No. 24-221

In the Supreme Court of the United States

DOUGLAS ALAN DYSON,

Petitioner,

v.

WHITLEY COUNTY REGIONAL WATER & SEWER DISTRICT and the INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT,

Respondents.

On Petition for a Writ of Certiorari to the Indiana Supreme Court

PETITION FOR A WRIT OF CERTIORARI

Douglas Alan Dyson
Petitioner Pro Se
3630 East State Road 14
Columbia City, IN 46725
(260) 212-2279
doug@silverlakein.com

AUGUST 19, 2024
SUPREME COURT PRESS ♦ (888) 958-5705 ♦ BOSTON, MASSACHUSETTS

QUESTIONS PRESENTED

1. Whether the trial court Judge Matthew Rentschler, (Judge Rentschler) violated the organic law and constitutional provisions to supplant his orders superseding and denying Petitioner's rights to a judicial proceeding according to the course of the common law and a jury of my peers secured by the conditions stated in the 1816 Enabling Act, Passed at the First Session of the Fourteenth Congress of the United States, U.S. Statutes at Large III, 289-291. (App.5a-6a)

2. Whether (Judge Rentschler) denied Petitioner's Constitutional rights by granting Respondent's Motion for Summary Judgement in its entirety affirming (ELJ's) Order of Dismissal when she has NO constitutional oath of office. (App.6a)

3. Whether (Judge Rentschler) had jurisdictional authority to repudiate (Petitioner's) constitutional right to the free exercise clause of the First Amendment, and enjoyment of religious opinions without interference of my right of conscience. (App.6a)

4. Whether (Judge Rentschler) had jurisdictional authority to deny (Petitioner's) constitutional right to the free exercise clause of the First Amendment and enjoyment of religious opinions without interference of my right of conscience while knowing the Respondents intent was to force Petitioner against his will to contract against those protected rights. (App.6a)

PARTIES TO THE PROCEEDINGS

Petitioner and Petitioner below

- Douglas Alan Dyson

Respondents and Respondents-Permittees below

- Whitley County Regional Water & Sewer District
- Indiana Department of Environmental Management

LIST OF PROCEEDINGS

Indiana Office of Environmental Adjudication

No. 22-W-J-5197

Douglas Alan Dyson, et. al., *Petitioner*, v.
Whitley County Regional Water & Sewer
Permittee/Respondent, Indiana Dept. of Environmental Management, *Respondents*.

Date of Final Order: September 27, 2022

Whitley County Circuit Court Columbia City, Indiana

No. 92C01-2210-MI-884

Douglas Alan Dyson, et. al., *Petitioner*, v.
Whitley County Regional Water & Sewer
Permittee/Respondent, Indiana Dept. of Environmental Management, *Respondents*.

Date of Final Order: August 15, 2023

Indiana Court of Appeals

No. 23A-MI-2465

Douglas Alan Dyson, et. al., *Petitioner*, v.
Whitley County Regional Water & Sewer
Permittee/Respondent, Indiana Dept. of Environmental Management, *Respondents*.

Date of Final Order: March 26, 2024

Indiana Supreme Court (Petition to Transfer)

No. 23A-MI-2465

Douglas Alan Dyson, et. al., *Petitioner*, v. Whitley County Regional Water & Sewer *Permittee/Respondent*, Indiana Dept. of Environmental Management, *Respondents*.

Date of Denying Transfer: June 19, 2024

TABLE OF CONTENTS

TABLE OF CONTENTS – Continued

Page

APPENDIX TABLE OF CONTENTS

OPINIONS AND ORDERS

OTHER DOCUMENTS

TABLE OF CONTENTS – Continued

TABLE OF AUTHORITIES

Page

CASES

TABLE OF AUTHORITIES – Continued

Page

TABLE OF AUTHORITIES – Continued

Page

TABLE OF AUTHORITIES – Continued

Page

TABLE OF AUTHORITIES – Continued

CONSTITUTIONAL PROVISIONS

TABLE OF AUTHORITIES – Continued

TABLE OF AUTHORITIES – Continued

Page

OTHER AUTHORITIES

TABLE OF AUTHORITIES – Continued

PRAECIPE FOR COMMON LAW WRIT OF CERTIORARI

The U.S. Constitution First Amend. *right to petition the Government for a redress of grievance* is enshrined in accord with the Magna Carta (1215), clause (34), *The writ called Praecipe is not in future to be issued to anyone for any tenement in respect of which a free man could lose his court.*, clause (39), *No free man shall be seized, imprisoned, dispossessed, outlawed, exiled or ruined in any way, nor in any way proceeded against, except by the lawful judgement of his peers and the law of the land.*, and clause (40), *We will not sell, or deny or delay right or justice to anyone.*

The U.S. Constitution Amend. IX, *The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.*, and U.S. Constitution Article IV § 4, *guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion*; by "Act of Aug. 7, 1789, ch. 8, 1 Stat. 50, Art. II (readopting Ordinance of July 13, 1787), *reprinted in* 1 U.S.C. LVII (2018), right to a judicial proceeding according to the course at common law and jury of peers, U.S. Constitution Article I § 10 . . . Law impairing the Obligation of Contracts . . . ., and the constitutionally protected right to the free exercise clause of the First Amendment and enjoyment of religious opinions without interference of (Petitioner's) rights of conscience.

(Petitioner) petitions this Court for a writ of certiorari to issue to the Indiana Supreme Court, a court of last resort.

OPINIONS BELOW

The Indiana Supreme Court has denied (Petitioner's) Petition to Transfer (App.1a-2a) from the Indiana Court of Appeals (App.3a-7a), affirming the trial Court's denial of a judicial proceeding according to the course at common law and a jury of my peers, the constitutionally protected right to the free exercise clause of the First Amendment and enjoyment of religious opinions without interference of (Petitioner's) rights of conscience, and to force contract in violation of said rights from an (ELJ) absent a constitutional oath of office (App.50a-51a), all under the color of law.

JURISDICTION

The final Order of the Indiana Supreme Court, denying transfer and review was entered on June 19, 2024. This Court has jurisdiction under 28 U.S.C. § 1257(a). In addition, this Court has jurisdiction by U.S. Const. Art. III § 2, United States Title 28 § 1651, United States Supreme Court Rule 20, and the binding of the Justices on their oaths by U.S. Const. Art. VI to support the Constitution of the United States.

