ORIGINAL

No. 24-5395

IN THE

SUPREME COURT OF THE UNITED STATES

DANIEL LUKE MEIER— PETITIONER

VS.

ALLSTATE PROPERTY AND CASUALTY INSURANCE CORP.

— RESPONDENT

ON

PETITION FOR A WRIT OF CERTIORARI TO SIXTH CIRCUIT COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

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QUESTION(S) PRESENTED

Did all lower state courts and the District Court, *and now* the Sixth Circuit Court of Appeals, err in committing multiple outrageous and flagrantly criminal acts of fraud and fraud upon the court, tyranny, and oppression in so committing a literal overthrow of the U.S. government and committing acts of civil war and lawfare by repeatedly and illegally lying about the law and conspiring with Allstate Property Casualty Insurance Company in committing multiple acts of fraud in a prima facie car accident injury claim, and misrepresenting what constitutes the merits of the this case (s) under color of law in violation of 42 U.S.C.§1983 and the 5th and 14th Amendments to the Constitution?

Did the District Court err in making outrageous, frivolous and fraudulent arguments under color of law and lie about the application of law for Allstate that Allstate did not make themselves, whereby committing criminal acts of bias, oppression, fraud upon the court, and arbitrarily blocking Mr. Meier's right to due process and a full and fair opportunity to litigate? Did they in so doing deprive Mr. Meier of federally recognized equal protection rights under color of law under 42 U.S.C.§1983 and due process under the 5th and 14th Amendments to the constitution?

Did the District Court fail to properly apply failure to deny rules for 42 U.S.C.§1983 criteria and again illegally block Mr. Meier's federally protected right to jury trial, right to collect on a default legally docketed on court record, and rights to take discovery depositions whereby illegally discriminating against a pro se plaintiff in a Federal Court proceeding?

No._____

IN THE

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DANIEL LUKE MEIER— PETITIONER

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PETITION FOR WRIT OF CERTIORARI

The petitioner, Daniel Luke Meier, respectfully petitions this Court for a writ of certiorari to review the unlawful judgment(s) and orders of the Sixth Circuit Court of Appeals April 24, 2024, Motion for Reconsideration filed May 10, 2024 and Denial of Reconsideration filed May 24, 2024. These rogue corrupt judges are destroying this country by ignoring citizens rights and the law demonstrating the lower courts are completely overthrown by criminals.

LIST OF PARTIES

[X] All parties appear in the caption of the case on the cover page.

[ ] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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INTRODUCTION

1. This entire federal and prior proceedings for this case have been so outrageous, illegal, ridiculously corrupt and fraudulent as to rise to the level of documenting the literal overthrow of a judicial system by violent means. The instant proceeding has been intolerable in a civilized society and *utterly asinine.* The corrupt individuals involved in these proceedings; the Judges and attorneys have demonstrated such flagrant idiocy and disrespect for the law and basic human rights as there to be no question that it is a well established and systematic policy of outrageous discrimination, deliberate lawfare, and outright evil corruption that has been purposely implemented in place of the court itself. The law no longer matters to them at all. These corrupt incompetent judges are not the court; they are criminals and years of these dirty fraudulent proceedings are irrefutable proof per se.

2. In the original 2013 crash incident, Mr. Meier was nearly killed when he was negligently run over by Amanda Berger driving illegally on the wrong side of the road in her car and was propelled in the air over 100 feet into a nearby parking lot and was knocked unconscious in a puddle of blood. Mr. Meier suffered (per x- rays) a broken collarbone, severe closed head injuries, fractured scull, lacerations on face and arms (forehead requiring several stitches) **(See Appendix F Picture of Mr. Meier after incident),** permanent scarring (acknowledged at hearing by judge Groner) , torn shoulder ligaments, post concussion syndrome, seizures, nerve damage, neck

and back injury, memory loss, severe hearing loss (acknowledged at hearing by the judge MacDonald), visual impairment and more. Mr. Meier was taken by ambulance to the hospital, which Allstate ***accepted responsibility*** to pay for and Allstate did pay for. Allstate did not deny 100% negligence of their client; Allstate also paid on the claim numbers for rehabilitation of serious impairment of bodily function whereby admitting merits of the injury severity (also recognized by judge Grand on the record) and again accepting legal responsibility, and even after that offered additional plastic surgery. However, Allstate refused to pay any monetary amounts due to Mr. Meier at all regardless of the law. Allstate does not deny any injuries; Allstate's ***own doctor*** verified and validated the injuries independently. Instead, Allstate chose to break the law themselves and illegally schemed to sidestep the law and openly and illegally conspired with the judges to arbitrarily block Mr. Meier's constitutional right to jury trial, depositions, and discovery and moved in bad faith to dismiss a very serious case. Allstate stated to judge Kathleen MacDonald they wanted Mr. Meier's jury trial denied because Mr. Meier would "get too much money" if it proceeded to trial. This is why Judge Kathleen MacDonald dismissed the case regardless of the substantial binding merits of the case in Mr. Meier's favor, which are authoritative and controlling.

