

RKB No. 24-5622

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

ELAINE MICKMAN,

Petitioner

vs.

**SUPERIOR COURT OF
PENNSYLVANIA in their
Official Capacity,**

Respondent

**RECONSIDERATION of November 25, 2024 denied Petition for Writ
of Certiorari from the 3rd Circuit Court of Appeals April 26, 2024 Order**

Elaine Mickman, pro se

1619 Gerson Dr.

Narberth, PA 19072

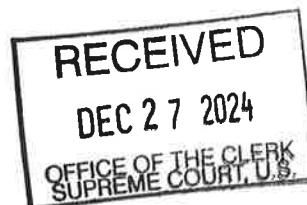


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(1.)

INTRODUCTION

This case involves Exceptional circumstances justifying reconsideration. It is respectfully requested the Supreme Court reconsider its certiorari denial to “right this wrong” of monumental injustice in this case involving Federal Title IV-D Computer Tempering along with a critical question of due process rights violation under the Constitution. The lower courts’ decisions have resulted in significant deprivation of rights that led to irreparable harm to the Petitioner, warranting the need to grant immediate injunctive relief to restore Constitutional Due Process Rights that violated the fundamental principles of justice our country was founded and contrary to the “*traditions and conscience of our people*”.

STATEMENT OF THE CASE

The underlying matter involves an unassigned state judge without jurisdiction and without a “required” hearing by state law **231 PA 1531**, canceled a scheduled child support proceeding, dismissed a child support case for an unemancipated minor child left destitute while still a public school “Special Ed/Needs” student in violation of **23 PA 4321 (2)(3)**, and barred Petitioner from ever filing in family court when child support is “always modifiable” and Petitioner’s Divorce Order was never enforced, and is Unconstitutional by any measure.

(2.)

Petitioner's timely state appeal was quashed without review at the request of the state judge, in violation of PA Const. *Article V(9)* guaranteeing right to appeal. Superior Court's May 27, 2023 Order after relinquishing jurisdiction barred Petitioner from filing in family court when child support is "always modifiable" per **23 PA 1910.19**; from appealing at the PA Superior Court of Appeals, and from enforcing a Divorce Order (property rights). Pennsylvania Supreme Court declined to review the appeal in November 2022.

Petitioner timely sued the Superior Court of PA in their Official Capacity in the U.S. District Court May 2023, Amended June 2023 (see **Exhibit "A"**), for "Injunctive or Declaratory Relief" under **Section 1983** seeking restoration of Constitutional Due Process Rights, but no monetary relief was sought.

The Congressional **1996 Improvement Act- Public Law 104-317** abrogated 11th Amendment judicial immunity for actions involving Injunctive and/or Declaratory Relief, yet U.S. District Court dismissed the suit August 29, 2023 based on judicial 11th Amendment immunity when no monetary relief was sought for the section 1983 Injunctive or Declaratory action. Petitioner's 3rd Circuit Court Appeal Reconsideration was denied April 26, 2024. Petitioner's timely *Petition for Writ of Certiorari* was denied November 25, 2024.

(3.)

REASONS FOR GRANTING RECONSIDERATION

There is Exceptional Circumstance with Broad Implications and a substantial Constitutional Question that justifies and warrants reconsideration.

I. EXCEPTIONAL CIRCUMSTANCES with BROAD IMPLICATIONS

This case involves “Exceptional” circumstances that justify reconsideration. Deprivation of due process rights compounded irreparable harm to Petitioner and her child, underscoring the need for immediate injunctive relief. “Newly” exposed information supports a broad implication and unchecked pattern of attorneys using devious strategies to assist wealthy “deadbeat” fathers to flout and undermine state and federally mandated laws to defeat child support obligations leaving children deprived to suffer as collateral damage from a divorce. Investigative Journalist Richard Luthmann stated December 6, 2024 in the *Florida Gulf News* regarding a wealthy support deadbeat father *“This isn’t just about one case,* Luthmann said, *“It’s about a broken system that allows the wealthy to game the courts while families suffer.”* Tampering a Title IV-D Computer System with false entries is another unlawful devious strategy used to reduce, garnish and/or prematurely terminate child support for minor children by creating a false bogus overpayment which is one tactic that occurred in Petitioner’s case, identified in **Exhibit “B”**.

(4.)