CONSTITUTIONAL PROVISIONS INVOLVED

Northwest Ordinance of 1787, Art II

The Northwest Ordinance of 1787, which (following its readoption by Congress in 1789) subjected the territory to the federal Judiciary Act of 1789. The Ordinance guaranteed to the territorial inhabitants the "benefits" of trial by jury of peers" and of judicial proceedings according to the course of the common law.

Act of Aug. 7, 1789, ch. 8, 1 Stat. 50, Art. II
(readopting Ordinance of July 13, 1787),
reprinted in 1 U.S.C. LVII (2018).

> ARTICLE II. The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature; and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offenses, where the proof shall be evident or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers or the law of the land; and, should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no

> law ought ever to be made, or have force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts or engagements, bona fide, and without fraud, previously formed.

Indiana Enabling Act § 4

Congress accepted the 1816 Indiana Enabling Act § 4,

> And be it further enacted, ... the people within the said territory, and if it be determined to be expedient, the convention shall be, and hereby are authorized, to form a constitution and state government: or if it be deemed more expedient, the said convention shall provide by ordinance for electing representatives to form a constitution, or frame of government; which said representatives shall be chosen in such manner, and in such proportion, and shall meet at such time and place, as shall be prescribed by the said ordinance, and shall then form, for the people of said territory, a constitution and state government: Provided, That the same, whenever formed, shall be republican, and not repugnant to those articles of the ordinance of the thirteenth of July, one thousand seven hundred and eighty-seven, which are declared to be irrevocable between the original states, and the people and states of the territory northwest of the river Ohio; . . . .

U.S. Const. amend. I

> ... the constitutionally protected right to the free exercise clause of the First Amendment and

enjoyment of religious opinions without interference of (Petitioner's) rights of conscience.

U.S. Const. amend. V

. . . nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

U.S. Const. amend. VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

U.S. Const. amend. IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

U.S. Const. Art. VI

. . . judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; . . . .

U.S. Const. Art. I. § 10

. . . Law impairing the Obligation of Contracts . . . .

U.S. Const. Art. IV, § 2

The Citizens of each State shall be entitled to all privileges and immunities of Citizens in the Several States.

U.S. Const. Art. IV § 4

> The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

16A C.J.S. Constitutional Law § 1207

> Fourteenth Amendment Corpus Juris Secundum (2021), the guaranty of the rights and immunities of a citizen that insures to him or her the Right/ privilege of having those rights and immunities judicially declared and protected.

INTRODUCTION

Douglas Alan Dyson (Petitioner) is just one of we the people of Stable Acres, an area of approximately 79 homes, all situated on about one acre of land each, not on the water or near a lake. There was 53 of the homeowners that opposed this elimination permit, of their Whitley County Health Department (WCHD) permitted working septic systems, but because of threats and intimidation of retaliation for not signing the "Right of Entry Agreement", agreeing to pay for electrical service to the grinder pump station, operate and maintain the grinder station lateral lines, and to pay for the required inspection fees, most have since capitulated.

Whitley County passed an ordinance that if your property was within 300 feet of the sewer line you

would be required to destroy your working septic system and connect. This sewer line runs over four miles from Whitley County into Allen County passing over two dozen homes along the way of the sewer line that are not mandated, threatened, or intimidated to connect, which puts into question if the Ordinance is even applicable because it is underinclusiveness.

The sewer line within Stable Acres was installed by a State Revolving Grant with an agreement that it will be gifted to Aqua of Indiana upon payment of $1,924.20 (App.110a) to the Whitley County Water and Sewer District (RSD) for each homeowner customer connected to the system.

(Petitioner) in 2006, purchased his 1.22 acre property herein Stable Acres inclusive of a working (WCHD) permitted septic system, because of the lot size and that there was no water or sewage utilities that would violate my religious beliefs set out in the Holy Bible, DEUTERONOMY 23:12-14 (NIV). (App.15a-18a, 74a, 93a, 162a)

The "Official Notice" (App.160a) of my religious beliefs was served upon Environmental Law Judge (ELJ), Lori Kyle Endris', without consideration prior to her Order of Dismissal and the trial court's refusal to remand this case to the (ELJ) to rule on the "Official Notice". (Petitioner) then filed for a judicial proceeding according to the course at common law and for a jury of my peers. (App.144a). The Indiana Court of Appeals and Indiana Supreme Court have failed to support and defend the Constitution of the United States guaranteeing those rights.

At issue is the (ELJ) is without a constitutional oath of office, and the fact that to force connection with a

contract when I own a working (WCHD) permitted septic system is a violation of my constitutionally protected right to the free exercise clause of the First Amendment and enjoyment of religious opinions without interference of my rights of conscience. The actions taken in this case denies (Petitioner) the right of liberty to refuse to contract, a First and Fourteenth Amendment right under Article IV § 2, "The Citizens of each State shall be entitled to all privileges and immunities of Citizens in the several States.

The (ELJ's) Order extended beyond the General Assembly's determined jurisdiction in IC 4-21.5-3-18(d)(6) ¶ 13, (App.41a) when it does not contain a statement of legal authority and jurisdiction under which the Prehearing Conference was held as mandated.

STATEMENT OF THE CASE

This petition for a Writ of Common Law Certiorari to the Indiana Supreme Court, is from a matter that came before the Office of Environmental Adjudication (OEA) on the Respondent's Motion for Summary Judgement and Petitioner's Objection to Issuance of 327 IAC 3 Construction Application SRF Project Permit Approval No. L-0659 Stable Acres Service Area Sanitary Sewer – Septic Elimination Project Columbia City, Indiana (Project) from an (ELJ), that is absent a constitutional oath of office. (App.50a-51a)

The (Project) was funded by a Six million dollars ($6,000,000.00) using Federal Funds through the State Revolving Fund (SRF). It has been installed

without the exhaustion of litigation and a majority of the people after much intimidation and threats to bring suit against them if a "Right of Entry Agreement" was not signed, and agreeing to providing electrical service to the grinder pump station, operating, maintaining the grinder station lateral lines, and payment of the required inspection fees, capitulated.

