ORIGINAL

24-5932

No. 24-_____

In the SUPREME COURT OF THE UNITED STATES

Christopher Queen, Pro se, Petitioner,

v.

Five Trespassers In Quo Warranto, Coram Non Judice, Post Intentional Violation of 11 U.S.C.§ 362 (k)(1) and 11 U.S.C. § 524 (a)(1)(2), Respondents,

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On Petition for a Writ of Certiorari to

The Supreme Court of the State of Kansas

PETITION FOR A WRIT OF CERTIORARI

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I.

Questions Presented

Question One: Whether the five trespasser respondents with primary responsibility for their jurisdiction across 22 years acting in the complete absence of power conferred by law, due to intentional violation by a creditor (officer of that court) of the automatic stay, pursuant to 11 U.S.C. §§ 362(k)(1) and 524(a)(1)(2) renders the state case 02LA03236 "void ab initio" as held by some Circuit Courts (1st,2nd,9th,10th) of the United States or is the case voidable as held by (3rd,5th,6th,11th) Circuit Courts of the United States?

Question Two: Whether the five trespasser respondents in their alleged judicial action with no power conferred by law ever, in 02LA03236 here for twenty-two years, have acted in Quo Warranto, unlawfully exercising a state office in the absence of power conferred by law per Chief Justice definition in **Ames v Kansas,** 111 U.S. 449 (1888), opinion of this Court?

Question Three: Has the Kansas Supreme Court abused discretion/violated the law, where relief from void judgment is mandatory when Rule 60 (b)(4) (*accord.* K.S.A. 60-260 (b)(4)) [asserted before John McEntee] is applicable to the void judgment per the Ks Sup. Ct. allowing the null and void judgment to stand in violation of their mandatory duty arising under the Constitution to vacate and set aside the void judgment?

Question Four: Can a debtor whose federal injunctive rights under intentional violation of the automatic stay and then per the enjoinment of process under section 524 (a)(1)(2) are already violated on the point or points of U.S. law as arising under the Constitution, be under requirement to reopen a bankruptcy case for enforcement of the federal law's injunction and demand action for civil contempt also in view of 11 U.S.C. § 105?

Question Five: Is a requirement to reopen the bankruptcy as held by some circuits, district and bankruptcy courts, a violation of due process and equal protection, potentially forcing costly re-litigation of settled matters, on points of federal law arising under the Constitution?

Question Six: If 11 U.S.C. § 524 (a) being a federal injunction do states' district, appellate and Supreme Courts and all federal courts have to obey the injunction, and vacate a void judgment as result, of being decided by a court aside from the bankruptcy court, without any further order from a federal court?

Question Seven: Does registering a void judgment, per the intentional violation of the automatic stay 11 U.S.C. 362 and/or discharged debt per 11 U.S.C. § 524(a)(1)(2) in an opposing state and circuit negatively affecting the commerce clause of the Constitution [Article 1, Section 3] "fraud on the states" (?) and does such violation invoke this Court's original jurisdiction, for determination of fraud, concerning Article I Section 3, where the injunction arises as a fraudulent matter between states under the "full faith and credit clause" and under the Constitution also per Article 1 and at Section 8?

Question Eight: Is this a case where a creditor filed a judgment in a local court in the "abuse" Congress intended to enjoin, as per In Re Hamilton, No. 07-6269. (Sixth Cir. 2008) in passing the 11 U.S.C. 524 (a) injunction into law as arising under the Constitution?

Question Nine: Whether H. Kent Hollins (deceased) and accordingly, Hollins and McVay, Kendall McVay, Gregory Blume and Karen Nations (all notified as proven) have conducted a malicious prosecution across 22 years, under the cooperating limited action courts in absence of any jurisdiction whatsoever?

Question Ten: Does the statutory language of 11 U.S.C. § 362(k)(1) reveal Congress' intent by implication that status of a case of intentionally violated automatic stay is to be deemed void ab initio, rather than voidable stating one so violated and injured "'shall recover actual damages, including costs and attorneys' fees, and, in appropriate circumstances, may recover punitive damages."?

Question Eleven: Based on the Court's answer in question 10, would that language preclude praying to a bankruptcy court to reopen a case, making reopening automatic anytime an intentional violation of the stay is in evidence?

Question Twelve: Whether IAD violated on May 8, 2002 (removal 30 days before U.S. law under the Compact Clause allowed) [day before limited action answer date, in 02LA03236] manufacturing an illegal default judgment through violation of U.S. Law [as asserted below, before trespasser John McEntee] is violation of Due Process rendering 02LA03236 void nullity on that basis also?

