No. 24-5665

IN THE

Supreme Court of the United States

ORIGINAL

SHARI L. OLIVER, M.A.O., and M.L.O.,

Petitioners,

v.

JULIE A. MCDONALD, MATTHEW W. OLIVER, PHILIP G. VERA, SUSAN E. COHEN, KATHERINE K. HERITAGE, SUZANNE K. HOLLYER, TARA GARDOCKI, STEPHANIE PYRROS-HENSEN, ELIZABETH L. GLEICHER, JANE E. MARKEY, DOUGLAS B. SHAPIRO, SIMA GIRISH PATEL, PETER K. DEVER, KATIE WARD, RYAN O'NEIL, DANA REDOUTEY, ERICA CHERITT, SHANNON FLER, FAITH CATENACCI, OAKLAND COUNTY FRIEND OF THE COURT,

Respondents.

On Petition for a Writ of Certiorari to the

United States Court of Appeals for the Sixth Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

This case complained of an attack on parent-child rights, criminal racketeering conspiracy, deprivation of rights under color of law, capital offenses, extortion, fraud, punishment, and more that is a path to tyranny. The result was a denial of accountability and remedy.

"[T]he interest of parents in the care, custody, and control of their children—is perhaps the oldest of the fundamental liberty interests recognized by this Court." *Troxel v. Granville*, 530 U.S. 57 (2000) at 65.

Federal District Court has original jurisdiction over matters resulting from Acts of Congress and a federal-state enterprise: Congress created the Office of Child Support Enforcement within the Department of Health and Human Services. This case's controversy arises from the federal-state enterprise and public servants acting under contracts made pursuant to Title IV-D, Child Support Enforcement Program, of the Social Security Act (SSA) of 1975, with alleged *mens rea* for Title IV-D federal incentives.

The complaint brought federal causes of action under 18 U.S.C. § 1964, civil remedy for injury under 18 U.S.C. § 1962, Racketeer Influenced and Corrupt Organizations (RICO). Causes of action under 42 U.S.C. § 1983, civil remedy for injury pursuant to 18 U.S.C. § 242 deprivation of rights under color of law and 18 U.S.C. § 241 conspiracy against rights, were raised with intention to be included as an amendment or a companion case.

Petitioners complain and allege that the federal-state enterprise of Family Court is being used criminally and has been weaponized against mothers, fathers, and children. Petitioners' injuries began in the State of Michigan. Racketeering is continuing by nature. After the complaint was filed, Petitioners were further injured by additional public servants from the States of Michigan and Utah who also breached their fiduciary duty to uphold the constitution and laws.

The question presented is:

> whether the Sixth Circuit made an error in affirming the dismissal of Case No. 2:22-cv-12665-GAD-EAS for lack of subject-matter jurisdiction.

Actions associated with Petitioners' court cases in the States of Michigan and Utah, and now Federal District Court substantiate that the U.S. and State Constitutions, the laws, and the court rules exist in name only. Petitioners challenged immunity and other excuses that are circumventing black letter law, and they did not receive an answer. Questions the Sixth Circuit did not answer are as follows:

1. Do public servants have immunity to violate unalienable Creator/God-given rights that are supposed to be secured by Constitutions—when the victim committed no crime?

2. Do public servants have immunity to commit crimes through the Family Court federal-state enterprise?

3. Do public servants that act pursuant to Title IV-D contracts have immunity to violate state or federal law?

4. Is action by a public servant to remove a child from a fit parent's custody, when the parent and child committed no crime, a crime of child abuse and/or kidnapping?

5. Do the factual allegations substantiate that constitutionally protected rights were violated when Michigan Compiled Law (MCL) § 750.165 (Failure to support child as required by court order) from Case No. 2020-880855-DM was enforced?

6. Do the factual allegations substantiate that corrupt public servants' usage of the federal-state enterprise of Family Court may lead to tyranny?

7. Do public servants have immunity to commit acts that lead to government entrapment and/or tyranny?

PARTIES TO THE PROCEEDINGS

All parties are listed in the caption of the case.

RULE 29.6 STATEMENT

Because no petitioner is a corporation, a corporate disclosure statement is not required under Supreme Court Rule 29.6.

RELATED CASES

The following proceedings are directly related to this case within the meaning of Rule 14.1(b)(iii):

U.S. Court of Appeals for the Sixth Circuit

Shari L. Oliver, et al., Plaintiffs-Appellants, v. *Julie A. McDonald, et al.*, Defendants-Appellees. No. 23-2007. Judgment entered July 29, 2024. Motion for rehearing denied August 19, 2024.

U.S. District Court for the Eastern District of Michigan, Southern Division

Shari L. Oliver, et al., Plaintiffs, v. *Julie A. McDonald, et al.*, Defendants. No. 2:22-cv-12665-GAD-EAS. Judgment entered September 20, 2023.

State of Michigan Court of Appeals, Troy District II

Shari Lynn Oliver, Plaintiff-Appellant, v. *Matthew Warren Oliver*, Defendant-Appellee. No. 359539 (Appeal of No. 2020-880855-DM). Judgment entered June 30, 2022.

Shari L. Oliver, Plaintiff-Appellant, v. *Matthew Warren Oliver*, Defendant-Appellee. No. 367128 (Appeal of No. 2023-001205-CZ). Judgment entered September 19, 2024. Motion for reconsideration to be submitted.

State of Michigan 6th Circuit Court, Oakland County

Matthew Warren Oliver, Plaintiff, v. *Shari Lynn Oliver*, Defendant. No. 2020-880799-DC. Case dismissed June 25, 2020.

Shari Lynn Oliver, Plaintiff, v. *Matthew Warren Oliver*, Defendant. No. 2020-880855-DM. Judgment entered November 23, 2021.

The People of the State of Michigan, Plaintiff, v. *Shari Lynn Oliver*, Defendant. No. 2023-285719-FH. Case dismissed December 21, 2023.

Derek Charles Malecki, Plaintiff, v. *Jennifer Dean Malecki*, Defendant. No. 2010-769683-DM. Judgment entered April 6, 2011.