3. On court record in Meier v. Allstate II Judge MacDonald openly admits to illegal ex-parte conversation with Allstate to illegally dismiss the case

after Allstate defaulted as a matter of law and the ***default was already entered on the docket.*** Prior to this, two evaluations were done on the merits of Mr. Meier's cases, both of which were "unanimous" in favor of Mr. Meier demonstrating the ***law proves Mr. Meier won his claim on evaluation***. The same Judge Kathleen MacDonald presided over Meier v Allstate I and II. In Meier v. Allstate II Allstate even defaulted by failure to respond and the default was entered on the docket. Mr. Meier was again illegally discriminated against and then was without due process denied the default judgment as a matter of law anyway. The court as a matter of due process was to assign a new judge for Meier v. Allstate II as is normal for the new case but they violated rules and procedures here also. The instant proceedings have continued to be completely fraudulent and illegal on the record as will be shown on transcript reference. These proceedings are a bizarre freak show and a ridiculous feast of lies by the judges and a travesty of justice and an outrageous continuation of this fraud and violation of due process, and constitutional and civil rights. The instant complaint was filed to address these facts under 42 U.S.C.§1983 once and for all because Allstate already lost as a matter of law regardless of what the prior "meritless orders" said under "color of law". Allstate needs to pay up for the accident claims they lost by default and now also the fraud and color of law depravation of rights claim they lost in the instant case.

4. These kinds of criminal outrageous color of law acts by judges and an agenda of oppression under color of law should never happen to any U.S. citizen and this is happening all over the country. It is sickening that in America these judges carry on this blatant systemic obstruction and abuse of process every day unsupervised, unopposed and even ***encouraged by the appellate courts***. This behavior is so extreme, murderous and ongoing, and malicious after a near death accident to Mr. Meier who is in his fifties as to constitute a clear deliberate act of ***attempted murder*** through oppression and emotional distress. This is an act of ***attempted murder by the management of Allstate Property and Casualty Insurance Company*** conspiring with hard-core corrupt deceitful judges so Allstate won't have to pay on what they lost as a matter of law.

5. Obviously, this most recent instant filing (Meier v. Allstate III) was to address ***all other previous manifest injustice and fraud upon the court documented in prior illegal orders*** and proceedings once and for all by addressing the legal application of 42 U.S.C.§1983 depravation of rights under color of law to ***all prior invalid orders*** and compare them to the actual real original legal merits of the original facts and injuries and real due process under the law. This instant complaint was to stop the relentless illegal blacklisting and illegal lawfare and to stop causing the depravation of rights under color of law against Mr. Meier where the original merits of the injuries and negligence have been previously and illegally unjustly ignored

IN THE SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below

OPINIONS BELOW

[X] For cases from federal courts:

The opinion of the United States **Court of Appeals** appears at Appendix A

the petition and is

[ ] reported at ; or, [ ] has been designated for publication but is not yet reported; or, [X] is unpublished.

The opinion of the United States **District Court** appears at Appendix B the petition and is

[ ] reported at ; or, [ ] has been designated for publication but is not yet reported; or, [X] is unpublished.

JURISDICTION

[X] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was April 24, 2024.

[X] A timely petition for rehearing was denied by the United States Court of Appeals for the Sixth Circuit on the following date: May 10, 2024 , and a copy of the order denying rehearing May 24, 2024 appears at Appendix C

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254 (1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

42 USC § 1983 - CIVIL ACTION FOR DEPRIVATION OF RIGHTS

28 USC § 455- DISQUALIFICATION OF JUSTICE, JUDGE, OR MAGISTRATE JUDGE

AMENDMENT V OF THE U.S. CONSTITUTION

AMENDMENT VII TO THE U.S. CONSTITUTION

AMENDMENT XIV OF THE U.S. CONSTITUTION SEC. 1

STATEMENT OF THE CASE

1. This the facts and law to be reviewed under this 42 U.S.C.§1983 color of law complaint originated Wayne County Michigan, before going federal, as two separate proceedings 13-013426 –NI Meier v. Berger and 13-014522-NF Meier v. Allstate on October 7, 2013, there were two separate judges assigned. On September 18, 2014, both cases were consolidated under Judge Kathleen MacDonald, after full discovery was allowed for both defendants (Allstate and Amanda Megan Berger) but illegally denied for Mr. Meier. Discovery depositions were denied for the Mr. Meier arbitrarily. The cases were submitted and briefed on the facts and the law by both parties for evaluation by a tribunal, in which the ***panel would determine*** if the complaint was frivolous, without merit, and failed to state a claim, or if it was legitimate as a matter of law and fact, had merit, and would receive an award or move to trial if the ***only dispute was as to the amount of damages.***

2. Allstate did not file an objection to the evaluation. The tribunal in both cases found "unanimously" in favor of Mr. Meier based on the facts and the law "***on the merits***" sufficient to surpass the requirement of serious impairment of bodily function and establish Amanda Megan Berger's negligence as ***a matter of law in Mr. Meier's favor*** as stating a claim in which relief could be granted. There is no law stating otherwise. This decision

by the tribunal can be liberally construed ***per legal AI as res judicata as to the merits of the case***. Therefore, since the same facts and law was used in the evaluation and has established the merits in Mr. Meier's favor, by due process, it automatically goes to jury trial if there is a disagreement as to the amount of the award. That is the law and still is the law applied to this case.

3. Therefore, the law states there is a *due process to be followed* by the court for Mr. Meier that after such decisions the following procedure MCR 2.403 (N) (1) is to be followed without exception, all other things being constant, if the disagreement is on the amount of the award:(1) If all or part of the evaluation of the case evaluation panel is rejected, the action "proceeds to trial in the normal fashion". That is the law, there is no mechanism, or relevant legal precedent, rules, or procedures for Allstate in bad faith to then file a motion (in abnormal fashion) to dismiss the case for failure to state a claim after the complaint stated a claim that was already evaluated under the law and assigned value "on the merits of the claim" if the facts and law have not changed. There was no significant change in circumstances.