Sara C. Bainbridge, Legal Administrator for (OEA) under the penalty of perjury, provided certified copies of Petitioner's "Official Notice" submitted on 9/27/22 via email at 11:27 a.m. prior to the rendering of the (ELJ's) Findings of Facts, Conclusions of Law and Final Order on Respondent's Motion For Summary Judgment. (ELJ's) Order (App.159a) was served in the afternoon of 9/27/22 in case number 22-W-J-5197 (App.25a-52a) without consideration of my first amendment protected most solemn religious beliefs and conscience of those in the Holy Bible, set for in the "Official Notice". (App.160a) The trial court's Amended Findings of Fact, Conclusion of Law, and Order stated "The claim of violation of religious rights was not made at the (ELJ) level," which is a fraud upon the Court by (Judge Rentschler) by proof of the certification above. (Judge Rentschler) even mocked (Petitioner) as they did Christ, stating in his Amended Findings of Fact, Conclusion of Law, and Order, ¶ 33 (App.18a) "This Court is of the opinion that Petitioner does not actually have a religious belief that he must take care of his own excrement. Rather, (Petitioner) has found an obscure provision of the Old Testament which encourages the followers of God to be clean and decent and transmogrified this fragment of DEUTERONOMY into a convenient basis for exempting himself from a communal financial obligation determined and

imposed by our elected leaders and duly enacted government." ¶ 34 "(Petitioner) has not met his burden of showing that his newly-stated religious belief about sewage handling is anything more than an afterthought to take advantage of our country's deference to religious faith so as to avoid taxation". (App.18a) Accordingly, this Court finds that it cannot treat him differently than everyone else who is facing this government mandated sewage project. This matter does not require consideration of RFRA, the First Amendment, or the Indiana Constitution. (App.18a) (Petitioner) has a working septic system and has never been cited for repair by the (WCHD) or any other governmental agency.

(Judge Rentschler) having opined ¶¶ 33 & 34 is a solemn mockery having taken an oath to support the Constitution of the United States ending in so help me God.

(Judge Rentschler's) Order on Hearing on the 27th day of April, 2023 found (Petitioner) sufficiently alleges that the agency was contrary to (Petitioner's) constitutional rights, and ordered a brief filed in support of Judicial Review. (App.23a)

May 1, 2023 Petitioner filed a Verified Motion for Change of Venue and Objection to the Order on Hearing, and for a judicial proceeding according to the course of the common law and a trial by jury of a proportionate representation of the people in the legislature as guaranteed by the Northwest Ordinance which was denied the same day by the trial court without a hearing.

The (ELJ Order) in Conclusions of Law ¶ 26 contends she does not have an oath of office nor is she required to have an oath of office, ¶¶ 13 & 25 contends

also that non-compliance upon the record as required by law is not necessary. Proper subject matter jurisdiction and in rem determination was not made prior to the (ELJ Order) as required by law. (App.25a, 40a, 50a-51a)

Petitioner's constitutionally protected right to the free exercise clause of the First Amendment and enjoyment of religious opinions and without interference of my rights of conscience, a judicial proceeding according to the course of the common law and judgment of my peers, and Nineth Amendment enumeration in the Constitution, of certain rights, has been denied by (Judge Rentschler), upheld by the Ind. Ct. of Appeals and transfer to the Ind. Supreme Ct. was denied under the color of law in criminal violation of U.S. Title 18 § 241 & 242, from the Order of (ELJ), that is absent a constitutional oath of office.

SUMMARY OF ARGUMENT

The Courts below have trespassed and denied the issue of venue, subject matter jurisdiction, organic and constitutional law questions. This petition also presents significant issues regarding this Court's own jurisdiction to review cases from the Ind. Supreme Ct. This Court needs to grant this petition for common law writ of certiorari, and address the merits of the case, because, this is a paradigmatic case for common-law certiorari.

The common-law writ of certiorari originated in the supervisory power of the court of King's Bench, which could review and correct the proceedings of any

inferior court. The writ was a discretionary writ, never available as of right to litigants, but suitable to ensure the consistent administration of the King's justice by lower courts. At the American founding, the States' highest courts inherited the jurisdiction of King's Bench within their respective territories, as did this Court for the United States—subject only to the limitations of Article III.

This Court retains power to issue a common-law writ of certiorari under the All Writs Act. 28 U.S.C. § 1651(a); Sup. Ct. R. 20.6. Traditionally, this Court has used the extraordinary writs available under the Act "to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so." *Roche v. Evaporated Milk Ass'n.*, 319 U.S. 21, 26 (1943). Indeed, jurisdictional review is at the core of certiorari's common-law role. *Harris v. Barber*, 129 U.S. 366, 371–372 (1889) (citing *People v. Betts*, 55 N.Y. 600 (1874) and *Gaither v. Watkins*, 66 Md. 576 (1887)). And the All Writs Act retains this gap-filling role today.

This Petition for common-law writ of certiorari has seldom been used in recent years, but that is not because of abrogation or desuetude. The gaps common-law certiorari exists to fill have merely gotten smaller as this Court's interpretations of the various certiorari statutes have grown more and more expansive. *See Hohn v. United States*, 524 U.S. 236, 248 (1998). But where a gap exists, common-law certiorari is there as needed to fill it.

It would be inconsistent with the basic structure of the federal judicial hierarchy for these inferior courts' jurisdictional rulings—which bar me from any consideration of these constitutional claims by the Ind.

Supreme Ct. and perhaps by any court—to be final but not subject to supervisory review by this Court.

Fortunately, that is not the situation. The common-law writ is in aid of this Court's appellate jurisdiction, exceptional circumstances exist, and no other court can compel the lower courts to follow the organic and constitutional law that this Petition seeks.

Without issuing this common-law writ of certiorari, my U.S. Const. amend. IX rights will be denied and disparaged. Courts are to remain open for injury done in (Petitioner's) lands, goods, person, and reputation with a remedy by due course of law; with rights and justice administered without denial or delay.

ARGUMENT

This court retains the power to issue the common-law writ of certiorari to review the decision below.

28 U.S.C. § 1257 empowers this Court to issue writs of certiorari to the Ind. Supreme Court for the validity of the non-application of the Northwest Ordinance of 1787, of trial by jury of my peers "and of judicial proceedings according to the course of the common law." Act of Aug. 7, 1789, ch. 8, 1 Stat. 50, Art. II (readopting Ordinance of July 13, 1787), *reprinted in* 1 U.S.C. LVII (2018), the constitutionally protected right to the free exercise clause of the First Amendment and enjoyment of religious opinions without interference of (Petitioner's) rights of conscience, and to a forced contract in violation of said rights from an (ELJ) absent a constitutional oath of office (App.26a-52a), under the color of law.