Pursuant **23 PA 4321 (2)** child support continues until 18 yrs. or high school graduation, whichever occurs later. Child support for Petitioner's minor children was garnish-reduced for 6 yrs. prior to premature support termination for her youngest child when an unemancipated minor as a result of **Title IV-D Computer Tampering with fraudulent false data entries of \$550,000. of never collected** child support from a wealthy Support Obligor/father, **Nor disbursed** to Petitioner as the full Custodial parent and caretaker, in violation of federal regulations 45 CFR (Government Contractor also involved with data). **Exhibit "B"**

45 CFR § 302.38 Payments to the family. "*The State plan shall provide that any payment required to be made under § 302.32 and § 302.51 to a family will be made directly to the resident parent, legal guardian, caretaker relative having custody of or responsibility for the child(ren)".*

45 CFR § 305.61-Penalty for failure to meet IV-D requirements.

(a) A State will be subject to a financial penalty and the amounts otherwise payable to the State under title IV-A of the Act will be reduced in accordance with § 305.66. (1) If... (ii) The results of an audit under § 305.60..., the State did not submit complete and reliable data, as defined in § 305.1 of the part; or (iii) The results of an audit under § 305.60... the State failed to substantially comply with one or more of the requirements of the IV-D program, as defined in § 305.63; and (2) With respect to the immediately succeeding fiscal year, the State failed to take sufficient corrective action to achieve the appropriate performance levels or compliance or the data submitted by the State are still incomplete and unreliable.

(5.)

The underlying case involves Petitioner's denied due process right to file and have a hearing for federally mandated Child Support according to state Guidelines formula, case law and legislated laws as they pertain to Petitioner's children and when Petitioner's youngest child qualified for receiving extended child support based on a diagnosis as a child, a Neuro/Psych Report submitted to the DRO, legislated law **23 PA 4321 (3)** for extended child support for disabled adult children as in case ***Johnson v Johnson PA Super 294 (2016)***.

“Plain error” of the lower courts violated and disregarded access to justice by denying Petitioner’s constitutional rights and ability to advocate for her disabled child’s well-being when the exhaustion of administrative remedies under the ***Handicapped Children's Protection Act of 1986*** to invoke civil rights for constitutional protections for a disabled person was not required. The outcome of this case has broad implications for the protection of due process and appeal rights across the nation involving equal protection of federally mandated child support laws, reliable oversight and administration of child support compliant with the Title IV-D Contracts, compliance with federal and state laws for the disabled. A decision by the Supreme Court would provide clarity, reinforce the constitutional safeguards intended to protect individuals from judicial overreach, and address the critical issues of federal computer tampering.

(6.)

II. THERE IS A SUBSTANTIAL CONSTITUTIONAL QUESTION

This case presents a substantial overlooked constitutional question whether the judiciary can usurp and "order-away" an individual's due process rights under the Constitution with the "stroke of a pen" which can only be labeled as a "policy" that violates the fundamental principles of justice that our country was founded, is contrary to the "*traditions and conscience of our people*" and contradicts the holding in ***Marbury v Madison (1803)*** "*no branch of government can override the Constitution*", nor can Congress legislate law overriding the Constitution.

The lower courts failed to protect fundamental rights resulting in a miscarriage of justice while overlooking the landmark decision in ***Stanley v Illinois, 405 U.S. 645 (1972)***....concluding a state can't take away rights without a hearing.

The Court overlooked that depriving due process denies the First Amendment right and denies Equal Protection of the Law. The Bill of Rights and Constitution amendments protect due process rights which cannot be overridden. The U.S. Government system based on checks and balances is designed to prevent any one branch from usurping constitutional rights. U.S. District Court never proved the state judiciary's scheme of usurping Constitutional Rights as permissible with no explanation other than judicial overreach imposing arbitrary "policy" which can be discriminatory if it adversely and ***Disparately Impacts*** even a "*Class of one*".

(7.)

There is no legitimate justification for a “policy” that disregards and tramples the US Constitution and legislated federal laws. There is no valid reason for the Court usurping Constitutional Rights under the *Ways and Means Test*. The judiciary acted on their own arbitrary “policy” and set aside the law and Constitution.