4. The legal fact is, a claim cannot have a ***"value"*** without having legal merits. Defendant's Motion to Dismiss at this point was malicious, patently frivolous, a violation of Mr. Meier's due process rights, and a complete fraud by Allstate and a violation of Mr. Meier's equal protection and due process rights. Mr. Meier should have never been subjected to this illegal abuse and lawfare. The court was obligated to protect Mr. Meier from Allstate's

frivolous corrupt and illegal motion. A denial of a jury trial at this point of the process demonstrates deliberate fraud upon the court by judge Kathleen MacDonald, arbitrary bias per se, denial of equal protection, denial of full and fair opportunity to litigate and is also a violation of Constitutional and due process rights under the 7th and 14th amendment of the Constitution. These undisputed facts alone establish and state a prima facie claim under 42 U.S.C.§1983 the facts of which were never specifically disputed by Allstate and no opposing evidence of any kind was ever provided by Allstate. This is why Mr. Meier won his 42 U.S.C.§1983 forever as a matter of law.

5. Regardless of the facts, and ignoring rules and procedures, Allstate outrageously complained to judge MacDonald that they didn't want Mr. Meier to get a jury trial, because "***the Plaintiff will get too much money***" and also stated, "***a Pastor doesn't deserve a settlement***" to blatantly religiously discriminate against Mr. Meier and violate his civil rights (Comp. ECF No.1 Page 5). Allstate literally asked and conspired with the judge as a willful participant under color of law to deny Mr. Meier due process demand for jury trial, a constitutional right, and discriminate on the basis of religion and dismiss the case because they knew they would lose. ***Allstate was never tried or held accountable for these illegal acts in any prior proceedings***. These specific statements have never been denied and are considered admitted as fact on prior court record and in the instant proceedings as supporting depravation of rights under 42 U.S.C.§1983

"[T]o act 'under color of' state law18 for § 1983 purposes does not require that the defendant be an officer of the State. It is enough that 19 he is a willful participant in joint action with the State or its agents. Private persons, jointly engaged with state officials in the challenged action, are acting 'under color' of law for purposes of § 1983 actions." Dennis v. Sparks, 449 U.S. 24, 27-28 (1980) (citing Adickes v. S. H. Kress & 22 Co., 398 U.S. 144, 152 (1970); United States v. Price, 383 U.S. 787, 794 (1966)); see also Abbott 23 v. Latshaw, 164 F.3d 141, 147-48 (3d Cir. 1998). "[A]n otherwise private person acts 'under color 24 of' state law when engaged in a conspiracy with state officials to deprive another of federal rights.

6. After the defendants lost both evaluations, they then filed two fraudulent and baseless perjured motions before the court for summary disposition in bad faith, which should have been flatly denied by law in respect to Mr. Meier's equal protection rights. Instead, Judge MacDonald arbitrarily and illegally granted the Allstate's motions for summary disposition by fraud upon the court September 8, 2015.

7. Today, the best current interpretation of the "serious impairment of body function" threshold law is to be found in McCormick v. Carrier, 487 Mich.180 (2010) threshold of a broken ankle. By all counts, Mr. Meier's near death injuries including a broken collarbone, unconsciousness, seizures, post-concussion syndrome, fractured skull, permanent hearing loss, permanent scarring and more far surpasses the legal threshold (a broken ankle) in McCormick v. Carrier as evidenced by the facts, x-rays, pictures and unanimous tribunal ruling for Mr. Meier on the merits. Obviously, Mr. Meier has far more injuries with more severity than a simple broken ankle that affected his ability to live a normal life.

8. MCL 500.3135 (2) (a) (i) states, "There is no factual dispute concerning the nature and extent of the person's injuries." (***Allstate's own doctor gave Mr. Meier a physical, took x-rays and verified there was a broken collarbone, seizures and other injuries)***. (Comp. ECF No. 1 Page 6 Para 11). So what is the problem here if it is not the law? It was intentional baseless fraud for Allstate to ever deny the threshold has been met and surpassed especially after two unanimous evaluations in favor of Mr. Meier and validation by ***"their own doctor"***. That is why when it came time for Allstate to meet their burden of proof; they never had opposing evidence of anything but bald denials and judicial gas lighting or straw man arguments. That is also why when it got to the Federal Supreme Court, they did not refute the facts in the writ, they filed only a "waiver" admitting everything Mr. Meier had in the petition including all facts and law. No brief in opposition was filed; they waived that right.

> **Supreme Court Rule 15** .....brief in opposition should ***address any perceived misstatement of fact or law*** in the petition....Counsel are admonished that they have an ***obligation to the court to point out in the brief in opposition, and not later, any perceived misstatement made in the petition.*** Any objection to consideration of a question presented based on what occurred in the proceedings below....***may be deemed waived unless called to the court's attention in the brief in opposition.***

9. Judge MacDonald knew the Plaintiff has severe hearing loss from the accident closed head injury and even stated on the record recognition of the ***merits of the injury*** on transcript: That alone establishes legal proof and recognition of serious and permanent impairment of bodily function by the

court itself during a hearing. This is in addition to the gruesome court exhibit picture evidence of the Mr. Meier bloodied head split open with a neck brace on for the broken collar bone and smashed bloodied and scarred wrists with the skin torn off, while in the hospital which Magistrate Grand acknowledged. This is after being brought there by ambulance. (Comp. ECF No. 1 Exhibit "A" and "B")

Aug 19, 2016 Judge Macdonald transcript copy she stated, " I'll try to speak up because I know you have trouble hearing" p. 3 lines 17-19 (Comp. ECF No. 1 Page 7 Para. 12)