The All Writs Act codifies this Court's power to "issue all writs necessary or appropriate in aid of [its] . . . jurisdiction[] and agreeable to the usages and principles of law." 28 U.S.C. § 1651(a). "The All Writs Act is a residual source of authority to issue writs that are not otherwise covered by statute." One of the extraordinary writs available to this Court under the All Writs Act is the "common-law writ of certiorari." Sup. Ct. R. 20.6. History shows that the common-law writ of certiorari is uniquely appropriate for situations like this case, in which a lower court has evaded to consider a petition seeking to vindicate constitutional rights. The writ of certiorari originated at the court of King's Bench alongside the other prerogative writs of mandamus, prohibition, and quo warranto. Frank J. Goodnow, *The Writ of Certiorari*, 6:3 POL. SCI. Q. 493, 497 (1891). To administer this prerogative, the King's Bench held "supervisory authority over inferior tribunals" and exercised this authority via the "prerogative or discretionary writs." *Hartranft v. Mullowny*, 247 U.S. 295, 299 (1918); *see also* 4 William Blackstone, Commentaries *314–317 (describing certiorari as a prerogative writ of the King's Bench).

Certiorari practice at King's Bench formalized three ways for the King's prerogative to be exercised. First, certiorari could "bring up an indictment or presentment before trial in order to pass upon its validity, to take cognizance of special matters bearing upon it, or to assure an impartial trial." *Hartranft*, 247 U.S. at 299. Second, certiorari could serve as an "auxiliary writ in aid of a writ of error" to bring up any parts of a record omitted when a case was transferred for appeal. *Id.* at 300. Third, and most relevant here, certiorari served "as a quasi writ of error to review

judgments of inferior courts of civil or of criminal jurisdiction, especially those proceeding otherwise than according to the course of the common law and therefore not subject to review by the ordinary writ of error." *Id.* (second emphasis added).

As this Court has recognized, the first Congress ratified the common-law writ of certiorari in the Judiciary Act of 1789:

> By section 14 of the Judiciary Act of September 24, 1789 (1 Stat. 81, c. 20), carried forward as section 716 of the Revised Statutes, this court and the Circuit and District Courts of the United States were empowered by Congress "to issue all writs, not specifically provided for by statute, which may be agreeable to the usages and principles of law"; and, under this provision, we can undoubtedly issue writs of certiorari in all proper cases.

In re Chetwood, 165 U.S. 443, 461-462 (1897); *see also* James E. Pfander, *Jurisdiction-Stripping and the Supreme Court's Power to Supervise Inferior Tribunals*, 78 TEX. L. REV. 1433, 1456 (2000) (explaining that the Framers believed the Supreme Court could use discretionary writs to supervise lower courts). This Court has acknowledged that "[t]he purposes for which the writ is issued [in America and by the King's Bench] are alike." *Ex parte Vallandigham*, 68 U.S. (1 Wall.) 243, 249–250 (1864). Although we lack a "King as fountain of justice" (Goodnow, 6:3 POL. SCI. Q. at 495), we have a Supreme Court and a Vesting Clause.

As under the English common law, common-law certiorari was, by "general and well-established doctrine," the means by which "the review and correction

of the proceedings" "and determinations of inferior boards or tribunals of special jurisdiction" "must be obtained." *Ewing v. City of St. Louis*, 72 U.S. (5 Wall.) 413, 418–419 (1867). Those tribunals were not subject to review by the ordinary writ of error (*Hartranft*, 247 U.S. at 300) and certiorari review of them was "in the nature of a writ of error" (*Harris*, 129 U.S. at 369). For ordinary tribunals whose merits decisions were reviewable by writ of error, certiorari was available only to review jurisdictional determinations. *Id.* at 371 372 ("Certiorari goes only to the jurisdiction.").

This common-law version of the writ still exists today. The Court's Rules expressly provide for it: "[I]f the case involves a petition for a common-law writ of certiorari, . . . the parties shall prepare a joint appendix in accordance with Rule 26. " Sup. Ct. R. 20.6.

Though the Court's power to issue the writ persists, it has done so infrequently as the scope of statutory certiorari has expanded. For instance, in *House v. Mayo*, the district court and the court of appeals denied a certificate of probable cause to a habeas petitioner. The petitioner then sought a writ of certiorari. This Court concluded that no writ could issue under the certiorari statute because "the case was never 'in' the court of appeals, for want of a certificate of probable cause." 324 U.S. 42, 44 (1945). Nevertheless, the Court "grant[ed] a writ of certiorari to review the action of the court of appeals in declining to allow an appeal to it" under the All Writs Act. *Id.* at 44–45.

Hohn v. United States, 524 U.S. 236, 248 (1998). In dissent, four Justices argued that the Court should adhere to House and therefore determine whether it could "issue a common-law writ of certiorari under the

All Writs Act" under the circumstances. *Id.* at 263 (Scalia, J., dissenting).

While *Hohn* obviated the need for common-law certiorari in such cases, it remains available where needed. As historically, the writ is still a safety valve in such cases that meet the discretionary criteria for certiorari but do not technically meet the criteria of the certiorari statue: "The wholesome function of this particular writ is to permit the Supreme Court to review cases of which it could not otherwise accept jurisdiction." Wolfson, 51 COLUM. L. REV. at 984. As this Court has explained, the All Writs Act "contemplates the employment of [common-law certiorari] in instances not covered by" the certiorari statute "as a means 'of giving full force and effect to existing appellate authority and of furthering justice in other kindred ways.'" *In re 620 Church Street Bldg. Corp.*, 299 U.S. 24, 26 (1936). This is precisely such a case.

As discussed, the Court's power to issue the common-law writ of certiorari comes from the All Writs Act, 28 U.S.C. § 1651(a). The Court has distilled its discretion to issue extraordinary writs under the All Writs Act to a three-part test in its Rule 20.1:

> To justify the granting of any such writ, the petition must show that [1] the writ will be in aid of the Court's appellate jurisdiction, [2] that exceptional circumstances warrant the exercise of the Court's discretionary powers, and [3] that adequate relief cannot be obtained in any other form or from any other court.

This case meets all three prongs.