State of Michigan 16th Circuit Court, Macomb County

Shari Lynn Oliver, Plaintiff, v. *Matthew Warren Oliver*, Defendant. No. 2023-001205-CZ. Judgment entered July 14, 2023.

State of Michigan 50th District Court, Pontiac, Oakland County

The People of the State of Michigan, Plaintiff, v. *Shari Lynn Oliver*, Defendant. No. 221185FY. Bonded over to 6th Circuit Court on July 20, 2023.

State of Utah 5th District Court, Iron County

State of Utah, Office of Recovery Services, ex. rel. State of Michigan, Petitioner v. *Shari Lynn Oliver and Matthew Warren Oliver*, Respondents. No. 224500414. Judgment entered September 5, 2023.

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The Constitution of the State of Michigan of 1963

The Constitution of the State of Utah

OPINIONS BELOW

The opinions of the lower courts are not for publication. See Appendices for federal court decisions.

JURISDICTION

The Sixth Circuit entered judgment (App. 1a) and order (App. 2a) on July 29, 2024, and an order denying rehearing on August 19, 2024 (App. 5a) for Case No. 23-2007. This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUATORY PROVISIONS

Supremacy Clause (Article VI, Paragraph 2 of the U.S. Constitution)

> "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

First Amendment to the U.S. Constitution

> "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Fourth Amendment to the U.S. Constitution

> "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Fifth Amendment to the U.S. Constitution

> "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

Sixth Amendment to the U.S. Constitution

> "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence."

Seventh Amendment to the U.S. Constitution

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

Ninth Amendment to the U.S. Constitution

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

Thirteenth Amendment to the U.S. Constitution, Section 1

> "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."

Fourteenth Amendment to the U.S. Constitution, Section 1

> "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; 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."

See Appendix C for statutory provisions' pertinent text.

18 U.S.C. § 1962 – Prohibited activities (Racketeering)

Racketeer Influenced and Corrupt Organizations (RICO) Predicate Acts:

18 U.S.C. § 1341 – Frauds and swindles

18 U.S.C. § 876 – Mailing threatening communications

18 U.S.C. § 1951 – Interference with commerce by threats or violence (robbery and extortion)

18 U.S.C. § 1589 – Forced labor

18 U.S.C. § 1964 – Civil remedies (for RICO)

18 U.S.C. § 241 – Conspiracy against rights

18 U.S.C. § 242 – Deprivation of rights under color of law

42 U.S.C. § 1983 – Civil action for deprivation of rights (remedy for acts pursuant to 18 U.S.C. §§ 241 and 242 and Constitutional Violations)

42 U.S.C. § 1985 – Conspiracy to interfere with civil rights

42 U.S.C. § 1986 – Action for neglect to prevent

42 U.S.C. § 1987 – Prosecution of violation of certain laws

18 U.S.C. § 1968 – Civil investigative demand

18 U.S.C. § 3 – Accessory after the fact

18 U.S.C. § 4 – Misprision of felony

42 U.S.C. § 654(7) – State plan for child and spousal support (Cooperative agreements) [Title IV-D, Sec. 454]

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42 U.S.C. § 655 – Payments to States [Title IV-D, Sec. 455]

42 U.S.C. § 658a – Incentive payments to States [Title IV-D, Sec. 458]

42 U.S.C. § 659 – Consent by United States to income withholding, garnishment, and similar proceedings for enforcement of child support and alimony obligations (a) Consent to support enforcement [Title IV-D, Sec. 459]

INTRODUCTION

This country is facing a constitutional crisis of epic proportions. We the People are entitled to action that demonstrates this country still functions as a Constitutional Republic that follows the Constitution, follows Rule of Law, has Equal Protection Under the Law, and our God-given rights that are supposed to be secured by Constitutions – will be secured. We the People's power to change government is *IN THE COURTS*. Courts must, under all circumstances, protect the supremacy of the constitution as a means of protecting the republican form of government and individual freedoms. We are entitled our rights and our power to use the courts to obtain remedy for wrongs, to uphold the law, to hold public servants accountable, and peacefully combat tyranny. This case shows that not only are many fundamental rights denied, but *pro se* is denied the ability to even get an answer to their lawsuit. Thereby, the government has taken away the power invested in We the People.

Currently in September 2024, it is not hyperbole to state that this country is headed towards authoritarianism, and additionally towards globalism. Many

violations of the principles of free and fair elections, violations of due process, and violations of upholding and defending the constitution and the principles of our country's Founding Fathers are commonplace. Court cases, statements before Congress, and other evidence demonstrate the current administration's lawlessness, weaponization of the justice system, and facilitating the illegal entry of dangerous criminals from other countries into the United States after which the police state can be enforced. People sworn to uphold the constitution and protect us from enemies foreign and domestic instead participate or are otherwise complicit with the willful suppression of all that stands for good, liberty, good order, and the principles upon which our country is founded. These people are traitors.

Destroying the parent-child relationship is another tactic of overthrowing government with the goal of the abolition of the family. "Destroy the family, you destroy the country." President Joe Biden has stated, "There's no such thing as someone else's child. . . . Our nation's children are all our children." Vice President Kamala Harris who is the 2024 Democratic party presidential nominee (through a coup) has stated, "the children of the community are the children of the community." Decline within society always becomes evident as the responsibility for raising and teaching children is usurped by the State away from parents. This is not a new concept—it is demonstrably evident throughout history regardless of time or location.

This case embodies a civic duty of holding officials accountable and a fight against one of the main methods of destroying a country—a widespread attack

against the family and the parent-child relationship. The family is the building block of human society, allowing people not only to raise children in a stable and nurturing environment, but also to pass the knowledge of one generation to the next. And yet, despite this oldest fundamental liberty interest being recognized by this Court as stated in *Troxel v. Granville*, 530 U.S. 57 (2000) at 65, Petitioner Shari L. Oliver ("Shari"), suicide victim Derek Malecki and many other fit mothers and fathers are denied this liberty. **Federal, State and local agencies persist in finding ways to undermine the critically important parent-child relationship.** Injuries are so prevalent that people are fighting for a Parental Rights Amendment to the U.S. Constitution.

