not exist

Defendants have not provided any proof of service from the state court record, and therefore have not carried the burden to show adequate service upon Bryant in the state court. The facts show Defendants have failed to make *prima facie* showing that the service of process satisfied such requirements. beyond technical defect. In opposing the defendants motion to dismiss, Bryant made *prima facie* showing that the statutory and due process requirements for service in the Colorado state court were not satisfied. The lack of service in the state court deprived the 10<sup>th</sup> circuit of subject matter jurisdiction over the defendant[s] Younger claim. Bryant has sustain against the defendants, and the 10<sup>th</sup> circuit court should have held Younger inapplicable and overruled the respective motions to dismiss of all the defendants.

1. The 10<sup>th</sup> Circuit Court of Appeals dismissal order cannot be squared with this Court's precedents.

In dismissing Bryants' appeal the 10th Circuit Court of Appeals showed no concern with recognizing Bryants' substantial right to proof of jurisdiction. The U.S. Supreme Court has consistently held that a court must establish its jurisdiction before proceeding with a case. In *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83 (1998), the Supreme Court reaffirmed the principle that jurisdiction is a threshold issue. See also *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574 (1999).

The 10th Circuit Court of Appeals, in upholding the 10th Circuit District Courts' dismissal in part and administrative stay under the Younger abstention doctrine, failed to address the core jurisdictional challenges raised by Bryant. Here Bryant argued that the state court never acquired personal jurisdiction due to improper service of process, a fundamental requirement underscored by precedents such as *Melo v. United*

*States*, 505 F.2d 1026 (10th Cir. 1974), which states that jurisdiction must be proven once challenged. The 10<sup>th</sup> Circuit's Court of Appeals dismissal without resolving these jurisdictional issues directly conflicts with the Supreme Court's mandate that jurisdiction must be established on the record before a court can proceed.

The Supreme Court has emphasized the importance of procedural due process, which requires that parties be given a fair opportunity to present their case. In *Mathews v. Eldridge*, 424 U.S. 319 (1976), the Court articulated the balancing test for procedural due process, considering the private interest affected, the risk of erroneous deprivation, and the value of additional procedural safeguards. Bryant's right to due process was compromised by the state court's failure to properly serve him, thereby depriving him of the opportunity to be heard. The 10th Circuit's dismissal of his appeal (See App. E) without addressing these due process concerns directly contravenes the Supreme Court's procedural due process jurisprudence.

The Supreme Court has consistently held that once jurisdiction is challenged, it must be proven by the party asserting it. In *Main v. Thiboutot*, 100 S. Ct. 2502 (1980), the Court underscored that state and federal jurisdiction must be proven when challenged. In *Arbaugh v. Y & H Corp.*, 546 U.S. 500 (2006), the Supreme Court ruled that when a federal court's subject-matter jurisdiction is challenged, the court must determine whether it indeed has the authority to hear the case. Bryant provided substantial evidence demonstrating improper service and fraudulent jurisdiction procurement in the state court, which both, the 10th Circuit District Court and Court of Appeals failed to address. This failure is contrary to the Supreme Court's jurisprudence mandates, that jurisdiction must be established on the record, due process must be upheld, and equal protection ensured.

**2. The questions presented are exceptionally important**

*Lack of Jurisdiction*

Allowing state courts to proceed without acquiring personal and subject matter jurisdiction represents an expansive new threat to the very notion of jurisprudence. Jurisdictional rights are both fundamental and zero sum. Allowing courts to trump, otherwise, by-pass mandatory jurisdictional requirements contravenes principles dating to the original works of John Locke; animating the American Founding; and continuing unabashedly through 2009 when this Court decided *Ashcroft v. Iqbal*, 556 U.S. 662 (2009).

Jurisdiction is the bedrock upon which the authority of any court to hear and decide a case rests. The U.S. Supreme Court has consistently held that jurisdictional questions must be resolved before proceeding to the merits of a case. Due process rights are fundamentally compromised when courts exercise jurisdiction they do not

possess. Due process, a cornerstone of American jurisprudence guarantees fair legal proceedings. By not addressing substantial claims of fraudulent jurisdiction procurement, the lower courts have denied Bryant this fundamental right, resulting in a miscarriage of justice which undermines the judicial process's integrity and legality.