Question Thirteen: Whether the September 20, 2002 default dismissal ["unless a motion to show cause for continuing 02LA03236 and a signed and filed order removing the case from the dismissal list"] per the Order of Judge McAnany and the Local Rules requiring no further order is Due Process Violation [Kansas Constitution violation "confrontation requirement, Fourteenth Amendment "confrontation clause" Due Process violation and with the United States Law violations also bringing the Fifth Amendment Due Process clause denying protected confrontation rights does this result in void nullity in 02LA03236 on that basis also, as asserted in all Kansas Courts below?

Question Fourteen: By what power as conferred by law do respondents or the Kansas Supreme Court claim they have acted under in 02LA03236?

II.

List of Parties To the Proceeding

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III.

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IV (b) Constitutional Amendments, Constitutional Clauses, Sections Cited

IV (c) Statutes Cited

IV (d) Federal Rules of Civil Procedure

Federal Rules of Civil Procedure 60(b)(4) .....Page 9

"Grounds for Relief from a Final Judgment, Order, or Proceeding. On Motion and just terms, the court may relieve a party or its legal representative from a final judgment, order or proceeding for the following reasons:

... (4) the judgment is void; ... ."

IV (e) Academic Reference

4 COLLIER ON BANKRUPTCY ("COLLIER") Par. At 524.LH[1],524-57 (Sept. 2005) Lawrence P. King ed.,15th ed/ rev.).....Page 9

American Bankruptcy Institute (ABI) Publication: Journal Issue: May 2004 Column Name: Feature Journal Article: Feature: Violations of the Automatic Stay Void or Voidable. Online Article. (Excerpt in Appendix)

V.

Citations of Orders Entered Below in This Proceeding

No. 127,157, Original Action in the KANSAS SUPREME COURT, "In Re Christoher N. Queen VS. Coram Non Judice Trespassers, concerning 02LA03236; Trespassers, JAMES PHELAN (retired) and DANIEL VOKINS (retired); And, JOHN McENTEE And; DOUG PETERSON (alleged judge, pro tem) DISTRICT JUDGE PHILLIP WOODWORTH (alleged magistrate, then district court, now deceased), the Respondents," Kansas Supreme Court, Respondents also.

No. 127,157 On Certiorari to the Kansas Supreme Court here. Orders below:

1. February 15, 2024, Original Action in Quo Warranto, Denied, file stamped Order of denial is signed by Kansas Supreme Court, Chief Justice Marla Luckert. Denying the Original Action for a Writ of Quo Warranto. No. 127,157 Motion For Rehearing, denied. ..... Page 1

2. Order, Kansas Supreme Court, No. 127,157, Issued March 20, 2023, Marla Luckert again Denying the Motion for rehearing of the original action in Quo Warranto. ..... Page 1

All other orders derivative from 02LA03236, to include those in 23-CV-2067-ADM-KJV, are Void, and all orders in and resultant from 02LA03236 are void, where the case 02LA03236 is Void Ab Initio, per federal law arising under the Constitution, or September 20, 2002 Dismissal Order by Judge McAnany (Extrinsic Fraud) therefore dormant or void per the Due Process violation manufacturing default judgment through federal law violation (IAD, IV (a)) no appeal of the case (02LA03236) is required. A Void Judgment and legal nullity, entitled to no respect whatsoever.

VI.

Jurisdiction for this Court in the proceeding. 28 U.S.C. 1257 (a) and Text herein below. 28 U.S.C. § 1257 - U.S. Code - Unannotated Title 28. Judiciary and Judicial Procedure § 1257. State courts; certiorari"

> "(a) Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn

in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

VII. Constitutional Provisions.

Here the Bankruptcy clause arising under the Constitution at Article I, Section 8, Clause has been violated exposing Petitioner to deprivations of rights and privileges as afforded by the Congress also violating Equal Protection and Due Process of Law also disrupting the privilege afforded him by Congress to the automatic stay and the commencement enjoinment also of continuation of collection actions in violations of statutes of the United States Law:

> 4: [The Congress shall have Power . . .] To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States; . . . ."
>
> The questions presented need to be answered in order to resolve splits in the circuits, as per the American Bankruptcy Institute their observations in the Appendix, here.

The Fourteenth Amendment Equal Protection violated where the Bankruptcy provision for a new start has been denied Petitioner and his wife. The Fourteenth Amendment Equal Protection as per statutes of United States Law arising under the Constitution's Bankruptcy Clause, therefore, also violations of Rights under Due Process of Law adding also many violations of Fair Credit Reporting Act where the perception these are judges has negatively affected Petitioner's reputation, credit and employment opportunities.

Interstate Agreement on Detainers (IAD) IV (a) (Under the Compact Clause) was violated May 8, 2002, violating Petitioner's Confrontation rights per Kansas (Section 10) and U.S. Constitution, per express right under the compact clause removed fifteen days before federal law allows the day before the answer date, the state, thereby illegally manufacturing alleged default judgment. Denying him ability to answer or object, the plaintiff required to bear the burden of proof. Due Process violation.