As reflected in the Constitution with the system of checks and balances, the Founding Fathers believed that **government should be restricted in its powers and scope, with individual rights and freedoms protected from overreach.** The idea of limited government is also linked to the concept of individual responsibility, as **citizens are expected to take an active role in governing themselves and hold their representatives accountable.**

Within the facts of this case, laws are violated, the executive branch will not hold alleged criminal actors accountable, *pro se* Petitioners are doing their duty to hold public servants in government accountable and demand individual liberties be protected, and the judicial branch denies *pro se* Petitioners' right to trial and denies action towards holding public servants from executive and judicial branches accountable for their alleged criminal acts. This result should not be surprising

because the legislative made law that public servants from judicial and executive branches shall work together for federal incentive payments (42 U.S.C. § 654, 658a).

Federalist No. 47 by James Madison (1778) and *United States v. Brown*, 381 U.S. 437, 443 (1965) state, "The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny."

Government has not remained accountable, individual liberties are not protected, and the judiciary and executive branches cover for each other. The ability to bring this matter in front of We the People with a trial by jury is denied—**demonstrating that power is no longer with the People**, government has control and does not relinquish it.

Petitioners provided facts substantiating the racket has been going on for decades. The time to stop this racket and tyranny is now, not never.

"Where the law ends, tyranny begins." *Merritt v. Welsh*, 104 U.S. 694, 702 (1881).

STATEMENT OF THE CASE

Petitioners brought causes of action under the nature of suit of federal RICO (18 U.S.C. §§ 1962, 1964). Petitioners additionally alleged constitutional violations under color of law (18 U.S.C. §§ 241, 242, 42 U.S.C. §§ 1983, 1985, 1986) and argued against denial of fundamental constitutional rights of its citizens. Four (4) predicate acts (18 U.S.C. §§ 1341, 876, 1951, and 1589) and the continuing nature of

RICO were alleged, and these acts and other violations of state constitutions and law are committed through a federal-state enterprise that is funded in part by Title IV-D of the SSA. M.A.O. and M.L.O. were kidnapped from fit mother Shari through fraudulent narratives. Shari was extorted and robbed by RICO. Shari was thrown in jail for refusing to pay RICO's "kidnapping fee". Injuries began in the State of Michigan. Next, state actors from the State of Utah and other agencies participated or were complicit. Interstate commerce was demonstrated by the enterprise being federal-state that uses Social Security funds, and Petitioners have been harmed by public servants of multiple states, Internal Revenue Service ("IRS"), and Federal Bureau of Investigation ("FBI"). Title IV-D agencies Friend of the Court[1] (Michigan) and Office of Recovery Services (Utah) mailed threats in an attempt to force Shari to pay their "kidnapping fee" until M.L.O. turns eighteen (18) in 2033—actions that would force Shari into labor and be a Title IV-D agency wage slave of the State.

Background

Domestic violence against Petitioners Shari, M.A.O. and M.L.O. resulted in Family Court in the State of Michigan intervening in their lives. Shari did her maternal and civic duty to protect herself and her children. The facts of this case substantiate that Family Court personifies as a powerful abuser that aided and abetted the false narratives of Shari's then husband Matthew W. Oliver ("Oliver")

[1] Friend of the Court is an office in Michigan judicial circuit pursuant to MCL § 552.503, and is the State of Michigan's Title IV-D agency.

and removed her custody and parenting time. Family Court also has the power to destroy livelihoods and damage the futures of children through utilization of state and federal government agencies and independent third-party agencies to suspend driver's licenses, suspend conceal and carry licenses, garnish wages, damage credit scores, seize tax refunds, incarcerate, kidnap children, impoverish mothers and fathers, and more.

Prior to government interference, Shari was the primary or sole financial provider for her children. Beginning March 1, 2020, state actors working through Family Court simulated the legal process, Shari's custody and parenting time was first removed *corum non judice* where Family Court judicial staff attorney Katherine K. Heritage and private attorneys Susan E. Cohen and Philip G. Vera insisted Shari had no choice but to comply with the violation of Petitioners' rights. After Shari's former attorney and the judicial staff attorney came back from conspiring in another room, the judicial staff attorney told Shari she had no evidence of domestic violence and Shari's attorney sat silent knowing that Shari's mother, daughter, and son were also witnesses to domestic violence, and she also Shari's had photos, emails and other evidence to substantiate Shari's allegations. Shari's attorney handwrote INTERIM ORDER REGARDING MINOR CHILDREN, remedy would be in the summer, and attorneys later ***violated*** their court order by not providing remedy to rights violations ***as ordered***. Shari, who was under duress due to domestic violence and from being told her children had to live in the State of Michigan—a State they fled to utilize geographical distance for protection and for

maternal family support in Ohio, had also been deceived into thinking her parenting time would be restored after her children were out of school for summer.

Shari's attorney lied and continued to demonstrate she was not working for Shari, so Shari fired her attorney and continued the case *pro se*. Judge Julie A. McDonald ("McDonald") removed all Shari's parenting time over the course of years without clear and convincing evidence, full due process, and strict scrutiny. Petitioners' fundamental rights were removed in violation of MCL §§ 722.25(1), 722.27a(1)(3), and 380.10, including the requirement of "clear and convincing evidence", and a lack of full due process and scrutiny as substantiated through denying all Shari's witnesses, denying a trial by jury, denying MOTION TO SHOW CAUSE FOR PERJURY, FALSE STATEMENTS AND OBSTRUCTION OF JUSTICE, and denying all her other motions and offers of proof against libelous narratives.