The Court has "appellate Jurisdiction, both as to Law and Fact," in all cases "arising under the Constitution" or "the Laws of the United States." U.S. Const. Art. III, § 2, Cl. 1. This Court has appellate jurisdiction to review this case because it is an appeal from an Article III court's ruling on questions arising under the Constitution and federal law.

Even if the Court concluded that Petitioner did not meet all three parts of the Rule 20.1 test, the Court could still grant the common-law writ because "[t]he procedural rules adopted by the Court for the orderly transaction of its business are not jurisdictional and can be relaxed by the Court in the exercise of its discretion when the ends of justice so require." *Schacht v. United States*, 398 U.S. 58, 64 (1970).

21 C.J.S. Courts § 296 Exceptions to Anti-Injunction Act, generally; effect of All-Writs Act (2023), If an injunction falls within any one of the foregoing three exceptions, the All Writs Act, which provides that federal courts have power to issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law,6 provides the positive authority for federal courts to issue injunctions of state court proceedings. In turn, the federal court's authority to issue an injunction under the All Writs Act is limited by the Anti-Injunction Act, which prohibits federal courts from enjoining state court proceedings unless one of the three narrow exceptions applies.

Under the Anti-Injunction Act, federal courts are statutorily prohibited from enjoining state court proceedings except in three narrowly excepted categories of cases: (1) as expressly authorized by Act of Congress; or (2) where necessary in aid of its jurisdiction;

or (3) where necessary to protect or effectuate its judgments. In the interest of comity and federalism, the exceptions to the Anti-Injunction Act's bar are construed strictly.

The hierarchy governing Indiana is declared to be by Ind. Code § 1-1-2-1, First *The Constitution of the United States and of this state.* Second *All statutes of the general assembly of the state in force, not inconsistent with such constitutions.* Third *All statutes of the United States in force, and relating to subjects over which congress has power to legislate for the states, and not inconsistent with the Constitution of the United States.* Fourth. *The common law of England, and statutes of the British Parliament made in aid thereof prior to the fourth year of the reign of James the First (except the second section of the sixth chapter of forty-third Elizabeth, the eighth chapter of thirteenth Elizabeth, and the ninth chapter of thirty-seventh Henry the Eighth,) and which are of a general nature, not local to that kingdom, and not inconsistent with the first, second and third specifications of this section.* The Indiana General Assembly has declared the highest law in Indiana to be the United States Constitution, therefore it is unnecessary to go through the Fourteenth Amend., which is inclusive of the 1787 Northwest Ordinance.

By the 1816 Indiana Enabling Act § 4, the Inhabitants were enabled to form a constitution and state government, for the people within the said territory, to form a constitution and state government: and shall then form, for the people of said territory, a constitution and state government: *Provided, That the same, whenever formed, shall be republican, and not repugnant to those articles of the ordinance of the thirteenth of*

July, one thousand seven hundred and eighty-seven, which are declared to be irrevocable between the original states, and the people and states of the territory northwest of the river Ohio.

The right to a judicial proceeding according to the course of the common law and judgment of my peers is enshrined in Article 2 of The Northwest Ordinance (1787). *In State v.* $2,435 *In U.S. Currency*, 220 NE 3rd 542 Ind: Supreme Court 2023, Justice Goff opined; The Indiana Constitution guarantees the same right to a jury trial in a civil case as existed at common law when the current constitution was adopted in 1851, then instead of upholding and supporting the Constitution as mandated by his oath of office, he did not participate in the denial of transfer, causing irreparable harm with no adequate remedy at law and remedy by due course of law.

Indiana adopted and Congress accepted the 1816 Indiana Constitution Art. I, § 11, "That all Courts shall be open, and every person, for his injury done him, in his lands, goods, person, or reputation shall have remedy by due course of law; and right and justice administered without denial or delay".

Congress accepted the 1816 Ind. Const., Art. V § 3 that states;

> The Circuit Courts shall each consist of a President, and two associate Judges. The State shall be divided by law into three circuits, for each of which, a president shall be appointed, who during his continuance in office, shall reside therein. The President and associate Judges, in their respective Counties, shall have Common law and chancery Jurisdic-

> tion, as also complete criminal Jurisdiction, in all such cases and in such manner, as may be prescribed by law. The President alone, in the absence of the associate Judges, or the President and one of the associate Judges, in the absence of the other shall be competent to hold a Court, as also the two associate Judges, in the absence of the President, shall be competent to hold a Court, except in capital cases, and cases in chancery, provided, that nothing herein contained, shall prevent the General Assembly from increasing the number of circuits, and Presidents, as the exigencies of the State may from time to time require.

This Article of the 1816 Constitution follows section 4 of the Northwest Ordinance of 1787 that;

> *There shall also be appointed a court to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, ...*

Congress accepted the 1816 Ind. Const., Art. V § 7 that states;

> The Judges of the supreme Court shall be appointed by the Governor, by and with the advice, and consent of the senate. *The Presidents of the circuit Courts shall be appointed by Joint Ballot of both branches of the General Assembly, and the associate Judges of the Circuit Courts, shall be elected by the qualified electors in the respective Counties.*

The current 1851 Indiana Constitution stands mute on setting this common law court.

Congress accepted the 1816 Ind. Const., Art. V § 10 that states;

> When any vacancies happen in any of the Courts occasioned by the death, resignation, or removal from office of any Judge of the supreme, or Circuit Courts, or any of the clerks of the said Courts, a successor *shall be appointed in the same manner, as herein before prescribed,* who shall hold his office for the period which his predecessor had to serve, and no longer unless re-appointed.

Ind. Code § 33-33-92-1 states; Whitley County constitutes the eighty-second judicial circuit.

(Judge Rentschler) is but one of the elected associate judges, and the President Judge of the court is vacant and in need of appointment by Joint Ballot of both branches of the General Assembly together with a special election to fill both positions of associate judges. *Pursuant to 1816 Ind. Const., Art. V § 3, elected trial court associate (Judge Rentschler) is not competent to hold a court absent the President Judge or an associate judge leaving him to be an unconstitutional administrative and ministerial judge in clear absence of jurisdiction,* under the color of law in criminal violation of United States Code Title 18 § 241 & 242.

Petitioner has been denied remedy by due course of law and right to justice, which is to be administered without denial, or delay, as it existed under the Northwest Ordinance, to a proceeding "according to the course of the common law and jury of my peers." I was subjected to an unconstitutional procedure that has caused irreparable harm to my lands, goods, person, and reputation, without due course of law; and right

to justice, all without an adequate remedy of law and constitutional determination of subject matter jurisdiction & proper venue.