A July 2024 KYW News Article quotes attorney Richard Ducote’s remark on the same lower court judge: *“I’ve never encountered a judge who has absolutely no understanding of constitutional law, due process and rules of procedure.”*

In *U.S. v. Lanier*, US 259, 271... The Court reaffirmed that judges and other government officials are *not above the law*. They can be held criminally liable for willfully violating constitutional rights. Per Curium: *“The fact that the most analogous case has different facts is immaterial if the unlawfulness of the conduct is apparent in light of pre-existing law”*. *Ex parte Virginia*, 100 U.S. 339 ...

“A State judge is just as liable as any other person to be punished under the criminal laws of the United States for willfully depriving an individual of their constitutional rights.” - **Justice Joseph P. Bradley**

The 3rd Circuit’s ruling is a fallacy erring in reasoning and undermines the logic of their argument by introducing invalid content unsupported by evidence **incorrectly stating** Petitioner sued the judiciary for money as a “red-herring” diversionary tactic to avoid the crux of the action seeking Injunctive Relief under section 1983.

(8.)

The 3rd Circuit erred in law because judicial immunity is abrogated for section 1983 Injunctive Relief actions pursuant the 1996 Improvement Act.

Petitioner seeks her rights restored which were “unconstitutionally” usurped without authority, jurisdiction, legislation, nor a hearing.

In CONCLUSION, Petitioner respectfully urges Supreme Court to reconsider its certiorari denial in this pivotal case which intersects with due process rights and the integrity of federal computer systems. The lower courts’ dismissal of these profound issues undermines the Petitioner's constitutional protections and sets a dangerous precedent that could erode public trust in the judicial system and federal institutions. Federal computer tampering is a grave threat to foundational principles of due process and compromises the fairness and reliability of judicial proceedings. This case presents the Court’s opportunity to reaffirm commitment to safeguarding constitutional rights in a digital age when technology abuses pose new and evolving challenges. Broad and widespread implications extend beyond this case affecting countless individuals whose rights may be jeopardized by unchecked governmental overreach and technology manipulation.

WHEREFORE, Petitioner requests the Supreme Court **Grant Reconsideration**.

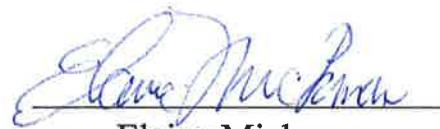
Respectfully Submitted,

Elaine Mickman

Elaine Mickman December 19, 2024

CERTIFICATE OF COMPLIANCE

This verifies that Petitioner files for “Reconsideration” in “Good Faith” with
New or overlooked relevant and material information and did not file for delay.



December 19, 2024

Elaine Mickman
1619 Gerson Dr.
Narberth, PA 19072

IN THE SUPREME COURT OF THE UNITED STATES
NO. 24-5622

ELAINE MICKMAN, : 3rd Circuit No. 24-2777
Petitioner : Us District No. 23-2047

V.

SUPERIOR COURT OF :
PENNSYLVANIA, in their :
Official Capacity
Respondent

PROOF OF SERVICE

I declare that the foregoing *Reconsideration* is true and correct to the best of my knowledge, and was served to the following:

United States Court of Appeals
Third Circuit Eastern District of Pennsylvania
21400 United States Courthouse
601 Market St.
Philadelphia, PA 19106


Elaine Mickman
1619 Gerson Dr.
Narberth, PA 19072

December 19, 2024

APPENDIX

EXHIBIT "A"

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ELAINE MICKMAN,

Plaintiff

: Civil Case 23-2047

V

Verified Complaint

SUPERIOR COURT OF
PENNSYLVANIA in their
individual and Official Capacity

Defendant

:
:

PLAINTIFF'S
COMPLAINT

AMENDED COMPLAINT

Jury Demand

This action seeks Injunctive Relief and, or, Declaratory Judgment for wrongful deprivation of Plaintiff's rights created by the Constitution and federal or state law.

The Defendant acted under color of state law and violated Plaintiff's rights under the First, Fifth and Fourteenth Amendments of the U. S. Constitution. Plaintiff also asserts state law claims pursuant to this Court's supplemental jurisdiction.

Jurisdiction

1. This is a 42 US § 1983 Civil Rights; 42 US § 1981; 42 US § 1985 and 42 US § 1986 action seeking Injunctive Relief and, or, Declaratory Judgment against the Defendant for their non-judicial act when case jurisdiction was absent and relinquished upon appeal quashal prior to and without appeal review.