VIII.

STATEMENT OF THE CASE

On February 15, 2024, the Kansas Supreme Court denied the Motion for a Writ of Quo Warranto levied against Respondents, for unlawful "Coram Non Judice" Acts. The Kansas High Court claiming Petitioner failed to state a claim for Quo Warranto **(Appendix Exhibit B, hereto attached)** along with the March 20, 2024 Denial of the Motion for Rehearing **(App. Exhibit C, hereto attached).**

January 7, 2002 Discharge Order, 01 14021 7 **(Appendix Ex. D)**, compared with the March 29, 2002 charging in 02LA03236 **(Appendix Ex. F)**, Check Petition and **(Appendix Ex. G ROA, 02LA03236)** Case History and September 9, 2003 Final Decree **(Appendix Ex. E)**, proves Hollins (notified prior of discharge for Phillips 66) intentionally violated the injunction and automatic stay, under the bankruptcy clause, held by the Tenth Circuit Court (as nearly half of the circuits) hold "void ab initio", as implied Congress' intent per 11 U.S.C. § 362(k)(1) language which says:

> "Except as provided in paragraph (2), an individual injured by any willful violation of a stay provided by this section shall recover actual damages, including costs and attorneys' fees, and, in appropriate circumstances, may recover punitive damages."

Judge Nugent's Order **(Ap. Ex. D @ Page 2)**, affidavit **1)** H. Kent Hollins notified for Phillips 66 @ 3041589; **2)** the judge in his order said, no objections were filed; and, and the docket shows **3)** "No adversary proceeding asserted", **(App. Ex. A, Docket in 01 14021 7)**; **4)** no "actual fraud proven" required per 11 U.S.C. § 523 (a)(2)(A); 5) "exception; not automatic" **5)** nor a crim. Case filed in any court. Nor

was service adequate **(Appendix Ex. G)** at April 28, 2003, Sheriff affidavit, no proof of service, original notification of suit. Not, My Circus, Not, My Monkeys.

Petitioner asserts, he believes any Justice, or the plurality or the unanimous U.S. Supreme Court may rule right now, to vacate 02LA03236 and dismiss this case, per examination of the evidence and dates proving 02LA03236 as Void Ab Initio, enjoined from prior to charging on March 29, 2002.

The Respondents have no evidence or answer, refuting the facts of a void ab initio case, here, prosecuted for 22 years, minus "power conferred by law." Respondents, "illegally ... exercising Kansas" office, claiming "power, not conferred by law", as magistrates, clearly all acts in Quo Warranto, per **Ames v Kansas**, 111 U.S. 449 (1884).

Petitioner continues, in order to reveal further malicious void actions, in the nullity records below, for this Court's edification and to support the Questions Presented herein involving differences in the Circuits and the Court's clarifications on points of the U.S. Law and other important issues as here arising under the Constitution.

Background of Null And Void Actions Downstream from Void Ab Initio, 02LA03236, per 11 U.S.C. §§ 362, 362(k)(1) and 524(a)(1)(2) Below, Here.

1) Petitioner never saw his discharge order **(App. Ex. D)** in 01 14021 7, until December 2023 prior in (2003) inexperienced, also) but with 20 years, experience, now. (December 2023) asserting it after arguing the Judge McAnany dismissal order **(Appendix H)** through both Nullities, VOID CASES (state and federal) 02LA03236 and then filing the Motion for recusal in 23-CV-2067-KHV-ADM) ...: 1)

denied by the DUI Convicted 19CR01117 federal district judge, Kathryn Vratil: **(Appendix Conviction Ex. 1)**: 1) Listed Charges: 2) ROA and 3) Conviction by Guilty Plea,19CR01117; She has a conflict of interest and has shielded Jo. Co. Officials from their just liability, for 22 years illegal court actions, through abuse of discretion per Orner v Shalala, 30 F.3d 1307 (1994), as significantly asserted below!

2) H. Kent Hollins/McVay violated the automatic stay, March 29, 2002, **(App. Ex. D; pg. 2 Affidavit entry 3041589, Hollins proven objectively notified.)**

3) Trespasser respondent Dan Vokins, in 02LA03236 continuing the long, illegal, enjoined per federal injunction prosecution on the discharged debt in 2022 (02LA03236) caused first recent loss of Petitioner's good job ($ 20.00/hr./w 15 hours OT (@ 35.00/hr./per Wk.) His brother also an aircraft engineer currently paid $ 75.00/per hour ... the divergent difference, is a portion of the damages for a jury) Vokins (?) fraudulently registering the Void Ab Initio judgment in an opposing state (additional FCRA violation) for (unlawful) garnishment to (WABTEC, at 4800 Deramus, KCMO and Tenth Cir. To Eighth Cir., fraud on Missouri (?), WABTEC? and the "full faith and credit clause?", and fraud under the Commerce Clause?).