Judge McDonald made a court order for Title IV-D services of a custody and parenting time report. Friend of the Court ("FOC") Custody and Parenting Time Specialist Tara Gardocki made a custody and parenting time report, and Shari alleged it was libelous. Shari also alleged that judge Julie A. McDonald made a libelous OPINION AND ORDER. Michigan Child Custody Act "Best interests of the child" factors (MCL § 722.23) was abused. For example, both Tara Gardocki and judge McDonald "favored" Oliver for factor (b) *the capacity and disposition of the parties involved to give the child love, affection, and guidance and to continue the education and raising of the child in his or her religion or creed, if any.* Shari is a fit

and loving mother. Her qualifications and love of learning is clearly demonstrated by being a scholar athlete with *cum laude* bachelors work of one hundred ninety-four (194) credit hours with an early focus on zoology and chemistry. She was awarded five (5) academic scholarships. Shari decided on a degree in manufacturing engineering. Ten (10) years after graduation, Shari started thirty-three (33) credit hours for a master's in computer engineering that was completed in two and a half (2 1/2) years while also working full-time—got married—got pregnant—and gave birth to baby M.A.O. Shari was an avid researcher on health and education for her children. Shari enrolled and was present with M.A.O. and M.L.O. for sports and music, and coached them in soccer (coaching is teaching). Shari comes from a highly educated family (many employed in education and teaching), and she argued that she was the primary parent even when Oliver was unemployed (M.A.O. was in daycare three (3) times a week during unemployment, which Oliver falsely denied under oath). Oliver has a high school degree and he told Shari that he was truant. Oliver was "stay at home" because he lost his jobs—his third job loss was due to sexual harassment allegations. Alleged abuser Oliver with fewer educational credentials was favored by Family Court evaluators to educate and raise their children.

With underhanded word choices, intentional false statements, lies of omission and context, perjury, fraud, and court orders, scenarios can be twisted as good or bad depending upon the agenda. For example, judge McDonald utilized lies of omission to deceive the court by turning Shari's grief for being abused and having to

relinquish her children to their abuser into Shari having "a past history of depression". Judge McDonald ordered a specific FOC employee Stephanie Pyrros-Hensen, a limited licensed psychologist, to do a psychological evaluation on Shari only (and *NOT* alleged abuser and narcissist Oliver), and she would not provide Shari or court record a copy of the FOC report. Shari challenged all these issues, and motions were denied with no reason given or no substantiated reason given. FOC then had intent to destroy all FOC documents less than one (1) month after the filing of JUDGMENT OF DIVORCE.

Shari made a FRIEND OF THE COURT GRIEVANCE that detailed twelve (12) false or misleading statements made in Tara Gardocki's report, including Tara Gardocki's statement she had an individual phone contact with Shari on 3/11/2021—that was a lie and phone records prove it. FOC Director Suzanne Hollyer immediately denied Shari's grievance against Tara Gardocki and did not address *ANY* of the false or misleading statements.

Shari alleged that Oliver made false statements under oath for at least thirty-four (34) topics, which means Shari swears under oath that much of his testimony at Bench Trial was false or misleading. Case No. 2020-880855-DM, MOTION FOR REHEARING provided the simple logic proving that Oliver made false statements under oath, including statements inconsistent with prior statements. Judge McDonald put true statements in OPINION AND ORDER that Shari paid for expenses, and she omitted that Oliver stated that he had paid all the expenses. Contradictory testimony was included where dates in OPINION AND

ORDER make Oliver simultaneously a "stay at home Dad" while he was working full time. OPINION AND ORDER labelled Shari the "breadwinner". Shari made MOTION TO RECONSIDER OPINION AND ORDER to litigate the intrinsic and extrinsic fraud, and judge McDonald denied the motion.

Unlawful JUDGMENT OF DIVORCE ("JOD")

JOD violated Petitioners' rights. A few of the rights violations are below:

- Oliver was awarded sole legal and sole physical custody of the minor children (M.A.O., M.L.O.)—***incontrovertible*** fact of fundamental rights violations. What was the harm Shari caused M.A.O. and M.L.O., and where is the proof?
- Shari was awarded supervised parenting time in the State of Michigan only—a state she fled prior to legal proceedings due to domestic violence; none of M.A.O. and M.L.O.'s maternal relatives reside in Michigan.
- Shari shall not remove minor children from the State of Michigan without authorization of the Court.
- Shari shall enroll in therapy.
- Shari shall complete an authorized coparenting class.
- Shari shall exercise (and pay for) not less than eight (8) supervised parenting time visits.
- Shari has zero (0) overnights with M.A.O. and M.L.O. Shari's income was imputed at eighty thousand dollars ($80,000). Oliver's income was imputed at thirty-two thousand dollars ($32,000). However, they had no income. Shari was

ordered to pay Title IV-D agency FOC, or Michigan State Disbursement Unit one thousand four hundred fifty dollars ($1,450) per month that is deceptively labelled "child support", but actually is extortion based on the facts and denies Shari's right to financially support her children without government interference.

Shari refused to sign the JOD and UNIFORM CHILD SUPPORT ORDER ("UCSO").

When Shari appealed Case No. 2020-880855-DM, appellate judges confirmed the trial court's decisions. Shari alleged that appellate judges made intentional false statements in their OPINION PER CURIAM. Judges were complicit with crimes including the lower court's substantive and procedural rights violations, not following rule of law, and violation of the judicial canons.

Continuing Nature of RICO

Case No. 2:22-cv-12665 alleged the continuing nature of RICO with the following examples:

- Former Michigan FOC Enforcement Officer / Investigator for the 37th Circuit Court and now whistleblower, Carol Rhodes, said in speeches and in her book that Michigan FOC conspired for money. Her book *Friend of the Court, Enemy of the Family: Surviving the Child Support System and Divorce Racket* (1998) stated her findings that the FOC agency cared more about federal dollars to fund the agency than in administering fair and rightful outcomes for the families.

- Bill Hall stated during his candidacy for Michigan Attorney General in 2006 that the crisis of Michiganders living under the tyranny of FOC occurred due to the passage of the Child Custody Act of 1970 and the enactment of the No-Fault Divorce Law of 1971, thereby creating the system and bias that breaks apart families.