Judge Grand: "I saw the pictures and recognized in the opinion that there was an accident and I recognized in the opinion that you were seriously injured. (District court transcript Appendix "E" 3.23.23 1:00 p.m. Para 44)

10. Defendant, Amanda Berger, was proven to be 100% at fault; there was no contributory negligence. Also, witnesses attested to defendant Amanda Megan Berger being 100% at fault for hitting Mr. Meier with her car not once, but twice; even hitting Mr. Meier's rear tire while Berger was driving in the ***wrong oncoming lane*** after the first hit and bending the bicycle wheel causing Mr. Meier's near fatal crash then never calling the police. There was no contributory negligence even argued by any of Amanda Berger's counsel, it was Amanda Berger who was completely to blame and the witness statements, and Allstate's own failure to deny, prove this irrefutable fact. Mr. Meier was always entitled to a clear and decisive decision in his favor, but

was continually and illegally denied equal protection under the law under color of law.

11. As further irrefutable and shocking proof, Judge MacDonald actually validated the fraud upon the court by defeating her own order by stating "if' the Mr. Meier agreed to arbitration and gave up his constitutional right to a jury trial and agreed to arbitrate for a small amount, she would "***reverse the summary judgment***" (Comp. ECF No. 1 Pages 7-8 Para.14); in so admitting a ***dismissal never was and could not possibly be on the merits*** at all but was completely arbitrary and a fraud upon the court under color of law per se. A judge cannot offer arbitration, and reverse a summary judgment if the judgment was actually on the merits or the case had no merits. Allstate counsel actually told her she couldn't do that. It is contrary to law and is the very definition of arbitrary. Allstate never denied this statement and no evidence was provided to the contrary and this is also why Mr. Meier won his instant 42 U.S.C.§1983 claim as a matter of law because Allstate never denied the specific facts that establish the instant color of law claim.

12. This statement is on record both in the lower court and oral argument in the Court of Appeals and all the way to the State and Federal Supreme Courts. In an act of outrageous tyranny, Judge MacDonald even illegally stated *under color of law* that if it went to jury trial she would just do a "***directed verdict***" (Comp. ECF No. 1 Pages 8 Para. 14) to get her way, again, violating Mr. Meier's equal protection rights. This is per se

depravation of Mr. Meier's civil and due process rights, completely ignoring the law, facts and legal precedent, and denying Mr. Meier property without due process of law in violation of the 5th, 7th and 14th Amendment and equal protection under the law. When a judge acts as a trespasser of the law, when a judge does not follow the law, he or she then ***loses subject matter jurisdiction*** and the ***Judges orders are void, of no legal force or affect.***

13 The law is well-settled that a void order of judgment is void even before reversal. "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 judgment and orders are regarded as nullities. They are not voidable, but simply void, and this is even prior to reversal" Vallely v. Northern Fire and Marine Ins. Co., 254 U.S. 348. 41 S.Ct. 116 (1920).

14. Reinforcing Meier's allegations, Allstate even filed a waiver to the U.S. Supreme Court petition admitting everything stated (facts, law, and circumstances) in the petition by Mr. Meier was true. Clearly, it was illegal for Allstate to openly conspire with the judge to deny the jury trial in a civil action and have a valid case dismissed, which was already evaluated on the merits by a tribunal and by ***due process was supposed to go to jury trial.*** Allstate legal (a division of Allstate) even admitted it in their own pleadings that they discussed with the judge not to proceed regardless of the merits.

15. Allstate defaulted by failure to respond as a matter of law on the second filing (Meier v. Allstate II) as admitted in the instant case judge Leitman's order states "**Allstate apparently had a default entered against it in Meier II** " (order ECF No. 31 page 4) and that default was ***never legally set aside*** after Allstate first evading service and then being served by process server and ***signing for acceptance of legal service for Allstate***. On July 09, 2016 Mr. Meier filed with the court Plaintiff Daniel Luke Meier's Motion for Default Judgment with affidavit against Allstate citing failure of defendant Allstate to respond within 21 days per rules MCR 2.108 (a) (5) and 2.603 (A) (1). The ***default was entered on the docket.*** July 12. 2016 defendant Allstate filed (but did not serve) their answer, affirmative defenses and jury demand to the complaint, late, 25 days after "Allstate Legal" (a division of Allstate signed and accepted perfected service by process server). Allstate never filed a motion for extension of time, which they could have. Mr.Meier's service on Allstate was ***perfected by law when they signed and accepted legal service***, and then they defaulted as a matter of law. Allstate later even flagrantly committed perjury to the court in pleadings, and in court on record, claiming they were a "private company" and not properly served committing more deliberate contempt and perjury before the court. Then later in court, Allstate made the following statement establishing proof:

> Judge David A. Groner hearing Jan 27, 2017 hearing on the record (Padgett for Allstate): defendant stated his firm "**signed a proof**

acknowledging complaint to Allstate" p.5 line 7-9. (Comp. ECF No. 1 Page 12 Para 23)

16. At the judge MacDonald hearing August 19, 2016, ***without any motion to set aside***, Judge MacDonald states to defendant: transcript P. 8 lines 8-9 ***"Your request to set aside default is granted".*** This fraud upon the court was discussed and not refuted by Allstate at a status conference for the case (Resp. ECF 39 Exhibit "B" Transcript Pages 11-12 Para 54-64). The Plaintiff was not informed in any way of any such exparte "request", or served by Allstate as required by law and due process with a motion in order to respond. Mr. Meier was in no way informed or notified of this conversation Allstate had with Judge MacDonald at all. This is an illegal action, nowhere does it say or is there any mechanism in law for the defendant to simply "request" a default to be set aside.