4) Lost job, and their home, as result of the void civil action, in Overland Park, Kansas, (so they circled the wagons, but we have an atom bomb) (expect relief as per 42, Section 1988) the couple vacating 7414 Riggs, on April 15, 2023, homeless since then) (homes more expensive now under Biden, not my problem, theirs) was owned by his father-in-law and mother-in-law ... See: Case, No. 23CV00658 Jo. Co. Court, financially injuring and upsetting his elderly-in-laws (in their mid-eighties)

his wife's mother passing away (heart failure) shortly thereafter, distressed that her daughter was now homeless and at their own financial loss, as result of void process here complained about) now homeless, with his wife, Petitioner fights on, and he will win appropriate relief. 11 U.S.C. § 362(k)(1) and 42 U.S.C. §§ 1983/1988, says, US Court "'shall" provide relief ("any which way they can"), and "shall is ordinarily the language of command.'" **Alabama v Bozeman**, 533 U.S. 146 (2001).

5) In 02LA03236, On November 10, 2022 Petitioner argued laches **(Transcript, App. Ex. M)** before Trespasser Vokins. A few days later after, pre November 10, inquiry, to Jo. Co. Court Clerks about MICR # 1781 (02LA03236) "Notice and Order of Pending Dismissal" **(App. Ex. H)** the clerks found that order, hidden in the back scan file (Extrinsic Fraud, argued in all courts below, 02LA03236 void on that basis)) without "'Motion to Show Cause" why 02LA03236 should not be dismissed'" nor the "Order to remove 02LA03236 from the dismissal list", both ordered required (not removed without it ... order says, "unless") for further prosecution, for "failure in prosecuting" (local rule 6) by Chief Judge McAnany. (Now a retired Appellate Court Judge).

6) The showing of cause, Motion, or scheduled, hearing, and signed file stamped and filed Order removing the case from the dismissal list was mandatory, per Judge McAnany for continuing the case, required in record, between August 23, 2002 and September 20, 2002 at 12:00 p.m. to stop said default dismissal. ROA in 02LA03236 **(App. Ex. G)** reveals none of these (Motion, Hearing or Order) as required, entered in the record. Dismissed by default except for the actual

preemption by U.S. Law, at 11 U.S.C. § 362(k)(1) and11 U.S.C. § 524(a)(1)(2), so it is all NULLITY. Entertains the Petitioner enormously! Null either way.

7) So, Petitioner asserted it with the Notice and order **(Ex. H)** in the record, 02LA03236, not yet aware that the case is void ab initio, per federal law, prior and forevermore. From, everlasting to everlasting, right, Lord? (Though Hollins' associates McVay and Nations as well the judicial imposters intentionally moved forward with officers of the court fully aware) in the face of pre charge (02LA03236) notification of discharge of Phillips 66 debt.). (Delightful huh?)

8) Dan Vokins', replacement (he retired) trespasser, John McEntee ruled in abuse of discretion, subjective claims of Ms. Nations, in the void case as downstream, from 01 14021 7, Karen Nations in the face of Petitioner's provided document evidence to the contrary **(The Order, App. Ex. H, with G, ROA)** to her fraudulent claim the case was removed, as fact (NOT FACTUAL(!), HOWEVER.). How was it removed? Specific procedure, per rules and law, ordered by Judge McAnany not adhered too. (Abuse of McEntee's discretion and his duty to accurately and impartially fact find (Transcript on Hearings McEntee arguing for creditor, before John McEntee, January 19, 2023 **(App. Ex. N)** and April 27, 2023 **(App. Ex. O)**) Look at the order **(Appendix Ex. H)** Local Rule 6, Tenth Jud. Dist. of Kansas, Rule 6, **(App. Ex. K)** Points 1-6 (Jo. Co. Website; Local Rules; Civil; Rule 6; Dismissal For Lack of Prosecuting.) Link here: (copy and paste to view the entire rule, text also in appendix App. Ex. L: https://courts.jocogov.org/local_civ6.aspx

9) The ROA 02LA03236 **(Appendix Ex. G)** let respondents show us the motion or scheduled hearing and Order removing 02LA03236 from the dismissal list. They cannot produce them, because they don't exist. The case was not removed from the dismissal list, therefore, was dismissed, without prejudice on September 20, 2002 at 12: p.m., never refiled and therefore in 2009 were it not Void Ab Initio, (per (section 362 (k)(1) and 524(a)(1)(2) it would be dormant, as asserted before trespasser, James Phelan (with duty to determine dormancy (K.S.A. 60-2403 and 2404)) on May 23, 2014, dormant by default. Unknown to Petitioner then, w/no need for affirmative assertion in the state case, the officers of that court, responsible to not violate the U.S. law (done knowingly, here) preempted, by then, long prior, per 11 U.S.C. § § 362(k)(1) and 524(a)(1)(2). Ooooops. Accidently on Purpose, like mom said.