I. SUBJECT MATTER JURISDICTION

Subject matter jurisdiction was challenged at the Trial Court, Court of Appeals and Indiana Supreme Court and every challenge was left unanswered and jurisdiction did not appear upon the record.

Where there is a failure to comply with jurisdictional requirements embodied in the statutes, a trial court does not acquire jurisdiction of the parties or the particular case. *Ballman v. Duffecy*, 230 Ind. 220, 102 N.E.2d 646 (Ind. 1952) *Ballman, supra*, 230 Ind. at 229, 102 N.E.2d at 649; *Hunter, supra*, at 1268.

State ex rel. Pollard v. Superior Court of Marion County, 233 Ind. 667, 122 N.E.2d 612, (1954), stated: " . . . A departure from the limits and terms of jurisdiction in a statue is usurpation of power that imparts no validity whatever to its judgments and decrees. Works, § 10, p. 28, and authorities cited. Hence, we have the generally accepted rule that, when a court proceeds without jurisdiction of the subject-matter, its judgment is wholly void; . . . " *See, also, Steiner v. Ft. Wayne Community Schools*, 245 Ind. 410, 199 N.E.2d 340. 28 (1964).

Whether a jurisdictional defect is raised by a party or discovered by the Court and acted upon *sua sponte*, is of no consequence." (Footnote omitted). Citing: *Cohen v. Indianapolis Machinery Co., Inc.*, 167 Ind. App. 596, 339 N.E.2d 612, 613 (1976). "And the duty is not affected by the acquiescence or agreement of the parties to submit to the jurisdiction, since jurisdiction that cannot be acquired without consent

cannot be bestowed with it. . . . " (Citations omitted). *Lowery v. State Life Ins. Co., supra*, 153 Ind. at 103, 54 N.E. at 443.

The following cases are based upon the rule that the jurisdiction of an inferior tribunal must be shown affirmatively by the record. *Burgett v. Bothwell* (1882), 86 Ind. 149. *See also Newman v. Manning* (1883), 89 Ind. 422; *Davenport Mills Company v. Chambers* (1896), 146 Ind. 156, 44 N.E. 1109; *Wilkinson v. Moore* (1881), 79 Ind. 397.

When a court lacks subject matter jurisdiction, its actions are void ab initio and have no effect whatsoever. *Troxel v. Troxel*, 737 N.E.2d 745, 749 (Ind. 2000) *In re B.J.N.*, 19 N.E.3d 765, 767 (Ind.Ct.App.2014). *AO Alfa-Bank v. Doe*, 171 N.E.3d 1018, 1021-22 (Ind. App.2021) ("'If a court does not have subject matter jurisdiction, any judgment it renders is void.'" *Vic's Antiques & Uniques, Inc. v. J. Elra Holdingz, LLC.*, 143 N.E.3d 300, 308-09 (Ind.Ct.App. 2020) (quoting *Hoang v. Jamestown Homes, Inc.*, 768 N.E.2d 1029, 1032 (Ind. Ct.App.2002), trans. denied), trans. denied. "Because void judgments may be attacked directly or collaterally at any time, the issue of subject matter jurisdiction cannot be waived and may be raised at any point by a party or by the court *sua sponte*." *Id.*; *see also Whiting v. State*, 969 N.E.2d 24, 32 n.8 (Ind.2012) (holding that the lack of subject-matter jurisdiction "can be raised at any point during the proceeding and by the court *sua sponte*"). "Because the authority granted by a statute is a question of law, we review the question of subject matter jurisdiction de novo." *Id.*") As such, the Circuit Court owes no deference to the trial court's conclusions and must independently evaluate the question of Subject matter

jurisdiction *de novo*. *In re B.C.*, 9 N.E.3d 745, 751 (Ind.Ct.App.2014).

Sapperstein v. Hager, 188 F.3d 852, 855 (7th Cir. 1999) the court found once challenged with evidence, the "plaintiff has the obligation to establish jurisdiction by competent proof." *Id.* at 855. The party asserting jurisdiction bears the burden of demonstrating subject matter jurisdiction by competent proof. *Thomas v. Gaskill*, 315 U.S. 442, 446 (1942); *Sprint Spectrum, L.P. v. City of Carmel, Ind.*, 361 F.3d 998, 1001 (7th Cir. 2004). A court must dismiss an action without reaching the merits of the case if it concludes there is no jurisdiction.

The authority with which these statutes vests in the court to enforce the limitations of its jurisdiction precludes the idea that jurisdiction may be maintained by mere averment or that the party asserting jurisdiction may be relieved of their burden by any formal procedure. Jurisdiction should affirmatively appear, and the question may be raised at any time. *Grace v. American Central Ins. Co.*, 109 U.S. 278, 283; *M.C. L.M. Railway Co. v. Swan*, 111 U.S. 379, 382; *Mattingly v. Northwestern Virginia Railroad Co.*, 158 U.S. 53, 56, 57.

This Court of its historic common law jurisdiction. *See Utah v. Evans*, 536 U.S. 452, 463 (2002) ("We do not normally read into a statute an unexpressed congressional intent to bar jurisdiction that we have previously exercised." (citation omitted)); *Ex parte Yerger*, 75 U.S. (8 Wall.) 85, 103 (1869) ("doubtful words" cannot "withhold[] or abridg[e] this jurisdiction"); Stephen I. Vladeck, The Increasingly "Unflagging Obligation": Federal Jurisdiction After Saudi Basic and Anna Nicole,

42 TULSA L. REV. 553, 573 (2007) (describing clear statement rule in Hamdan).

II. VENUE

Petitioner herein filed a Verified Motion for Change of Venue and Objection to the Order of Hearing (App.143a) on May 1st, 2023 and it was denied on May 1st, 2023 without a hearing.

Const. Art. 7, § 4, delegates the Indiana Supreme Ct. to the supervision of the exercise of jurisdiction by the other courts of the State; and issuance of writs necessary or appropriate in aid of its jurisdiction. Ind. T.R. 75 (8) provides for venue other that the corporate STATE OF INDIANA, COUNTY OF WHITLEY, which recognizes venue of Article 2 of "The 1787 Ordinance" for a special remedy for a judicial proceeding according to the course of the common law and trial by jury of peers. (App.147a)

This right by the rule of law must be judicially declared and protected, which is a right within itself. 16A C.J.S. Constitutional Law § 1207 (2021).