17. This was also addressed at the hearing before magistrate judge Grand (3.23.23 1:00 p.m. Appendix "E") but again this prima facie claim was not followed through by the court with due process even though Allstate did not deny the legal claim in the record.

62. Judge Grand: So how did you know about that then if you weren't there?
63. Meier: Because she said you requested it. It's on the record. And I didn't hear any request. That's the fraud. That's ex parte communication I was not a party to.
64. Judge Grand: Well, I'm not sure and that's that's why I did not um that's why this case is ongoing.... But um, but let me give Mrs. Martin an opportunity um if there's anything you wanted to say....
65. Allstate Martin: Yeah, thank you your honor, I don't necessarily have a lot to add aside from just agreeing with what your honor has said so far...

18. There is no such request even on the record or proper before the court. Clearly, there had been more illegal ex parte communication between Allstate and the Judge to influence the case. Proof is also in the defendant's own admission on Jan 27, 2017.

19. Here is a clear admission there was a "meeting of the minds" between the Judge and Allstate to violate the Mr. Meier's due process and equal protection rights. Per Legal AI, If someone alleges that a person made a specific statement, and later that person's actions align with the alleged statement, it can potentially provide evidence that the allegation is factual. The actions taken by the person can be seen as supporting the veracity of the original statement. A ***factual allegation*** is a statement that asserts specific facts or events that are believed to be true and can be ***proven or disproven through evidence***. Factual allegations are based on actual occurrences, observations or documents. They are typically specific and concrete providing details that can be objectively verified. When the Plaintiff makes an allegation that the defendant made a specific statement to the judge in a prior proceeding and the ***defendant does not specifically deny*** that quoted specific allegation in the new complaint it could be considered a factual allegation.

> Jan 27, 2017 court transcript (before Judge Groner) (Padgett for Allstate) **"I think that if we were even needed to give a chance to file a motion to set aside the default we certainly had good cause and a meritorious defense" p.5, 24-25 p.6 1-3.** (Comp. ECF No. 1 Page 15 Para. 28)

20. Judge Groner, through fraud upon the court, allowed the defendant Allstate discovery ***after the default was already entered*** and ***Allstate was not allowed by law to proceed in the case at all because Allstate's default was never legally set aside***, it was a fraud upon the court per the very transcript evidence citied above. Allstate even used discovery they were not entitled to ask for items they already had in their possession only to harass and waste the Mr. Meier's time as validated at the January 13, 2023 federal district court hearing with Judge Grand (Response. ECF No. 39 Ex "A" Transcript Page 5-7 Para 20-24) where they admitted they had everything. Ultimately the case (Meier II) was dismissed, again through fraud upon the court, allegedly for failure to adhere to a patently illegal Allstate discovery in violation of the Mr. Meier's due process rights to equal protection under the law. The fraudulent discovery, Allstate was not entitled to at all, was used as a pretext and form of malicious prosecution only to harass Mr. Meier, corrupt the proceedings and violate the Mr. Meier's due process rights as argued on the record (Resp. ECF No. 39 Ex "B" Transcript Page 13 Para. 67-71) the judge states it was ***not the merits*** but a procedural dismissal (although illegal) directly refuting Allstate's claim that all decisions were on the merits.

21. In this instant case, under Magistrate Judge David R. Grand and Judge Matthew F. Leitman, the fraud upon the court has not only continued, it is so flagrant and pervasive as evidenced on the transcripts it has made the

entire district court proceeding grossly corrupt and rendered the proceedings invalid, null and void as a matter of law and jurisdictional. Both of these judges have a history and public reputation for gross tyranny and corruption and violating citizen's equal protection rights.

22. Under judges Leitman and magistrate Grand discovery depositions were ***again completely blocked*** by Allstate conspiring with the judges as usual. Like all proceedings before, these Judges again went along with the illegal acts to obstruct Mr. Meier's due process rights. Allstate actually filed a patently frivolous motions to quash a subpoena that did not even exist, violating due process rules and procedures. Judge Grand actually granted the patently frivolous and baseless motion when ***there was no subpoena to quash*** (it did not exist) making another per se fraud upon the court and again Allstate are not being held accountable for their violations (Contempt. ECF No. 28), To the contrary, they are actually being illegally granted by Magistrate Judge David R. Grand (Order ECF No. 31 fraud quash motion granted) and the true merits of this case under 42 U.S.C.§1983 are being maliciously and intentionally ignored and misrepresented and relief the Mr. Meier is entitled to by law is being arbitrarily, illegally, and cruelly denied.

REASONS FOR GRANTING THE WRIT

The questions presented are exceedingly important. The court(s) below so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power.

23. These ridiculous corrupt federal proceedings are off the rails and intolerable in a civilized society. There is no longer the guarantee of justice or due process for anyone in this country. This case is so extreme and well documented as to deny justice to Mr. Meier is out of the realm of rationality and it is plain and clear government sponsored tyranny so obvious as to remove any faith the people had in an impartial judiciary. There is no law that supports this illegal criminal behavior by these judges. They are nothing more than criminals with robes who are not being held accountable for their continuing malicious blatant illegal acts. It is a literal overthrow of the U.S. government by violent means.

All prior and instant proceedings are an example of outrageous acts of lawfare, tyranny and oppression. The judges lie about the legal merits of life threatening injuries and legal wrongs presented to them. However, judge MacDonald and judge Groner and now Judge Grand and Leitman all admit on the record the severity of the injuries and that they exist but deny Mr. Meier any legal relief, establishing there is a systemic policy of denying civil rights to selected individuals on a discriminatory basis.