10) Petitioner then, (prior to finding the January 7, 2002 discharge) filed the 42 U.S.C. § 1983 asserting: **1)** Violation of U.S. Law, in removal (federal temporary custody to win two, pro se, cases, ((IAD, IV (e)) and asserted compulsory joinder, remains un-convicted) fifteen days before Interstate Agreement on Detainers IAD Art. IV (a) (Compact Clause arising under the Constitution) as also in 02LA03236, allows on May 8, 2002, day before answer date and hearing 02LA03236); **2)** to unlawfully manufacture a void judgment, presumed intentional. Violation of Due Process to obtain an alleged default judgment (The **United States v Mauro**, 436 U.S. 340 (1978), Clarification (not new law) in **Pleau v. United States** on Article IV(a) (30 days) case strengthening that IAD literal language applies literal

applicability of the time limits (30 days before removal allowed) in IAD, (specifically the thirty days also a failure of Kansas Law's 30 day legislated delay, asserted in court's below) under the Compact Clause. (April 23, 2002 Federal case filed, thru May 8, 2002 = 15 days.) Default, in 2002, manufactured by violation of federal law, by Kansas and U.S. Marshals. Fifth and Fourteenth Amendment procedural due process violated. Judgment in 02LA03236 is void on this federal law basis also.

11) Manufactured judgment without confrontation (due process violation) by federal law violation, two federal judges call this an appeal of an unsatisfactory state court decision (Applying Rooker-Feldman "abuse of discretion") where they and Kansas refused to enforce U.S. Law (Violation of IAD manufactured alleged default judgment in 02LA03236 (actually null and void, (also per U.S. Law)) and Petitioner bets they intentionally do it all the time) in the Compact Clause also deny Petitioner, in forma pauperis status going forward, so much for equal protection and Due Process at the Fourteenth and Fifth Amendments.

12) The answer date was May 9, 2002, after violation of Compact Clause, under the Constitution, already with "**inadequate service**", in 02LA03236, **(App. Ex. G at 04/28/2003) (2 + 2 = 22? Engineer joke)** violation of procedural due process; 3) the dismissal of 02LA03236 by default on September 20, 2002, assuredly, however, we can't reach that date here, per 11 U.S.C. § 362 (k)(1) and 11 U.S.C. § 524(a) in 02LA03236 violation of the "automatic stay" federal law 11 U.S.C. § 524(a)(1)(2) also making the filing of the case at all in 02LA03236 outlawed, "Void Ab Initio" per Orner v Shalala, 30 F.3d 1307, 1310 (10th Cir. 1994). We do not have to deal with

any other issues here (all of these background cases are null and void cases as downstream from, Extensively Polluted, null and void, 02LA03236).

Do void cases authorize any judicial actions, as conferred by law? Kansas Supreme Court? By what authority? Mr. Hutchinson? In any rational mind, the trespassers below are not judges in 02LA03236. Quo Warranto Actors, as Petitioner asserted in Kansas Supreme Court, per **Ames v Kansas**, 111 U.S. 449 (1884). Definition provided by this court's jurisprudence. Quo Warranto, Proven, here, "beyond the shadow of a doubt."

13) Petition for Writ of Quo Warranto in K.S.Ct., and Writ here for Certiorari to the Kansas Supreme Court, there, in effort trying to end this ("Angel six gunned him on in forma pauperis claims, ha,ha,ha, he can't get to the US Supreme Court?") (hold my beer, don't actually drink, ever.) before the liability attached. Trespassers in (essentially) Halloween garb with robes and little hammers i.e. "twinkies on a stick"). No not bringing candy. Not a chance. If Cert. is denied the judgment remains void. Void judgment may be asserted at any time and in any action and any court, and timely without statute of limitation. Judges may not confer jurisdiction otherwise absent, as done here, below.

END OF CONSCIENCE SEARING BACKGROUND.