III. CONTRACT AGAINST FIRST AMEND. RIGHTS

Petitioner's constitutionally protected right to refuse business relations with (RSD) have been violated *see*: *Adair v. United States*, 208 U.S. 161, 173 (1908) (""It is a part of every man's civil rights that he be left at liberty to refuse business relations with any person whomsoever, whether the refusal rests upon reason, or is the result of whim, caprice, prejudice or malice. With his reasons neither the public nor third persons have any legal concern. It is also his right to have business relations with any one with whom he can make

contracts, and if he is wrongfully deprived of this right by others, he is entitled to redress."")

Respondents claim suit can be filed to force Petitioner to hook to the (RSD) sewer pipe and destroy Petitioner's working septic system that was a (WCHD) approved system when installed. (App.59a) Forced connection is against (Petitioner's) religious beliefs, right of conscience, is unconstitutional, unreasonable, unnecessary, arbitrary, and capricious, interference with the right of (Petitioner's) personal liberty to refuse business relations, or to enter those contracts. Matters not why or who (Petitioner) chooses to do business with. In *Lochner v. New York*, 198 U.S. 45, 53, 56, the court said: "The general right to make a contract in relation to his business is part of the liberty of the individual protected by the Fourteenth Amendment of the Federal Constitution. *Allgeyer v. Louisiana*, 165 U.S. 578. Under that provision no State can deprive any person of life, liberty, or property without due process of law. *See*: *Harman v. Forssenius*, 380 U.S. 528, 540 (1965) ("It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed by the Constitution. *Frost Frost Trucking Co. v. Railroad Comm'n of California*, 271 U.S. 583. "Constitutional rights would be of little value if they could be . . . indirectly denied," *Smith v. Allwright*, 321 U.S. 649, 664, or "manipulated out of existence." *Gomillion v. Lightfoot*, 364 U.S. 339, 345. The right to refuse business shall not be "denied" by reason of failure to do business relations with any person whomsoever, it expressly guarantees that the right to refuse business relations shall not be "denied or abridged" for that reason.

The common law right of the individual to 12. compel service without discrimination or extortion exists regardless of any statute, charter or franchise, providing for such service to the public on reasonable terms. 43 Am. Jur., *Public Utilities and Services*, § 22, pp. 586, 587; 75 UNIV. PENN. L. REV. 411. In *Miller v. Southern Ind. Power Co.* (1916), 184 Ind. 370, 111 N.E. 308.

(Judge Rentschler) had no jurisdictional authority to repudiate my constitutional right to the free exercise clause of the First Amendment and enjoyment of religious opinions, and interfere with the rights of conscience.

(Petitioner's) most solemn religious belief concerning the issues here is stated in DEUTERONOMY 23:12-14 (NIV), by possessing a functioning grandfathered septic system that (WCHD) approved when installed, that is a hole dug out, a tank installed and covered to bury excrement, complies with the word of God. DEUTERONOMY 23:12-14 (NIV) "12 Designate a place outside the camp where you can go to relieve yourself. 13 As part of your equipment have something to dig with, and when you relieve yourself, dig a hole and cover up your excrement. 14 For the Lord your God moves about in your camp to protect you and deliver your enemies to you. Your camp must be holy, so that he will not see among you anything indecent and turn away from you, which satisfies my religious beliefs and conscience as guaranteed by Ind. Const. Art. I, §§ 2 & 3 and U.S. Const. First amend.

(Judge Rentschler's) Entry of Judgment, insults the character of (Petitioner's) religious beliefs, and conscience in blatant disregard to Jud. Cond. R. §§ 1.1, 1.2, 2.2, 2.3 and 2.6, stating that this matter does not

require consideration of RFRA, the First Amendment or the Indiana Constitution. The "Official Notice" was served upon (ELJ) in the morning prior to the issuing of her order and given no consideration by the (ELJ). By (Judge Rentschler's) "Egregious" misconduct, he falsely writes in ¶ 37, (App.18a) "The final order does not address the free exercise of religious issue, because no party made that argument prior to issuance of the order." Had (Judge Rentschler) & (ELJ) earnestly considered the case of *Amos Mast v. Fillmore County, Minnesota*, 594 U.S. ___ (2021) they would have known that Certiorari was granted, the judgment vacated and remanded to the Court of Appeals of Minnesota for further consideration in light of *Fulton v. Philadelphia*, 593 U.S. ___ (2021). The Fulton Ct. was from a unanimous ruling. The Mast court stated: "I hope the lower courts and local authorities will take advantage of this opportunity for further consideration, Lawrence vs. Chater, and bring this matter to a swift conclusion. In this country, neither the Amish nor anyone else should have to choose between their farms and their faith."

During (Judge Rentschler's) "Egregious" misconduct, he also falsely writes; (Petitioner's) most solemn religious belief concerning DEUTERONOMY 23:12-14 (NIV) is but a ploy to avoid a tax, then goes on a rant about (Petitioner's) cases challenging property taxes, which have nothing to do with this case and one is currently pending in this Court, Case 24-100, for his misconduct and disregard for the law. (App.16a-17a)

A law also lacks general applicability if it prohibits religious conduct while permitting secular conduct that undermines the government's asserted interests in a similar way. *See id.*, at 542–546. In *Church of*

Lukumi Babalu Aye, Inc. v. Hialeah, for instance, the City of Hialeah adopted several ordinances prohibiting animal sacrifice, a practice of the Santeria faith. *Id.*, at 524–528. The City claimed that the ordinances were necessary in part to protect public health, which was "threatened by the disposal of animal carcasses in open public places." *Id.*, at 544. But the ordinances did not regulate hunters' disposal of their kills or improper garbage disposal by restaurants, both of which posed a similar hazard. *Id.*, at 544–545. The Court concluded that this and other forms of under-inclusiveness meant that the ordinances were not generally applicable. *Id.*, at 545–546.

The intent of forced connection is made clear in (App.59a)

> COURT: Let me ask a question to see if I can get some more information. So, there's been an order that's been issued, and that order is, or a permit rather, that permits the construction of septic of sewer type devices of some sort. Has Mr. Dyson or anyone else been ordered to hook up or to pay some fee to hook up to this device yet?
>
> MR. SHIPMAN: Not yet.
>
> COURT: And that may occur in the future?
>
> MR. SHIPMAN: Correct.