24. Mr. Meier set forth in the instant prima facie case injuries sustained. No judge or any person with any common sense or true system of justice would ignore the admitted severe numerous near death obvious injuries and facts in this case except by fraud.

Aug 19, 2016 Judge Macdonald transcript copy she stated, " I'll try to speak up because I know you have trouble hearing" p. 3 lines 17-19 (Exhibit 1)

25. Judge MacDonald admits on the record just one of many serious

impairment of bodily functions Mr. Meier suffered which by itself exceeds the threshold, but Mr. Meier was still denied his due process rights. Judge Groner was visually shown at the hearing current both facial and wrist scarring six (6) years after the accident, which was also ignored but he said he could "appreciate" what he was seeing directly before his eyes.

Jan 27, 2017 transcript (before Groner) (Mr. Meier) "This is the situation we have your honor, I was run over, almost killed. I have permanent scarring. That meets the threshold right there. On two sides right here, and right here (showing scarring to Judge) I broke a collarbone; so I met the threshold you can see it. That's my case. (that is the merits undenied) P. 15 line 3-8

Judge Groner: **"I appreciate that" p. 15 line 9**

Judge Groner then goes on to say: **" You do believe you're in the right, but you're not. I've ruled that way. p. 16 lines 14-16.**

26. The last statement by judge Groner is pure tyranny and oppression and a boldfaced lie he states " I've ruled that way" and that is not the law. Telling Mr. Meier he is not right when he really is completely correct is fraud upon the court and tyranny per se under color of law. If Mr. Meier was truly incorrect in whether the threshold was met then normally a judge would kindly explain the reasoning to the Plaintiff by stating what would be needed to achieve the threshold, but he could not, a bald arbitrary illegal denial is not the law. Outrageously, Judge Groner then goes on to even further the evidence of his illegal, off the rails, insane, illegal, extortionist tyranny:

"I'm going to say if you file another motion regarding Ms. Berger, you have to post a $3000.00 bond before you can file it, if you do not post that bond you cannot file it. If you violate that order, you will be in contempt of court. That will be the court's decision. P.16 lines 18-

23.

27. Judge Groner never addresses how the law obviously proves Mr. Meier is 100% correct as a judge is obligated to do for a pro se with a legally required principled decision. He ignores the facts and arbitrarily asserts he "ruled that way" regardless of the law and the facts. Mr. Meier was ***illegally harassed threatened*** by both Judge Groner and Chief Judge Colombo to be held in contempt for simply seeking justice when no real violation occurred. This was to impose a provocative threat of violence and terrorism to an innocent traumatized victim of a near fatal car accident. There is no "real" actual contempt by law and the violent threats under color of law were illegal and in violation of 42 U.S.C.§1983

28. However, oddly enough Judge Groner admits that the Plaintiff has thé right to be "upset" and "passionate" about what has been taking place due to the injustice. That statement, and his subtle headshake of admission belied his actions, especially during explanation of the obvious fact that Allstate signed for service and did default. He no doubt obviously agreed, but felt bound by politics of the case to deny a decision for the Mr. Meier, which is apparent by the inconsistencies in what transpired at the hearing. He then states:

Jan 27, 2017 transcript Groner "I'm not going to impose sanctions only because you seem so passionate about this and upset. You've been in court numerous times so I won't impose sanctions" P. 16 lines 11-14

29. Judge Groner can see there are injuries and Mr. Meier is suffering

emotional distress right in front of him due to the denial of rights but continues to harass and mention sanctions anyway even though the Mr. Meier had suffered seizures. He sees the Mr. Meier has been in court several times has been gas lighted and harassed as punishment enough but still denied proper legal relief.

30. In the sworn affidavit of fraud submitted to the court it was established by statements of the clerks themselves that it was an established policy or custom for Judge MacDonald to obstruct them from entering a default judgment if she had bias. 42 U.S.C.§1983. Such claims require that a defendant, "acting under the color of state law," has deprived the plaintiff of a right under the Constitution or the laws of the United States. West v. Atkins, 487 U.S. 42, 47 (1988).

42 USC 1983 4.6.3 Liability in Connection with the Actions of Another – Municipalities – General Instruction: If you find that plaintiff was deprived of [***due process***], [municipality] is liable for that deprivation if plaintiff proves by a preponderance of the evidence that the deprivation resulted from municipality's official policy or custom, in other words, that municipality's ***official policy or custom caused the deprivation***.

31. Horton v. City of Harrisburg, 2009 WL 2225386, at *5 (M.D.Pa. July 23, 2009) ("Supervisory liability under § 1983 utilizes the same standard as municipal liability. See Iqbal .... Therefore, a supervisor will only be liable for the acts of a subordinate if he ***fosters a policy or custom that amounts to deliberate indifference towards an individual's constitutional rights***.".

42 U.S.C.§1983 Supervisor must have been involved personally, meaning

through personal direction or actual knowledge and acquiescence, in the wrongs alleged"); Reedy v. Evanson, 615 F.3d 197, 231 (3d Cir. 2010) (applying the framework set by Baker v. Monroe Tp., 50 F.3d 1186 (3d Cir. 1995) Marrakush Soc. v. New Jersey State Police, 2009 WL 2366132, at *31 (D.N.J. July 30, 2009) ("Personal involvement can be ***asserted through allegations of facts*** showing that a defendant directed, had actual knowledge of, or acquiesced in, the deprivation of a plaintiff's constitutional rights.").