(1)

Federal courts can hear all cases in law and equity arising under the Constitution under Article III Sec. 2.

2. Venue is proper pursuant to 28 U.S.C. 1391(b) and the U.S. District Court has jurisdiction to hear cases pursuant to 28 USC § 1331; 28 USC § 1391; and Supplemental jurisdiction pursuant 28 USC § 1367

Parties

3. Plaintiff Elaine Mickman is a *pro se* individual and prior state court appellant who resides at 1619 Gerson Dr. in Narberth, Pennsylvania 19072.

4. Defendant is the Pennsylvania Superior Court of Appeals located at 530 Walnut St., Suite 315, Philadelphia, Pennsylvania 19106.

Background, Facts and Statement of the Case.

5. Plaintiff timely and properly filed a Notice of Appeal at the Superior Court of Pennsylvania for an August 3, 2020 Montgomery County Common Pleas Court Order which violated *Coordinate Jurisdiction* of a November 8, 2019 Order by canceling a January 6, 2020 Child Support Master Hearing and later canceling a rescheduled August 2020 hearing and dismissing the petition without due process.

6. The Child Support Master Hearing was scheduled from a February 22, 2019 Petition filed after premature termination of child support December 2018 for a minor, Unemancipated, disabled public school-attending student without support.

7. Plaintiff is sole custodian and mother dependent on SSI for medical disability.
8. Plaintiff's timely-filed January 17, 2019 Appeal Notice for the December 2018 Order terminating child support was dismissed for her inability to pay filing fees after being denied IFP when dependent on SSI.
9. The DRO Director suggested Plaintiff refile for child support since the child was an unemancipated minor attending public school and child support is "always modifiable" for *Change of Circumstance* and is not *res judicata*.
10. Plaintiff's timely-filed Notice of Appeal for the August 2020 Order was docketed at 11 EDA 2021 (386 MAL 2021).
11. An unassigned Judge canceled a subsequent October 2020 Child Support proceeding for Plaintiff's re-filed petition and entered an October 20, 2020 injunction barring Plaintiff from filing child support without conducting a state-law-required hearing within 5 days of the Order. Plaintiff timely-filed a Notice of Appeal for the Order docketed at 2207 EDA 2020 (387 MAL 2021).
12. Plaintiff's Superior Court appeals of the lower court's procedural errors of depriving a Child Support Master hearing were quashed without review.
13. Defendant quashed Plaintiff's appeals prior to, and without review, therefore Defendant relinquished and was absent jurisdiction to enter the May 27, 2021 arbitrary *per curium* Opinion Order which the terms stated are a non-judicial act.

14. The Defendant's May 27, 2021 quash Order effectuated an injunction and usurped Plaintiff's Constitutional Rights which is a non-judicial act and absent jurisdiction, in violation of Plaintiff's 1st, 5th, and 14th Amendment rights.

15. The May 27, 2021 Order includes a term depriving Plaintiff's Constitutional guaranteed right to first level appeal.

16. Defendant is an appeals court for which jurisdiction was limited to the appeal that was quashed prior to and without appeal review. Under I.O.P. *§ 741. Original Jurisdiction.* "The Superior Court shall have no original jurisdiction.".

17. The Defendant's jurisdiction was absent and relinquished upon quash.

*"Where there is no jurisdiction, there can be no discretion, for discretion is incident to jurisdiction". *Piper v Pearson* 2 Gray 120, cited in *Bradley v Fisher*, 13 Wall. 335, 20 L.Ed. 646 (1872). "A Judge must be acting within his jurisdiction as to subject matter and person, to be entitled to immunity from civil action for his acts." *Davis v Burris*, 51 Ariz. 220, 75 P.2d 689 (1938). "When a judge knows he lacks jurisdiction, or acts in the face of clearly valid statutes expressly depriving him of jurisdiction, judicial immunity is lost." *Rankin v Howard*, (1980) 633 F.2d 844.*

18. The Ninth Circuit Court of Appeals reversed an Arizona District Court dismissal based on Absolute Immunity finding both immunity prongs were absent.

18. The Defendant effectively imposed injunction on Plaintiff via May 27, 2021 Order which stripped Plaintiff of her Constitutional Right to due process and equal protection to access the court for legal redress for unresolved child support.