- Petitioners' former neighbor Derek Malecki was denied parenting rights and from seeing his daughter. On October 1, 2019, he had a hearing with judge McDonald; on October 2, 2019, he wrote a suicide note; on October 3, 2019, ***he committed suicide***. Oakland County Michigan Police Case Report No. 190194966 has a copy of his suicide note that states, "I'm struggling beyond my wildest imagination with depression, anxiety, and grief. I haven't seen my daughter [redacted] since the day before Father's Day this summer and will not see her for another month or so in supervised facility. [redacted] I thought I was being a great father. But, the courts do not agree and maybe they're right. I'm full of sorrow and regret and can't imagine living another day without any contact with my daughter." Derek Malecki had a master in engineering and his complaint for divorce was filed when his daughter was four (4) months old. He was ordered to pay one thousand six hundred sixteen dollars ($1,616) per month in "child support". When his daughter was eight (8) years old, he was denied equal parenting time.

Many more allegations from victims exist as to how this RICO is continuing in nature and has been harming for decades. RICO's continuing nature has also been demonstrated by the harm to Petitioners that occurred after the filing of this

case in District Court in November of 2022. Shari continued to undertake other courses of action that fought for truth, justice, and rights that are supposed to be secured by constitutions. These efforts resulted in Respondents and additional public servants allegedly failing to act or committing more criminal acts and omissions. Her efforts reveal additional moral turpitude, denial to provide remedy for past transgressions, and an expanded range of racketeering. **Opportunities to cure were denied.** Shari has been unable to find employment since voluntarily severing her engineering job of almost fifteen (15) years when she fled the State of Michigan due to domestic violence. Her unpaid full-time job is fighting for family rights and doing her civic duty to fight on behalf of Petitioners and other victims.

Shari alleged JOD is void and did her due diligence with a motion to vacate and directly attacked JOD. Judge McDonald denied the motion—no shocker that an alleged criminal actor did not find herself guilty of any wrongdoing. After receiving her copy of the RICO lawsuit, judge McDonald denied Shari's motion to disqualify herself. Shari's motion for reconsideration included demands to provide findings of fact and conclusions of law and to give the motion to disqualify to another judge if she denied again. Motion for reconsideration was denied in January 2023 with no reason given. MCR 2.003(D)(3)(a)(i) requiring another judge to decide *de novo* a denied motion for disqualification of a judge was not followed until after Shari spoke to a woman from Michigan's Judicial Tenure Commission in May 2023 about her fourth out of five judicial complaints against judge McDonald. In June and July 2023, the chief judge denied Shari's motions to disqualify judge

McDonald. Shari's support for disqualifying judge McDonald included allegations and offers of proof for constitutional violations, state law violations, fraud upon the court, subject-matter jurisdiction challenge was ignored, denied trial by jury, and the conflict of interest of Shari suing judge McDonald in Federal District Court.

In April 2023, Shari initiated a collateral attack on the allegedly void JOD in a Michigan State Court. The collateral attack Case No. 2023-001205-CZ was dismissed with prejudice. The judge decided *res judicata* and collateral estoppel applied. Michigan Court of Appeals Case No. 367128 affirmed the lower court decision. A motion for reconsideration shall follow with the intent to appeal the decision to the Michigan Supreme Court.

In December 2022, Office of Recovery Services ("ORS") through an Assistant Attorney General for the State of Utah, petitioned a Utah State Court for adoption of JOD. In spite of the provided documentation of verified criminal complaints (against men and women from Michigan, ORS, and ORS employees) and allegations of fundamental rights violations, Utah's attorney stated for Case No. 224500414 that he and "The State" would be willing to argue against anything Shari brought forward. In opposition to Shari's motion to dismiss, Utah's attorney made a memorandum that failed to prove the validity of JOD or jurisdiction of the case. None of Shari's affidavits and sworn statements were rebutted and no sworn statements were made by the Utah attorney, yet the judge denied Shari's motion to dismiss. Therefore, an attorney and judge from the State of Utah first take action as accessory to alleged criminals from the State of Michigan rather than investigate

crimes alleged (which if proven true, would void JOD to be adopted) and protect Shari – a citizen of the state for which they have a fiduciary duty, and second violate Title IV-D contractual duty to follow federal and state laws.

On September 20, 2022, Shari's criminal complaints, alleging the Family Court racket and crimes committed, were delivered by certified mail to the Michigan Department of Attorney General. On that same day an assistant attorney general signed authorization for a warrant for Shari's arrest, which initiated State district court Case No. 2022-221185FY-FY, *People of the State of Michigan v. Shari Lynn Oliver*, MCL § 750.165 a felony with two thousand dollars ($2,000) and/or up to four (4) years in jail. Shari responded with a motion to dismiss that included jurisdiction challenge, criminal complaints, and demand for grand jury for crimes alleged. In early- to mid-2023, Case No. 2022-221185FY-FY judge was informed of his duty to investigate crimes pursuant to MCL § 767.3 (Proceedings before trial; inquiry; . . notification to judge; . . . disqualification of judge), he postponed ruling on Shari's motion to dismiss and never ruled on the motion and jurisdiction challenge, later interrupted Shari when she was alleging crimes, and then bound the case from district court to the circuit court Case No. 2023-285719-FH.

On August 7, 2023, Shari's motion to dismiss with jurisdiction challenge, criminal complaints, and Shari's JUDICIAL NOTICE pursuant to 18 U.S.C. § 4, misprision of felony, 18 U.S.C. § 241 conspiracy against rights including a multicount capital offense, and 18 U.S.C. § 1962 racketeering were filed in Case No. 2023-285719-FH. On August 16, 2023, Shari made a *special appearance* via Zoom

to challenge the jurisdiction of the court. An attorney other than the case's prosecutor made an appearance for the People. Shari was sworn in and was answering questions when she lost internet connection. Shari reconnected to the hearing and waited to be admitted, but instead the session ended. The judge and attorney conspired to claim that Shari was not at the arraignment. Transcription shows "(inaudible)" three (3) times and "you froze" to demonstrate Shari's attendance and poor internet connection. An affidavit signed by a staff attorney for the Department of Attorney General, stated that Shari was not at the arraignment. There is no reason to believe that the staff attorney was in the courtroom to have *personal knowledge* from which to make his affidavit *swearing* that Shari did not attend the arraignment. Shari's bond of two thousand, six hundred seven dollars and thirteen cents ($2,607.13) was seized, and a bench warrant issued for her arrest. Shari alleged that the judge and three attorneys working on behalf of the Department of Attorney General conspired and committed crimes against her.