32. A supervisor incurs Section 1983 liability in connection with the actions of another only if he or she had "personal involvement in the alleged wrongs." Rode v. Dellarciprete, 845 F.2d 1195, 14 1207 (3d Cir. 1988). In the Third Circuit,58 "[p]ersonal involvement can be shown through ***allegations of personal direction*** or of actual knowledge and acquiescence." Id.; see also C.N. v. Ridgewood Bd. of Educ., 430 F.3d 159, 173 (3d Cir. 2005) ("To impose liability on the individual defendants, Plaintiffs must show that each one individually participated in the alleged constitutional violation or approved of it."); Baker v. Monroe Tp., 50 F.3d 1186, 1194 (3d Cir.1995) (noting that "actual knowledge can be ***inferred from circumstances*** other than actual sight"); A.M. ex rel. J.M.K. v. Luzerne County Juvenile Detention Center, 372 F.3d 572, 586 (3d Cir. 2004) (noting that "a supervisor may be personally liable under § 1983 if he or she participated in violating the plaintiff's rights, directed others to violate them, or, as the person in charge, had knowledge of

and acquiesced in his subordinates' violations"); Black v. Stephens, 662 F.2d 181. Attorney's are subordinate officers of the court while the judge is in a supervisory role responsible for proceedings to be conducted fairly, legal standards are upheld, and both sides are given a fair opportunity to present their cases.

33. On the affidavit of fraud, the clerk herself states the judge should have sua sponte recused herself. Should a judge not disqualify himself, then the judge is violation of the Due Process Clause of the U.S. Constitution. United States v. Sciuto, 521 F.2d 842, 845 (7th Cir. 1996) ("The right to a ***tribunal free from bias or prejudice*** is based, not on section 144, but on the Due Process Clause."). Should a judge issue any order after he has been ***disqualified "by law"***, and if the party has been denied of any of his / her property, then the judge may have been engaged in the Federal Crime of "interference with interstate commerce". The judge has acted in the ***judge's "personal capacity" and "not in the judge's judicial capacity"***. It has been said that this judge, acting in this manner, has no more lawful authority than someone's next-door neighbor (provided that he is not a judge)

34. That Court also stated that Section 455(a) "requires a judge to recuse himself in any proceeding in which her impartiality might ***reasonably be questioned***." Taylor v. O'Grady, 888 F.2d 1189 (7th Cir. 1989). In Pfizer Inc. v. Lord, 456 F.2d 532 (8th Cir. 1972), the Court stated that "It is important that the litigant not only actually receive justice, but that he ***believes that***

he has received justice." Mr. Meier did not receive justice and does not feel he received justice.

35. Now in the instant district court case magistrate judge Grand was also asked to recuse himself because of discrimination and bias with the undeniable facts stated right to him in court and he still lies and refuses to obey the law. (Grand hearing Transcript 3.23.23 p. 14-15)

75. Meier: Yeah well um, you know in the January 13th hearing uh Allstate filed a request for sanctions and I did too right after they did, but I was reprimanded for mine but they were not reprimanded for theirs. Um, I'm just concerned that there is a bias going on here I would like to request of you on the record to recuse yourself.

76. Judge: All right thank you that request has been made, you made it in the objection. Um there's no basis for me to recuse myself.

36. Mr. Meier went beyond what was required and filed a previously submitted sworn affidavit of fraud detailing the specific conversations, federal violations and obstructionist activities that continued too take place in the instant case. Allstate never timely opposed this motion.

37. Knowing there was an unrefuted affidavit of fraud and the complaint itself stating additional fraud that negates any ruling by Judge MacDonald the Court of Appeals never the less cites an arbitrary comment not based on law and is a complete fraud upon the court and it is just plain idiotic and ignores the merits completely. Who cares what an asinine meritless invalid order says, ***it is "not the law" or "the court" this is plain corruption and outrageously flagrant idiocy***:

(COA order Sept 27, 2018) In this case, the trial court found, "I sat through the first case; that was absolutely res judicata on any case that you could ever file arising from the same accident." Thus, because plaintiff's previous lawsuit was decided on the merits, the matter in the instant case was also contested in the previous case, and plaintiff filed against Berger in both cases, the trial court did not err in granting Berger's motion for summary disposition according to MCR 2.116(C)(7).

38. If this is "really the law" now, it definitely supersedes McCormick v. Carrier ,487 Mich 180 (2010) and ***must be published*** as binding precedent that way Allstate will no longer have to pay any claims, because if the injuries are any worse than Mr. Meier's the person will be dead. This way everyone can be denied their claims just like Mr. Meier if a judge says so and cites this case as legal precedent under res judicata for denial of any and all rights under the law regardless of injuries, prior precedent or any default or failure to deny or prior fraud upon the court. So, like judge MacDonald, even if a judge offers to reverse the invalid order (proving the claim actually did have merits) dismissing the case under the ultimatum of accepting arbitration and throwing away a constitutional right to jury trial or the case being dismissed that is now the law for everyone. There will be no more full and fair opportunities to litigate for anyone so Mr. Meier is not all alone in this and everyone and anyone can share in the equally in the oppression and denial of constitutional and due process rights.