19. Child Support is “always modifiable, is not *res judicata*, is not frivolous, and was significant for Congress to federally mandate by establishing the 1984 Child Support Amendments”.

20. The Defendant overlooked or obstructed the November 8, 2019 Court Order.

18 USC §1509. Obstruction of court orders:

“Whoever, by threats or.... willfully prevents, obstructs, impedes, or interferes with, or willfully attempts to prevent, obstruct, impede, or interfere with, the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the U.S., shall be fined...” No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime.”

21. The Defendant obstructed the administration of a government proceeding, and deprived Plaintiff a due process hearing in violation of **18 USC §1505**.

Obstruction of proceedings before departments, agencies,...:

“Whoever, with intent to avoid, evade, prevent, or obstruct compliance, in whole or in part, with any civil investigative demand duly and properly made willfully withholds, misrepresents, removes from any place, conceals, covers up, ...alters, or by other means falsifies any documentary material,... or oral testimony, which is the subject of such demand; or attempts to do so or solicits another to do so; or Whoever corruptly, or....or by any threatening...communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the U.S..Shall be fined....”

22. No hearing was conducted prior to, nor after the May 27, 2021 Order to hear evidence to deprive Plaintiff her Constitutional Rights to access the court.

23. Plaintiff was denied and deprived due process by both the state lower court and appeals court regardless that Due Process is “an established course for judicial proceedings designed to safeguard the legal rights of the individual.”

24. Defendant is depriving Plaintiff Equal Protection and application of the Law by denying her equal opportunity to access the Court to seek legal recourse as others similarly situated.

25. Defendant is arbitrarily depriving Plaintiff court access which deprives her **1st Amendment** right to be heard in court. “*Inseparable from the guaranteed rights entrenched in the First Amendment, the right to petition for redress of grievance occupies a preferred place in our system of representative government and enjoys a sanctity and a sanction not permitting dubious intrusions.*”

Thomas v Collins 323 Us 516, 65 S.Ct. 315, 322.

26. Defendant is arbitrarily depriving Plaintiff the **14th Amendment** providing: “*... nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*” “*The Fourteenth Amendment forbids any arbitrary deprivation of life, liberty or property and secures equal protection to all under like circumstances in the enjoyment of their rights.*” ***Giozza v Tiernaa, 148 US 657, 662 (1893).***

27. Defendant is arbitrarily depriving Plaintiff the **5th Amendment** of the Constitution which provides "*No person shall be deprived of life, liberty, or property without due process of law*".

28. Defendant is depriving Plaintiff her Pennsylvania Constitutional Right per **Article V (10c)** of the PA Constitution providing: "*all courts and supervision of all officers of the Judicial Branch, if such rules are consistent with this Constitution and neither abridge, enlarge nor modify the substantive rights of any litigant.*"

29. Defendant is depriving Plaintiff Pennsylvania's General Assembly legislated law **42 Pa. 4902** which finds and declares: "*(1) It is of paramount importance to the citizens of this Commonwealth that all individuals who seek lawful redress of their grievances have equal access to our system of justice.*"

30. Defendant ignored, disregarded and violated Pennsylvania Operating Procedure **210 Pa. § 63.1.** "*No substantive or procedural rights are created, nor are any such rights diminished*" by depriving Plaintiff Constitutional and Civil Rights.

31. The Defendant is not immune from suit since they were absent jurisdiction. "*A judge is not immune for actions...taken in the complete absence of all jurisdiction.*" *Mireles v. Waco, 502 U.S. 9, 11–12, 112 S. Ct. 286, 287–88, 116 L. Ed. 2d 9, 14 (1991).*

32. The Defendant is not immune from Injunctive Relief or Declaratory Judgment.

33. Injunctive relief suits against state officials fall in “*Ex parte Young doctrine*.”

In *Ex parte Young*, the Supreme Court said that state officials can be sued for an injunction in federal court, even though the state itself cannot be sued. *Ex parte Young*, 209 U.S. 123, 155–56, 28 S. Ct. 441, 452, 52 L. Ed. 714 (1908)

34. Federal Practice Manual Chapter 8.1.A. Enforcing Federal Rights

Against States: *Federal courts have supplemental jurisdiction to hear state law claims against state officials sued in their individual capacity if the federal claims arise from the same subject matter and provide the federal court with jurisdiction.*

35. The Defendant usurped Plaintiff's Constitutional and Civil Rights which conflicts with the Judicial function definition and is a Non-Judicial Act representing Defendant's prejudices or motives, deeming Defendant a trespasser of the law with loss of subject matter jurisdiction.