This is Respondent's intent to force connection by contract against my most solemn religious beliefs.

IV. JUDGMENT AUTHORITY WITH NO OATH OF OFFICE

(ELJ) is absent an Oath of Office and had no lawful authority to grant the final Motion for Summary

Judgment nor (Judge Rentschler) to deny Judicial Review in its entirety, knowing (ELJ) had NO oath of Office.

(EJL's) final Order for the Hearing on the 27th day of September 2022, ¶ 26 (NO Oath) (App.50a-51a) upheld by (Judge Rentschler) on August 15th 2023 is unlawful for supporting that Final Order (App.10a) on Respondent's Motion for Summary Judgment. (ELJ) as a special and substitute judge or a judge *pro tempore* must possess such qualifications as are prescribed by law, but they need not possess others. 48A C.J.S. Judges § 345.

The affirmation of the (ELJ's) order violates the guarantees of rights and immunities that ensures the privilege and immunities be judicially declared and protected, *see* 16A C.J.S. Constitutional Law § 1207 (2021). Without and oath of office, (ELJ) cannot lawfully be considered a judge de facto nor judge de jure. Her non-compliance with the United States and Indiana Constitutions, on an Oath of Office, leave her September 27, 2022 order void, a sham a scam, and unconstitutional.

For the unlearned, Article VI of the United States Constitution requires "all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution" and "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

Just how would (Judge Rentschler) or (ELJ) think they could muster a lawful response in ¶ 26 of her final order (App.25a) that "OEA does not have a copy of the (ELJ's) oath of office because (ELJ) is neither elected or appointed. As a state employee, she is not required to sign an oath. No such document exists." (ELJ) as a state employee who acted by Order on the 27th day of September 2022 was not a de facto judge, *Pattison v. Hogston*, 157 N.E. 450 (Ind.Ct.App. 1927) Cited 4 times. It is now held, without holding that she was a de facto judge, that her acts should be given as much consideration as a de facto judge. But, as it appears to me, this is but an attempt to dodge the issue. If the one who presumed to act was not a de facto judge, she could not be authorized to imitate one. The fact remains that she had been excluded from all jurisdiction and authority, and her attempted rulings were absolutely void. This is the safe course for our courts to pursue, if they want to hold the confidence and respect of the people. *Ingmire et al. v. Butts*, 160 Ind. App. 575 (Ind.Ct.App.1974) Cited 9 times. Not having judicial power to enter a judgment, due to no oath of office, her decision was a nullity. *Shoultz v. McPheeters, supra*; *Backer v. Eble, supra.* It should be stressed that the Commissioner did not assume to act as a de facto judge under any color of judicial authority . . . no oath equals no judicial authority. *Miller v. State*, 866 S.W.2d 243 (Tex.Crim.App.1993) Cited 16 times. 48A C.J.S. Judges § 63 (1981) A de facto judge is a judge acting under color of authority and who is regarded as exercising the functions of the judicial office he or she assumes. *Id.* § 2b. A de facto judge requires acquiescence. *Id.* A de facto judge must also take the oath of office prescribed by the Indiana Constitution. *French v. State*, 572 S.W.2d 934, 939 (Tex.

Crim.App.1978) (op. on 2nd reh'g). *State v. Richardson*, 637 So.2d 709 (La.Ct.App.1994) Cited 17 times. The (ELJ) had no more authority to sit as a judge in this case than Minnie Mouse did.

CONCLUSION

Exceptional circumstances exist here because "unless it can be reviewed under [the All Writs Act, the order below] can never be corrected if beyond the power of the court below." *De Beers Consol. Mines, Ltd. v. United States*, 325 U.S. 212, 217 (1945) (describing *U.S. Alkali Exp. Ass'n*, 325 U.S. 196). "If [the Court] lacked authority to" review decisions like this, then "decisions of The Indiana Supreme Court to dismiss for want of jurisdiction would be insulated entirely from review by this Court." *Nixon v. Fitzgerald*, 457 U.S. 731, 743 n.23 (1982).

The final factor is that "adequate relief cannot be obtained in any other form or from any other court." This usually refers to a failure of a litigant to seek relief in an intermediate court. *In re Blodgett*, 502 U.S. 236, 240 (1992) ("The State should have lodged its objection with the Court of Appeals, citing the cases it now cites to us."); *Hohn*, 524 U.S. at 264 (Scalia, J., dissenting) ("Because petitioner may obtain the relief he seeks from a circuit justice, relief under the All Writs Act is not necessary."'); *cf.* Wolfson, 51 COLUM. L. REV. at 977 ("[T]he Supreme Court has frequently said, in cases reviewable by the courts of appeals, that application for such writs should be made in the first instance to the intermediate courts.").

In short, this Court's supervisory power is the only judicial power that can check The Indiana Supreme Court's supervisory power over its own records and files. Coupled with the other circumstances discussed above, that warrants the use of common-law certiorari.

To aid in this Court's constitutional jurisdiction and to effectuate this Court's judgments on jurisdiction and venue, that have been denied it is paramount this Court issue this Common law writ of certiorari expediently.

By this Petition for a common law writ of certiorari and payment of fees, this Court's grant of this common law writ of certiorari petition is just, proper, and lawful to address the merits of the case and issue an order to the Indiana Supreme Court to provide and serve upon this Court why the (Petitioner) herein was not lawfully entitled to the venue of the "benefits" of trial by jury of peers", of "judicial proceedings according to the course of the common law", a determination of subject matter jurisdiction, the Protected First Amendment Rights herein, the Forced Contract Against First Amend. Rights and the Judgment Authority of an (ELJ) with no oath of office or in alternative issue an order that all judgments and orders regarding this case be vacated and venue to a judicial proceeding according to the course at common law with a jury of my peers, for a lawful judicial determination with rights and justice administered without denial or delay.

To deny this Petition for a common law writ of certiorari would be to construe the Constitution to deny and disparage (Petitioner's) rights and a denial of a republican form of government.

Respectfully submitted,

Douglas Alan Dyson
Petitioner Pro Se
3630 East State Road 14
Columbia City, IN 46725
(260) 212-2279
doug@silverlakein.com

August 19, 2024