39. "Recusal under Section 455 is self-executing; a party need not file affidavits in support of recusal and the judge is obligated to recuse herself

sua sponte under the stated circumstances." Taylor v. O'Grady, 888 F.2d 1189 (7th Cir. 1989). ***None of the orders issued*** by any judge who has been disqualified by law would appear to be valid. It would appear that they are void as a matter of law, and are of ***no legal force or effect.***

40. People v. Zajic, 88 Ill.App.3d 477, 410 N.E.2d 626 (1980). Whenever any officer of the court commits fraud during a proceeding in the court, he/she is engaged in "***fraud upon the court***". In Bulloch v. United States, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated "Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. ... It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function --- thus where the ***impartial functions of the court have been directly corrupted.***"

41. "Fraud upon the court" has been defined by the 7th Circuit Court of Appeals to "embrace that species of fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court so that the *judicial machinery* ***can not perform in the usual manner*** *its impartial task of adjudging cases that are presented for adjudication.*" Kenner v. C.I.R., 387 F.3d 689 (1968); 7 Moore's Federal Practice, 2d ed., p. 512, ¶ 60.23. The 7th Circuit further stated "a decision produced by fraud upon the court is not in essence a decision at all, and ***never becomes final.***" Under Illinois and

Federal law, when any officer of the court has committed "fraud upon the court", the orders and ***judgment of that court are void, of no legal force or effect.***

42. This Supreme Court has ruled and has reaffirmed the principle that "justice must satisfy the appearance of justice", Levine v. United States, 362 U.S. 610, 80 S.Ct. 1038 (1960), citing Offutt v. United States, 348 U.S. 11, 14, 75 S.Ct. 11, 13 (1954). Nothing in these prior and instant hearings gives the "appearance of justice" to anyone who has seen the pleadings, orders, and transcripts.

43. Most courts will interpret a pro se litigant's pleading "liberally" and will not dismiss the complaint for ***mere technical violations of rules.*** Stanley v. Goodwin, 475 F. Supp. 2d 1026, 1032-33 (D. Haw. 2006) (citing Haines v. Kerner, 404 U.S. 519, 520-21 (1972)) In fact, some courts will go so far as to advise the pro se litigants of the defects in their pleadings and give them an opportunity to amend before dismissal. Fedrik v. Bonzelet, 963 F.2d 1258, 1261 (9th Cir. 1992)). If the plaintiff fails to include sufficient information, counsel should consider filing a motion for a more definite statement that clearly articulates the deficiencies of the pro se complaint.

44. Due Process: The Constitution states only one command twice. The 5th Amendment says to the federal government that no one shall be "deprived of life, liberty or property without due process of law. The district court and Sixth Circuit court of appeals ignored this also" The 14th Amendment,

ratified in 1868, uses the same eleven words, called the Due Process Clause, to describe a legal obligation of all states. These words have as their central promise an assurance that all levels of American government ***must operate within the law*** ("legality") and provide "fair procedures". The requirement that government function in accordance with law is, in itself, ample basis for understanding the stress given these words.

45. A commitment to legality is at the heart of all advanced legal systems, and the Due Process Clause often thought to embody that commitment. The clause also promises that before depriving a citizen of life, liberty or property, government must follow "fair procedures". Thus, it is not always enough for the government just to act in accordance with whatever law there may happen to be. Citizens may also be entitled to have the government observe or ***offer fair procedures, whether or not those procedures have been provided for in the law on the basis of which it is acting***. Action denying the process that is "due" would be unconstitutional.

46. People v. Zajic, 88 Ill App.3d 477,410N.E. 2d 626 (1980) A judge is an officer of the court, as well as are all attorneys. A state judge is a state judicial officer, paid by the State to act impartially and lawfully. A federal judge is a federal judicial officer, paid by the federal government to act impartially and lawfully. State and federal attorneys fall into the same general category and must meet the same requirements. A judge is not the court.

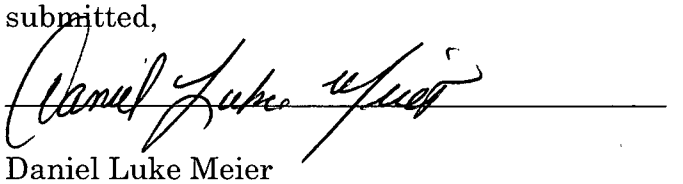
47. This is also why arbitrary pro se dismissals are such a discriminatory illegal abomination. They open the door to a pretext for arbitrarily using the court for bullying pro se citizens who are legitimately seeking justice with valid prima facie cases.

48. Not allowing Mr. Meier to collect his lawsuit is "property" and should be considered benefits or property just as benefits withheld under 42§ USC 1983 Richardson v. Belcher, 404 U.S. 78, 80-81 (1971); Richardson v. Perales, 402 U.S. 389, 4 01-402 (1971); Flemming v. Nestor, 363 U.S. 603, 611 (1960), that the interest of an individual in continued receipt of these benefits is a statutorily created "property" interest protected by the Fifth Amendment. Cf. Arnett v. Kennedy, 416 U.S. 134, 166 (POWELL, J., concurring in part) (1974); Board of Regents v. Roth, 408 U.S. 564, 576-578 (1972); Bell v Burson, 402 U.S. at 539; Goldberg v. Kelly, 397 U.S. at 261-262.

49. The proceedings now under the District Court and the Sixth Circuit Court of Appeals in the instant federal case are so grossly illegal and outrageous under judge Grand and Leitman and the hearings so full of arbitrary abuse against Mr. Meier including oppression, blatant lies, and legal misrepresentations that the transcripts speak volumes for themselves as prima facie evidence of fraud upon the court under color of law under 42 U.S.C.§1983 that has never been resolved and are attached as Appendix D and Appendix E.

CONCLUSION

The petition for a writ of certiorari should be granted. Respectfully submitted,



Daniel Luke Meier

Date: August 19, 2024