36. The Defendant caused the deprivation of Plaintiff's federally-protected right to due process, equal protection and application of the law, and freedom of speech federally protected under *42 US §1981. Equal rights under the law.*

The filing fee for child support created a contract per *Title 23 Pa. 3102 (a)(3)(4)* of which Plaintiff was deprived Equal rights and application of the “contract”.

37. The Defendant conspired with the lower court to impede, hinder, obstruct and defeat Plaintiff's access to court for due course of justice in violation of

42 US §1985. Conspiracy to interfere with civil rights:

"If two or more persons in any State or Territory conspire to deter,...any party in any court of the U.S. from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, .. or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person,...to the equal protection of the laws"

38. The Defendant violated ***42 US §1986. Action for neglect to prevent*** by furthering the lower court's deprivation of Plaintiff's Constitutional and Civil Rights when Defendant had knowledge and a duty to protect Plaintiff's right to Equal Protection and application of the law.

CAUSES OF ACTION

First Claim 42 U.S.C. § 1983 Civil action for deprivation of rights

39. Plaintiff incorporates the preceding paragraphs by reference herein.

40. The Defendant acted under color of law without jurisdiction to interfere with Plaintiff's federally-protected rights by misusing power entrusted to them under state law when Defendant's jurisdiction was relinquished upon quashing Plaintiff's appeal without review.

41. Defendant acted under color of law to deprive Plaintiff federally protected civil rights and privileges secured by the 1st, 5th, and 14th Amendment of the US Constitution and relevant state laws including *42 Pa. 4902; 23 Pa. 1910.19; 210 PA 63.1; 231 PA 233.1(e)*) via a May 27, 2021 Opinion Order absent jurisdiction.

42. Defendant's entry of the May 27, 2021 Order was a non-judicial act.

43. The May 27, 2021 Order was entered without jurisdiction since the matter was appeal review and jurisdiction was relinquished upon quash without appeal review. The PA Supreme Court declined Plaintiff a discretionary appeal noting the descent of Justice Brobson and Justice Saylor (PA Supreme 387 MAL 2021).

Second Claim 42 US § 1981 Equal rights under the law

44. Plaintiff incorporates the preceding paragraphs by reference herein.

45. Defendant acted under color of law to deprive Plaintiff Equal Protection and application of the Law as a singled-out "Class of One" with "arbitrary and irrational treatment" differently than others in similar situations. *Village of Willowbrook v. Olech, 528 U.S. 562, 564, 120 S. Ct. 1073, 1074–75, 145 L. Ed. 2d 1060, 1063 (2000)*.

46. Others similarly situated who were deprived due process by lower Court procedural error of denying a child support hearing are remanded back to the lower Court for hearing by the Defendant/appeals Court.

47. No rational basis exists for Defendant usurping Plaintiff's due process right to file and access the court for child support for a minor unemancipated public school attending child.

48. Plaintiff was also procedurally deprived a "required" *Emancipation Contest* hearing per **23 Pa. 1910.19** following Plaintiff's timely response to Domestic Relations inquiry objecting with legal grounds to child support termination.

Third Claim 42 US § 1985 Conspiracy to interfere with civil rights

49. Plaintiff incorporates the preceding paragraphs by reference herein.

50. Defendant acted under color of law to violate Plaintiff's civil rights by interfering with her ability to file for legal redress of "always modifiable" child support in court consistent with state and federal laws, and obstructed justice in violation of **42 US § 1985(2)**:

"If two or more persons in any State or Territory conspire to deter, ... intimidation, or threat, any party ... in any court of the United States from attending such court" .. "or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws".

Fourth Claim 42 US § 1986 Action for neglect to prevent

49. Plaintiff incorporates the preceding paragraphs by reference herein.

50. The Defendant had knowledge of wrongs conspired to be done by the lower court.

51. *"Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action.."*

52. The Defendant declined to exercise diligence with their higher power to prevent wrongs and reverse error, rather Defendant compounded the wrongs with a non-judicial act, without original jurisdiction and absent jurisdiction since the appeal was quashed prior to, and without, review.