These acts resulted in Shari's incarceration for one hundred eight (108) days, beginning September 6, 2023, when she was arrested after she traveled approximately one thousand, eight hundred fifty (1,850) miles to appease the judge with an in-person attendance and argue her motion to dismiss (containing jurisdiction challenge), motion to vacate (the alleged void judgment that the criminal case was based upon), and motion to stay (collateral attack on alleged void judgment, pending appeal Case No. 367128). The judge made an order voiding these motions (he voided her jurisdiction challenge!). When she showed up in court

to argue her motions she was instead incarcerated, her bond increased to approximately $27,000—the amount of alleged "child support" due, her motions were not heard, and jurisdiction was not proven by the asserter.

Shari's subject-matter jurisdiction challenges have been ignored in Case Nos. 2020-880855-DM, 2022-221185FY-FY, and 224500414, and voided in 2023-285719-FH. Prosecutor and criminal case judges ignored their duty pursuant to MCL § 767.3 and follow up on a demand for investigation of the crimes that Shari alleged.

Conspiracy against rights pursuant to 18 U.S.C. § 241 is a capital offense when kidnapping, attempt to kidnap, or death occurs. Petitioners factual allegations include multicount capital offenses with the conspiracy and deprivation of parent-child rights: 1.) the death of Derek Malecki, 2.) the unlawful arrest warrants and incarceration of Shari (kidnapping when she attended court on September 6, 2023 for her motion to dismiss and jurisdiction challenge of Case No. 2023-285719-FH and was instead incarcerated), 3.) attempt to kidnap/incarcerate with warrants issued through Case Nos. 2022-221185FY-FY and 2023-285719-FH, and 4.) kidnapping Shari's children (M.A.O. and M.L.O.) from Shari with an unlawful order.

Petitioners plead breach of fiduciary duty of all public servants mentioned in the caption of this case, as well as others from the States of Michigan and Utah who were made cognizant to the matters of this case due to the continuing nature of RICO; public servants took an oath to uphold and defend constitution(s), and instead violated Petitioners' unalienable Creator/God-given rights that are

supposed to be secured by the Constitution. Public servants took an oath to uphold state or federal law and failed in this duty. Petitioners have a right and a duty to call out corruption of government. Once the government abandons its constitution, it loses all legitimacy and authority.

Petitioners know of no action taken regarding the following statements made in court documents:

> "[Petitioners] seek of this Honorable Court compliance with 42 U.S.C. § 1987 (Prosecution of violation of certain laws) that authorizes and requires, at the expense of the United States, that prosecutions be instituted against all persons allegedly violating any of the provisions of 18 U.S.C. §§ 241, 242, as contemplated by 18 U.S.C. § 1964 (Civil remedies) subsections (a), (b), (c) as well as 18 U.S.C. § 1968 (Civil investigative demand) and to thus cause such persons to be promptly arrested, and imprisoned or bailed, for trial before the court of the United States or the territorial court having cognizance of the offense. See Pub. Law 106-274, Sec. 4 (d), Sept 22, 2000, 114 Stat. 804.
>
> The institution of such criminal prosecution is obviously distinct from this instant suit, but because the facts alleged herein give cognizance of the offense(s), each federal judge or magistrate has a lawfully imposed duty to act accordingly." Magistrate and judges failed to act.

In addition to bringing suits to court, Shari contested FOC documents and made many judicial complaints, attorney grievances, and criminal complaints. Criminal complaints were mailed by certified mail to:

- Oakland County, Michigan, Sheriff
- Oakland County, Michigan, Prosecutor
- Michigan Attorney General and Department
- Iron County, Utah, Sheriff

- Iron County, Utah, Attorney
- Utah Attorney General and Department
- United States Department of Justice
- United States Department of Health and Human Services, Office of Inspector General
- Office of Inspector General, Michigan Department of Health and Human Services
- FBI in Michigan
- FBI in Utah

Typically, no response was received. Otherwise, the response was dismissive. Shari submitted criminal complaints and personally spoke to FBI agents in Utah. The FBI will not act, but they did harm Shari by suspending her conceal and carry license knowing that the arrest warrant against her is based on JOD that is allegedly void due to crimes including external fraud and civil rights violations, public corruption, and organized crime. This demonstrates a dereliction of duty.

Some of the crimes alleged were included in the filings of this instant case: four (4) federal felonies (including Class A), and for the State of Michigan fourteen (14) felonies and nine (9) misdemeanors. Facts were alleged to support the elements of each cause of action. No one acted pursuant to the crimes Shari alleged, but public servants did act upon the allegedly void JOD that was created from all this alleged criminal activity, in order to punish Shari and profit from or shield from prosecution themselves and the Family Court enterprise.

The facts of the case and further research show that many opportunities in Family Court exist for *mens rea*. Family Court judges and FOC employees determine which parent is more attached to the child and hopefully that same parent is the "breadwinner" so litigation can be dragged on for years. If abuse is alleged, awarding custody to the abuser is another way to drag on litigation as the non-abusive parent will fight to protect the child. False evidence can be fabricated using "best interest of the children" factors and utilize lies of omission—silent fraud—in their documents. Any proofs of their falsehoods can be denied by the racket and this case shows no viable options are available when supervisors, chief judge, appellate judges, attorneys, sheriffs, etc. are complicit with transgressions.

Private attorneys obtain all their client's financial assets and know exactly how much money their client has and can make. Then each party's attorneys conspire and know how much money they can extort from their clients. If one party makes significant income, the private attorneys can keep the conflict between the couple going for continued attorney income.