Ensuring that jurisdictional questions are properly addressed, maintains consistency and reliability in the judicial system. The issue of fraudulent jurisdiction procurement is not only significant to Bryant but also a matter of public importance. It addresses the broader concern of ensuring that all individuals are afforded their constitutional rights within the judicial system. The public's trust in the legal system hinges on the assurance that courts will exercise their authority lawfully and fairly. Addressing this issue is essential for maintaining public confidence in the judiciary and upholding the rule of law.

### *Younger Abstention Doctrine*

The Younger abstention doctrine, originating from *Younger v. Harris*, 401 U.S. 37 (1971), is designed to prevent federal court interference in ongoing state proceedings, except in extraordinary circumstances. However, the Supreme Court has clarified that Younger abstention is not applicable if the state court lacks jurisdiction.

*In Middlesex County Ethics Comm. v. Garden State Bar Assn.*, 457 U.S. 423 (1982), the Court identified exceptions to Younger abstention, including cases where the state proceedings are conducted in bad faith or involve extraordinary circumstances. Bryant's allegations of fraudulent jurisdiction procurement and the state court's failure to properly serve process qualify as such extraordinary circumstances. By dismissing Bryant's appeal without considering these factors, the 10th Circuit improperly applied the Younger abstention doctrine in a manner inconsistent with U.S. Supreme Court precedents.

By invoking Younger abstention and dismissing in part and staying the case, the lower courts effectively barred Bryant from pursuing his legitimate claims of jurisdictional fraud. This denial prevents Bryant from accessing a forum where his serious allegations can be examined and adjudicated. The right to have one's claims heard and decided by a competent tribunal is a fundamental aspect of the justice system, as emphasized in *Goldberg v. Kelly*, 397 U.S. 254 (1970).

The Supreme Court's intervention is necessary to clarify the proper application of the Younger Abstention doctrine and to ensure that federal courts do not abdicate their responsibility to protect constitutional rights under the guise of abstention. This case presents an opportunity to reinforce the balance between federal and state judicial responsibilities, ensuring that neither level of government oversteps its bounds in a manner that infringes on individual rights.

- I. Can the National Security Act (50 U.S.C. Chap. 44) be lawfully applied to deprive a parent of their fundamental right to parent, without adequate notice, and in a case where the court personal and subject matter jurisdiction has been fraudulently procured?

Poses a tremendous federal question. (28 USC 1331). Under Article III of the Constitution, federal courts can hear "all cases, in law and equity, arising under this Constitution, [and] the laws of the United States..." US Const, Art III, Sec 2. The Supreme Court has interpreted this clause broadly, finding that it allows federal courts to hear any case in which there is a federal ingredient. *Osborn v. Bank of the United States*, 22 US 738 (1824).

The right to parent one's children is recognized as a fundamental liberty interest protected by the Due Process Clause of the Fourteenth Amendment. In *Troxel v. Granville*, 530 U.S. 57 (2000), the Supreme Court affirmed that the right of parents to make decisions concerning the care, custody, and control of their children is

"perhaps the oldest of the fundamental liberty interests recognized by this Court." Depriving a parent of this right without proper jurisdiction and due process is a profound violation of constitutional protections.

The application of the National Security Act in cases involving parental rights, particularly when the court's jurisdiction is fraudulently procured, raises significant legal and constitutional issues. The National Security Act, designed to address matters of national security, should not be misapplied to undermine fundamental rights without strict scrutiny.

In *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004), the Supreme Court held that even in matters involving national security, due process requires that a citizen be given a meaningful opportunity to contest the factual basis for their detention before a neutral decision-maker. This principle should extend to cases where fundamental parental rights are at stake, ensuring that national security concerns do not override due process protections.

In *Boumediene v. Bush*, 553 U.S. 723 (2008) The Supreme Court ruled that detainees at Guantanamo Bay have the right to habeas corpus under the U.S. Constitution, allowing them to challenge their detention in federal court. The decision highlights the importance of judicial oversight and due process, even in cases involving national security. It reinforces that constitutional rights cannot be suspended without proper legal justification and oversight.

In *United States v. Reynolds*, 345 U.S. 1 (1953) The Supreme Court recognized the state secrets privilege but also emphasized the necessity for rigorous judicial scrutiny to ensure the privilege is not misused. This case highlights that while national security concerns can justify certain legal privileges, they must be balanced against the need for transparency and due process to prevent abuse.

In *Holder v. Humanitarian Law Project*, 561 U.S. 1 (2010) The Supreme Court upheld a federal statute prohibiting material support to terrorist organizations but emphasized the need for the statute to be precisely defined to avoid infringing on constitutional rights. This decision highlights the balance that must be struck between national security measures and the protection of constitutional rights, ensuring that laws are not applied in an overbroad or vague manner that undermines due process.