Plaintiff pleads claims for which Injunctive Relief and, or, Declaratory Judgment can be granted to restore fundamental rights violated, encroached and usurped by the Defendant with a non-judicial act and absent jurisdiction which deprives Constitutional and Civil Rights protected under the 1st, 5th and 14th Amendments that ensure due process and Equal Protection of Law.

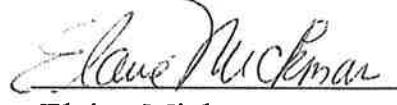
Prayer for Relief

WHEREFORE, Plaintiff prays for the following relief:

Injunctive Relief and, or Declaratory Judgment to restore and vindicate Plaintiff's Constitutional Rights.

Any such other and further relief as this court may deem just, proper, and available to compensate Plaintiff for disparate impact injury suffered as a result of the Defendant's non-judicial acts absent jurisdiction with a callous and Deliberate Indifference effect.

Respectfully Submitted,

 June 15, 2023
Elaine Mickman, *pro se*

Certificate of Compliance

This hereby certifies the foregoing Amended Complaint is in compliance with privacy rules and verifies the foregoing is true and correct to the best of my knowledge.


Elaine Mickman June 15, 2023
Elaine Mickman, *pro se*

1619 Gerson Dr.
Narberth, PA 19072

SEARCHED SERIALIZED
INDEXED FILED

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ELAINE MICKMAN,

Plaintiff

: 23-2047

V

SUPERIOR COURT OF

PENNSYLVANIA in their

individual and Official Capacity

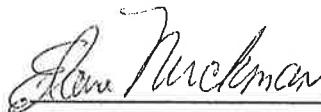
Defendant

:

PROOF OF SERVICE

This verifies the Amended Complaint was served to the following via
U.S. Certified mail:

The Superior Court of Pennsylvania
513 Walnut St., Suite 315
Philadelphia, PA 19106



June 15, 2023

Elaine Mickman, *pro se*
1619 Gerson Dr.
Narberth, PA 19072

Pennsylvania Child Support Enforcement System
 County: MONTGOMERY
 Report Submitted by: 46007

EXHIBIT "B"

DOMESTIC RELATIONS SECTION
 ONE MONTGOMERY PLAZA
 SUITE 109
 NORRISTOWN PA 19404-0000-00
 ELAINE MICKMAN

Redacted

Pennsylvania Child Support Enforcement System
 County: MONTGOMERY
 PAYMENT HISTORY REPORT
 Payment History From 2/19/2003 to 12/31/2016
 Payee Name: ELAINE MICKMAN
 Payor Name:
 PACSES Case #: *Redacted*

NEVER COLLECTED
 and NEVER DISBURSED
 CHILD SUPPORT
 "funneled" through
 Computer system

DATE	ACCRUAL	DISTRIBUTION	DISBURSEMENT	ADJUSTMENT	CHECK#	LTD BALANCE
07/14/2011				-335.96		-9,889.90
07/14/2011				-2,446.06		-12,335.96
07/14/2011				2,782.02		-9,553.94
07/18/2011		17,900.00			0015	-27,453.94
	CURRENT	17,900.00				
07/18/2011			17,900.00			-27,453.94
07/21/2011				-29,374.88		-56,828.82
07/21/2011				0.00		-56,828.82
07/21/2011				-29,374.88		-86,203.70
07/21/2011				0.00		-86,203.70
07/21/2011				-29,375.04		-115,578.74
07/21/2011				0.00		-115,578.74
07/21/2011				387,379.46		271,800.72
07/21/2011				0.00		271,800.72
07/21/2011				424,344.67		696,145.39
07/21/2011				-387,379.46		308,765.93
07/21/2011				-162,620.54		146,145.39
07/21/2011				35,911.29		182,056.68
07/21/2011				35,911.29		217,967.97
07/21/2011				35,911.45		253,879.42
07/21/2011				-107,734.03		146,145.39
07/21/2011				-146,145.39		0.00
07/21/2011				-183,333.34		-183,333.34
07/21/2011				-183,333.33		-366,666.67
07/21/2011				-183,333.33		-550,000.00
08/01/2011	7,572.00					-542,428.00
08/12/2011		7,572.00			0015	-550,000.00
08/12/2011	CURRENT	7,572.00		7,572.00		-550,000.00