14) Resuming: The Court may read at par. 2 in the January 7, discharge order **(App. Ex. D)** 01 14021 7, the two checks **(App. Ex. F)** for small amount for "domestic goods" are dischargeable under 11 U.S.C. § 523, in spite of the date

written, no intentional fraud (requires per standard of proof; "clear and convincing evidence") Congress added "actual fraud" to the Chapter 11 bankruptcy statutory language) which must have been shown as proven, above by "clear and convincing evidence" of actual fraud (debtor's fraud not creditor's fraud, as proven here. Request made by creditor where proof of "actual fraud" for exception was required in 2002/2003, per assertion to the bankruptcy court. These unchallenged (decided in contravention of federal law, in state limited action court ... null and void, per Judge Nugent's order and the U.S. Law. **(App. Ex. D, Discharge Order, par. 2)**, which enjoined commencement or continuation (for all 22 years, beginning on March 28, 2002, prior and to judgment date here and to the end of the age) All Phillips 66 debts, null and void per the injunction at 11 U.S.C. § 524 (a) (1)(2) and failure to assert any request (no objection) for exclusion, per section 523. In "United States District Courts" online article on "Bankruptcy Basics" the Court may read:

> "The types of debts described in sections 523(a)(2), (4), and (6) (obligations affected by fraud or maliciousness) are not automatically excepted from discharge. Creditors must ask the court to determine that these debts are excepted from discharge. In the absence of an affirmative request by the creditor and the granting of the request by the court, the types of debts set out in sections 523(a)(2), (4), and (6) will be discharged."

Taggart v. Lorenzen, 139 S. Ct.1795 (2019), reinforces the 11 U.S.C. § 524 (a) injunction, and enjoinment. (See also: In Re Hamilton, No. 07-6269, 6th Cir. 2008): Circuit Judge, Karen Nelson Moore, Opinion making it very clear: In re Hamilton, No. 07-6269. (Sixth Cir. 2008):

> "This case requires us to determine whether 11 U.S.C. § 524(a) makes a state-court judgment void ab initio when entered against a debtor whose,

> dischargeable debts had been discharged, or whether the Rooker-Feldman doctrine compels federal courts to respect the state-court judgment. We conclude that § 524(a) prevails and state court judgments that modify a discharge order are void ab initio."

And she added:

> "This case requires us to elaborate upon the meaning of 11 U.S.C. § 524(a). That provision ... 11 U.S.C. § 524(a) (emphasis added). This provision was designed "to effectuate the discharge and make it unnecessary to assert it as an affirmative defense in a subsequent state court action." 4 COLLIER ON BANKRUPTCY ("COLLIER") ¶ 524.LH[1], at 524-57 (Sept. 2005) (Lawrence P. King ed., 15th ed. rev.). The concern of the drafters of § 524 was that a creditor whose debt was discharged would bring suit "in a local court after the granting of the discharge, and if the debtor failed to plead the discharge affirmatively, the defense was deemed waived and an enforceable judgment could then be taken against him or her." Id. To avoid such abuses ..."

15) Abuses? Oh, Happy Day! Exactly what Hollins did and his associates, continued the "abuses" for 22 years, intentionally, with cooperating trespassers coming along issuing void orders, as mere gangsters, like Al Capone hit jobs, on Petitioner's employers, causing injury to him, one after another. (No, they did not fire him for garnishments. RIGHT! "preponderance of the evidence") Illegal orders, every-one. So glad trespasser Vokins explained the law to us on November 10, 2022. **(App. Ex. M)** "Sit down Mr. Queen and be quiet ... so that you're listening ... while I explain the Kansas law." (Hilarious). Affidavits renewing VOID AB INTIO, awesome!

16) Petitioner objected, by his pleading, to Judge Herrin's order that the case needs reopening, where Petitioner is not required to "do anything in the state case." Reopening allegedly required, for enforcement of an injunction? Circuits and district

and bankruptcy courts, BAP bankruptcy appellate panels, also divided on this question.

17) But these trespassers below, have forced (an additional two years litigating (after 20 years illegal prosecution asserted and thus far four months of litigation, after assertion to a bankruptcy court, of the injunction, as result), the prosecution illegally, per points of well settled federal law, established as proven by a few dates, violated as arising under the Constitution ... through three courts. Refusals by two appellate courts (one state the other federal) to consider or enforce the federal law, and Rule 60(b)(4)/K.S.A. 60-260 (b)(4)). **(Special Letter Appendix Exhibits Appellate Court letters, 1 and 2, attached)** (No intention to narrowly consider federal law on behalf of debtors) No teeth!