In *Rasul v. Bush*, 542 U.S. 466 (2004) The Supreme Court held that U.S. courts have jurisdiction to consider legal challenges on behalf of foreign nationals held at Guantanamo Bay. Reinforces the principle that national security concerns do not eliminate judicial oversight and the requirement for legal recourse, ensuring that detainees can challenge their detention through proper legal channels

In *Mitchell v. Forsyth*, 472 U.S. 511 (1985) The Supreme Court held that a former Attorney General could be held liable for damages for ordering illegal wiretaps without judicial approval, despite national security concerns. This case demonstrates that government actions taken under the guise of national security must still comply with constitutional and legal standards, including due process.

Jurisdictional integrity is paramount to the legitimacy of judicial actions. The Supreme Court has consistently held that courts must establish jurisdiction before proceeding with a case in *Bell v. Hood*, 327 U.S. 678 (1946), the Supreme Court held that a court must address jurisdictional questions before considering the merits of a case. Additionally, in *Plyler v. Doe*, 457 U.S. 202 (1982), the Supreme Court struck down a Texas statute that denied funding for education to undocumented children, holding that

children have rights to equal protection under the law which highlights that children's rights are protected under the Constitution, even when broader state or national interests are at play.

When a court's jurisdiction is fraudulently procured, any actions or decisions it makes are void ab initio. The intersection of due process and national security concerns requires careful judicial scrutiny. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that the government must provide strong justification for depriving an individual of liberty, especially when fundamental rights are implicated. Applying the National Security Act to deprive a parent of their right to parent without establishing proper jurisdiction fails to meet the due process standards articulated by the U.S. Supreme Court. The misuse of national security provisions to circumvent due process protections sets a dangerous precedent, undermining the rule of law and constitutional guarantees.

On July 28th, 2023, after the National Security Act was invoked against Bryant in the Colorado state court, Bryant discovered his child was being unlawfully held at Wright Patterson AFB in Ohio. Bryant filed AFFIDAVIT OF PETITION FOR WRIT OF HABEAS CORPUS AND OTHER DECLARATORY AND INJUNCTIVE RELIEF in the U.S. District Court Southern District of Ohio (See App. G). That same day the Court sealed the Record from the public and has since denied Bryant court access on the merits of his affidavit. As of July 18th, 2024, roughly 1 year later, the Court still has not addressed the merits of Bryant's sworn affidavit for writ of habeas corpus.

The public's trust in the judiciary hinges on the assurance that courts operate within their lawful bounds and uphold constitutional rights. Addressing the misuse of the National Security Act in cases involving parental rights is of extreme public importance. When courts fail to adhere to jurisdictional requirements and due

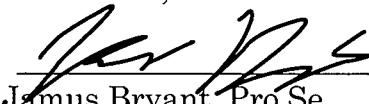
process protections, it erodes public confidence in the legal system. Ensuring that courts do not misuse national security provisions to bypass due process safeguards is essential for maintaining judicial accountability and protecting individual liberties.

The Supreme Court must address the question of whether the National Security Act can be lawfully applied to deprive a parent of their fundamental right to parent, without adequate notice, and in a case where the court's personal and subject matter jurisdiction has been fraudulently procured. This issue is exceptionally important because it involves fundamental constitutional rights, the integrity of judicial processes, and precedent National Security issue involving proper application of national security laws. The misuse of the National Security Act to circumvent due process protections undermines the rule of law and sets a perilous precedent. The Supreme Court's intervention is crucial to uphold constitutional standards, ensure judicial accountability, and protect the public's trust in the legal system.

## CONCLUSION

The questions presented in this petition are of exceptional importance because they address foundational principles of jurisdiction, due process, and the proper application of legal doctrines such as Younger abstention and the National Security Act. The failure of the lower courts to address Bryant's substantial claims of fraudulent jurisdiction procurement undermines the integrity of the judicial system, denies Bryant of right to a fair trial, and sets a troubling precedent for future cases. Moreover, these issues are of significant public importance, impacting the broader public's confidence in the judiciary and the rule of law. The Supreme Court's intervention is crucial to rectify these injustices, uphold legal standards, and ensure that jurisdictional challenges are thoroughly reviewed and adjudicated.

Respectfully submitted,



Jamus Bryant, Pro Se  
1029 South Queen Street  
York, Pa. 17403  
Phone: 215-821-7642  
Jamus.bryant@gmail.com