The less a parent sees their child the more they are expected to pay. This results in financial incentive to alienate one parent from the child, preferably the "breadwinner". Abusers may also fight for custody of children because they do not want to pay "child support". Alternatively, abusers may fight for children because they want to further hurt their ex and/or are controlling.

With the passage of Title IV-D of the SSA of 1975, incentives to separate parents from children for federal money were created, as well as violation of

separation of powers. In the State of Michigan, Title IV-D agreements exist between interagencies of Family Court/FOC/FOC Association/Michigan Supreme Court/State Court Administrative Office/Prosecuting Attorneys and Prosecuting Attorneys Association of Michigan/Michigan Department of Attorney General and the Michigan Department of Health and Human Services, resulting in the judiciary and executive branches of government working together. Men and women who are employed or compensated through the federal Title IV-D program must comply with all federal, state and local laws, rules and regulations—but allegedly many do not.

The facts of the case substantiate that Family Court is unconstitutional in practice and may be used as a criminal enterprise and racket. Attorneys and judges foster business relationships, and "conflict for cash" that creates income and job security. Additional financial incentives may include, but are not limited to, Title IV-D federal funding, cash flow from child support collections (some of which may funnel into judge's retirements), kickbacks to judges from ordering drug testing, supervised parenting time at facilities, or kickbacks from Family Court orders requiring third parties to be used such as therapists, parenting classes, and caseworkers observing children at school.

Various trade and business groups estimate the U.S. divorce industry is a fifty- to one-hundred-seventy-five-billion-dollar-($50-$175,000,000,000)-industry. Attorneys, judges, FOC employees, and courthouse insiders have a financial interest in the outcome of custody cases. Every year billions of child support dollars flow through States and millions are received in Title IV-D federal money.

A report from the Office of Child Support Enforcement states for FY 2021 and prior years, the State of Michigan received twenty-five million, eight hundred thousand dollars ($25,800,000) (p. 43) in funding from Title IV-D. In FY 2022, "child support" collections were one billion, two hundred fifty-two million, seven hundred ten thousand, nine hundred thirteen dollars ($1,252,710,913) (p. 35). Incentive Performance Measures, FY 2022, Cost Effectiveness Ratio: five dollars and ten cents ($5.10) (p. 42), meaning for every one dollar ($1) that Michigan spent, the federal government gave Michigan five dollars and ten cents ($5.10). For incentives, cooperative arrangements and payments to States, see also 42 U.S.C. §§ 654(7), 655, 658a, 659 and 45 CFR § 302.34.

Attorneys have a duty first to the court, not their client. Attorneys and judges foster business relationships. Additionally, there may be underhanded government positions, favors, or deals offered. Attorneys cannot be trusted when going against the State or the government.

Weaponization, Entrapment, Tyranny

Factual allegations of crimes committed against Petitioners demonstrate the weaponization of child welfare programs and Social Security fraud. Shari did *NOT* consent to participate in the Title IV-D child welfare program. Incomes were imputed, rights violated, and crimes committed for procurement of Title IV-D Case No. 913682847 data. Judges, Title IV-D employees, and attorneys may permit and participate in many crimes to maximize a scheme called "child support." With

failure to pay "child support" to Family Court and FOC beneficiaries, life may be destroyed by FOC and the judiciary and executive branches. This leads to entrapment.

A valid entrapment defense has two (2) related elements: 1.) government inducement of the crime, and 2.) the defendant's lack of predisposition to engage in the criminal conduct. *Mathews v. United States*, 485 U.S. 58, 63 (1988). Of the two elements, predisposition is by far the more important.

In addition to being violated by many crimes allegedly committed against Petitioners by Respondents, JOD ordered Shari to pay "child support", which forces Shari to participate in one (1) of the following, each an alleged crime or set of crimes (note: which party in 1. or 2. is the victim depends upon the facts of the case):

1. Pay "child support" (follow JOD, UCSO)
2. Failure to pay "child support" (do not follow JOD, UCSO), MCL § 750.165
3. Commit suicide (escape from the confines of JOD, UCSO)

Petitioners' Appellate BRIEF contains argument that the facts show that RICO attempted to force Shari to participate in the violation of Petitioners' rights and pay into their criminal enterprise with "child support". Shari never demonstrated an inability or unwillingness to financially support her children; **she was the primary and then sole financial support of her children *UNTIL FAMILY COURT REMOVED HER CUSTODY*, and <u>she argued for sole custody (to protect her children from abuse) with *NO* child support</u>**. Shari

financially supports M.A.O. and M.L.O. when they are under her care. Shari did demonstrate an unwillingness to comply with the violation of M.A.O., M.L.O., and her rights that are supposed to be secured by constitutions. Shari did her duty of refusing to commit crimes, be an accessory after the fact, and comply with tyranny.

When Shari refused to be complicit with rights violations and financially supporting a criminal enterprise with a "kidnapping fee" (also known as "child support" for M.A.O. and M.L.O. held hostage in the State of Michigan), Shari was injured as stated previously and additionally over $31,000 was extorted from Shari's mother to release Shari from jail. Family Court RICO denies Shari's right to be a mother to her children—an act of child abuse—and demands Shari financially support alleged abusers Family Court RICO and Oliver. Once they receive Shari's money, there is no oversight on how her money is spent and Shari has no say. "The man who produces while others dispose of his product is a slave." An attorney said that Michigan "owns" Shari.

The facts of this case allege MCL § 750.165 "failure to support" has been ***misapplied*** and ***weaponized*** in order to make financial payment demands for Family Court RICO and is job security. Constitutional rights violations and other crimes were allegedly committed, which not only harmed Shari, but also ***harmed children*** M.A.O. and M.L.O. Abuse of this law for profit of Family Court RICO has the potential to put a child in an abusive environment, alienate the child from a parent, cause a parent financial hardships that damage the child's financial future, and/or cause a once fit parent to be no longer fit or even dead. The judicial and

executive branches of government are working together with help from Title IV-D agencies and taxpayers fund their schemes. Mothers and fathers in Family Court often are entrapped, and are victims of tyranny.