18) This mass of litigation after assertion to the bankruptcy court. Procedural due process and equal protection 5th and 14th Amendments violated! The federal district judge in case (23-CV-2067-KHV-ADM) is Constitutionally unfit per her conviction in 19CR01117 **(See: Conviction Ex., including 1-3, and jococourts.org DUI Conviction, Judge Kathryn H. Vratil)** Conflict of Interest where she is convicted in the same county court where trespassers were protected from liability, by this federal judge in 23-CV-2067-KHV (reinterpreted by her first as a 59 (e) motion, later reinterpreted after assertion of the bankruptcy discharge, making it clear 02LA03236, to anyone sober enough is Void Ab Initio (?) (Just calling balls and strikes.) 02LA03236 is Null and Void) interpreting per 60 (b) omitting the (4) in the VOID case, 23-CR-2067-KHV-ADM (due to the land mine of 1

14021 7, section 524 (a)(1)(2) injunction and intentional violation of section 362 (not enforced by the bankruptcy judge ???????)) Hmmm? Petitioner also objects Constitution, Article II, Section 4 and 28 CFR § 76.16. Art. II Sec. 4 asks: Who would not object?

> "The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors." (emphasis added). ["Shall is ordinarily the language of command.", **Alabama v Bozeman**, 533 U.S. 146 (2001).]

"By what authority" have we continued below, now for 22 years? "'Quo Warranto' per the Kansas case here, is defined, in this Court's prior decision, **Ames v Kansas**, 111 U.S. 449 (1884): Quoting: U.S. Supreme Court Page 111 U. S. 459:

> "MR. CHIEF JUSTICE WAITE delivered the opinion of the Court. He stated the facts in the foregoing language and continued:
>
> "In Kansas, the writ of quo warranto ... are had by civil action. ... Such an action may be brought in the Supreme Court when "any person shall" usurp, intrude into, or "unlawfully" hold or "exercise" any public office... ."

19) In this case, the Court finds, paraphrasing Ames:

Quo Warranto: **"unlawfully ... exercise any public office ... ,"** [Alleged state magistrates with complete absence of jurisdiction? Void Ab Initio case, per U.S. Law, as arising under the Constitution. What authority conferred by law resides there?] No authority conferred by law! They epitomize Quo Warranto, here, the new Kansas definition.

20) Void! (Quo Warranto) Disagree? Then how conferred? Do tell us Mr. Asst. A.G., Hutchinson. Kris Kobach? Justice Luckert? Respondents? John McEntee?

In re Sawyer, 124 U.S. 200 (1888):

> "When a judge acts beyond his authority to act, the judge is engaged in an act of treason. U.S. v Will, 449 U.S. 101 S.Ct. 471, 66L.Ed.2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. 264, 404 (1821) "What's the penalty for treason?" Any judge or attorney who does not who does not report the above judges for treason required by law may be guilty of misprision, of treason 18 U.S.C. § 2382."

21) Penalty for treason? Ask Bendict Arnold. No Judicial Authority conferred by law in 02LA03236 nor in all other cases, derivative, thereafter, including 23-CV-2067-KHV-ADM and No. 127,157 (required vacating for an appellate court presented with a void judgment, KSA 60-260(b)(4) asserted prior below, Petitioner will not request to appear before John McEntee for any reason. He's not a judge. Cases are all void nullity, entitled to no respect, as moot per preempting by United States Law, arising under the Constitution, therefore no lawful acts, in or around 02LA03236 or resultant thereof. The trespassers have acted: (intentionally, Petitioner proves. Subsequent to this action, Ms. Vratil, Nor, Ms. Mitchel will be on that case) and Petitioner will demand a jury trial. Never trust a judge, with law again. Sick of it. The trespassers acted only in their individual capacities claiming to act in judicial capacities, NOT! Nor the Kansas Supreme Court as signed by Chief Justice Marla Luckert, them failing (violation of law for an appellate court to allow a void judgment to stand, (per this Court) failure to vacate and dismiss any appeal which is the only available discretion. That is also the only jurisdiction, here, under the sun. Courts cannot confer jurisdiction here, reading the federal law along-side the facts. An appellate court has only to vacate the void judgment as per K.S.A. 60-260(b)(4) accord. Rule 60(b)(4). Tenth Circuit holds where 60(b)(4) is

applicable "relief is not discretionary but it is mandatory." Federal law, federal appellate court. State may provide more protection than United States Constitution, but not less. Quoting, Orner v Shalala, 30 F.3d 1307 (1994):

> "When rule providing for relief from void judgment is applicable, relief is not discretionary, but is mandatory."

Further the Tenth Circuit added:

> "Unlike its counterparts, Rule 60(b)(4), which provides relief from void judgments, "is not subject to any time limitation." V.T.A., Inc. v. Airco, Inc., 597 F.2d 220, 224 n. 9 and accompanying text (10th Cir. 1979) ("if a judgment is void, it is a nullity from the outset and any 60(b)(4) motion for relief is therefore filed within a reasonable time")" [Judge Vratil??].

(Federal District Judge, Kathryn Vratil, has abused discretion.)

22) Petitioner would appreciate a remand with instructions to her to vacate 02LA03236 or remand it to Chief Judge, Charles Droege (it will be appropriate, in return for her sustaining the abuse which Circuit Judge, Karen Nelson Moore cited, as Congress' intent to enjoin. Also, where 60 (b)(4) applies any attack or motion on the case is within a reasonable time. "Void Judgment May be asserted in any court at any time and per direct appeal or collateral attack" and at "any time." (On Certiorari?) per well settled void judgment law. Void case law to close this out:

> "The law is well-settled that a void order or judgement is void even before reversal'. **Valley v. Northern Fire & Marine Ins Co**., 254 U.S. 348,41 S. Ct. 116 (1920) "Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgements and orders are regarded as nullities; they are not voidable, but simply void, and this even prior to reversal. **Williamson v. Berry**, 49 U.S. (8 How.) 495 (1850). When rule providing for Relief from void judgments [60(b)(4)] is applicable, relief is not a discretionary matter, but is mandatory, Orner. V. Shalala, 30 F.3d 1307 (10th Cir. 1994). '

23) Petitioner has proven his case for Quo Warranto i.e. "By What Authority?" in simple English. Petitioner has also shown the Supreme Court that per points of United States Law arising under the Constitution the judgment in 02LA03236 is Void Ab Initio and as well settled law an appellate court has a duty to vacate such a judgment and dismiss the appeal, though remand would be more satisfying. Not sure here, however, because questions between the circuits need answering to clarify issues of importance to lower courts, the states, the United States (largest creditor), creditors and debtors. Manning v. Ketcham, 58 F.2d 948 (6th Cir.1932):

> Manning v. Ketcham, 58 F.2d 948 (1932) An affirmance results. When a judge acts in the clear absence of all jurisdiction, i. e., of authority to act officially over the subject-matter in hand, the proceeding is coram non judice. **[7 of them here]** In such a case the judge**[s]** has/**[have]** lost his/**[their]** judicial function, has/[**have**] become a mere private person, and is/**[are] liable as a trespasser for the damages resulting from his/[her] unauthorized acts.** Such has been the law from the days of the case of The Marshalsea, 10 Coke 68. It was recognized as such in **Bradley v. Fisher**, 13 Wall. (80 U.S.) 335, 351, 20 L. Ed. 646. In State ex rel. Egan v. Wolever, 127 Ind. 306, 26 N. E. 762, 763, the Void Judgments - Federal and State Case Law Page 8 court said: 'The converse statement of it is also ancient. Where there is no jurisdiction at all there is no judge/**[none];** the proceeding is as ***nothing.'*** □ Title 18, section 4 (if they know of a crime and do not report it...) □ Title 18, 241 (conspiracy to violate civil rights...) □ Title 18, 242 (judges and officers deny your rights protected by the constitutions...)
>
> Quo Warranto per this Court! Case for Writ Quo Warranto, Proven! Demand for a Jury Trial, will follow! Proverbs 22: 22, 23 (NIV).
>
> Thank You, Justices of the United States Supreme Court, for your lawful consideration. Christopher "Chris) N. Queen, Pro se.

Signed: _____

Dated: July 18, 2024

IX.

Reasons For Granting the Writ

Reason this Court should grant the Writ of Certiorari to resolve a nearly even split in the U.C. Circuit Courts. The split noted by American Bankruptcy Institute (See Appendix quotation) concerning the question whether violation of the automatic stay renders a case merely voidable or per other circuits (including the Tenth) void ab initio the Institute attorneys pointing out the question resultant of great importance to debtors, creditors, the states and the United States as the largest creditor, also driving the burden of proof.

Further the question whether a debtor whose bankruptcy rights arising under the Constitution have been violated is under requirement to pray to a federal bankruptcy or district court to effectuate relief provided by the injunction 11 U.S.C. § 524 (a) (1) (2) where Congress has stated no action is required in a subsequent state court proceeding? Seems such a court has only discretion to enforce the federal law.

WHEREFORE, the U.S. Supreme Court, to clarify the divisions between the circuits and to provide long overdue purpose of the Constitutional Right per the bankruptcy clause for bankrupt debtors including Petitioner and his family, this Court should and it is respectfully requested the Justices grant the Petition for Certiorari to review this case for the ends of justice to protect the rights of debtors

as well provide boundaries for debtors, creditors, states and the United States in the purposes of the bankruptcy law, as arising under the Constitution. Thank You.

Assertively and Respectfully Submitted,

Christopher Queen, Pro se

July 18, 2024

Dated

I, Christopher N. Queen, do affirm and swear the facts brought in this case and these void derivative cases are plainly evidenced as the absolute truth under penalty of perjury per the laws of Kansas and the United States.

Christopher N. Queen

July 18, 2024

Dated