PROCEDURAL HISTORY

The District Court's and the Sixth Circuit's orders to dismiss the RICO case result in an impossibility of law – that any men and woman, including public servants, may violate the Constitution of the United States, the state constitutions, federal and state laws, and commit or participate in the deprivation of rights under color of law and any number of crimes through the Family Court federal-state enterprise. However, constitutions, federal and state laws provide no such provisions for Respondents and others to be "above the law".

A governing principle of our constitutional republic is that "[all] of the officers of the government from the highest to the lowest, are creatures of the law, and are bound to obey it." "No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity." *Butz v. Economou*, 438 U.S. 478, 506 (1978), *United States v. Lee*, 106 U.S., at 220, (1882).

The courts are a venue by which any perpetrator may be held accountable. Pursuant to Constitutions, federal, and state law, when harmed We the People have a right to remedy through a trial by jury, and citizens have a duty to hold their public servants accountable when fiduciary duty is breached.

Citations of Lower Court

The conclusion of Sixth Circuit Judges COLE, READLER, and BLOOMEKATZ was, "we AFFIRM the district court's judgment, though we MODIFY it to reflect that dismissal of Oliver's claims for lack of subject-matter jurisdiction is *without* prejudice. See, e.g., *Revere v. Wilmington Fin.*, 406 F. App'x 936, 937 (6th Cir. 2011) ("Dismissal for lack of subject-matter jurisdiction should normally be without prejudice, since by definition the court lacks power to reach the merits of the case.") (citing *Ernst v. Rising*, 427 F.3d 351, 366 (6th Cir. 2005))."

They previously stated, "Because her opening brief does not address the district court's determination that it lacked subject-matter jurisdiction over her federal claims under the domestic-relations exception and the Rooker-Feldman doctrine or its refusal to exercise supplemental jurisdiction over her state law claims, she has waived any challenge to those rulings, which are dispositive to her appeal."

Petitioners disagree.

Petitioners' verified appellate BRIEF argued against the case dismissal by the District Court. Petitioners' verified appellate BRIEF argued that federal district court *HAS* subject-matter jurisdiction, that immunity and exceptions derived from case law do not supersede and suspend constitutions and rule of law, no claim for immunity was proven or offers of proof made, and the facts

substantiate federal subject-matter jurisdiction was not lacking or divested. Respondents have no valid claim to be above the law.

Sworn facts of this case, including facts stated in the Petitioners' verified appellate BRIEF, substantiate a **misapprehension** that *Rooker-Feldman* applies to the facts of this case, and a **misapprehension** that "domestic-relations exception" applies to the facts of this case. Petitioners argued with sworn facts against Respondents' unsubstantiated frivolous claims of *Rooker-Feldman* and "domestic-relationship exception" made by attorneys with no personal knowledge.

Petitioners' verified appellate BRIEF defined the hierarchy of law and stated on p. 32:

> "American Jurisprudence has four (4) primary sources of legal authority:
>
> 1. Constitutional Law: The supreme law of the land, all law falls under the constitution;
> 2. Statutory Law: Law made by Legislature which cannot contradict the constitution;
> 3. Administrative Law: Government agency rules or regulations, which cannot contradict the constitution or Legislature's statutes;
> 4. Common Law: also known as Case Law, which reflects both constitutional and statutory law.
>
> Family law is #3, administrative law. Immunity is #4, derived through case law. Nowhere in the Constitution of the United States or in state constitutions, federal or state law does it state that men or women are above the law, can violate constitution and law, commit crimes or allow and give permission or acquiesce to others."

Immunity is contrary to rule of law and does not apply to constitutional violations and violations of state and federal law. There cannot be immunity from criminal activity. Criminal activity is necessarily always outside the scope of one's

employment. Magistrate Elizabeth A. Stafford's recommendations and judge Gershwin A. Drain's adoption of her recommendations and order for dismissal of Case No. 2:22-cv-12665 failed to produce any section of the constitutions, federal or state laws granting immunity for acts violating 18 U.S.C. § 1962 or 18 U.S.C. §§ 241 and 242 (for which civil remedy is detailed pursuant to 18 U.S.C. § 1964 and 42 U.S.C. § 1983). Immunity of Respondents to commit the alleged unlawful acts is not covered by a provision of constitution or law.

"Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of government will be imperiled if it fails to observe the law scrupulously. Our Government is the potent, omnipresent teacher. For good or for ill, it teaches the whole people by example. Crime is contagious. If the government becomes a law-breaker, it breeds contempt for the law; it invites every man to become a law unto himself; it invites anarchy." *U.S. v. Olmstead*, 277 U.S. 438 (1928).

Complaint, sworn statements, and attachments included in Case No. 2:22-cv-12665 filings clearly state and evidences RICO violations pursuant to 18 U.S.C. §§ 1962, 1964, and violations of several Amendments to the United States Constitution and the Constitution of the State of Michigan in that it is **brought to prevent imminent deprivations**, under **color of state law**, of rights, privileges and immunities secured by the United States Constitution and the Constitution of Michigan in accordance with 42 U.S.C. § 1983.

Petitioners' verified appellate BRIEF explained that the lower levels of law, such as #4 common law, do not supersede higher levels of law, such as #1 constitutions. It is common judicial knowledge that subject-matter jurisdictional questions under provisions of 18 U.S.C. § 1964 and 42 U.S.C. § 1983 are raised under #2 statutory law that follows #1 constitutional law. It is common judicial knowledge that immunities and the *Rooker-Feldman* doctrine and the "domestic-relations exception" fall under #4 case law. Therefore, arguments against dismissing the case due to *Rooker-Feldman* doctrine and "domestic-relations exception" were not omitted from Petitioners' verified appellate BRIEF. Arguments against case law doctrines and exceptions were an included subset of the argument against case law superseding constitutions and law, and against immunity and other excuses that allegedly divest subject-matter jurisdiction. If the Constitution truly is the Supreme Law of the Land in practice, then case law immunities and excuses would not divest subject-matter jurisdiction of valid federal causes of action.

Petitioners' verified appellate BRIEF additionally alleged facts supporting their continuation of the fight for justice in state courts, detailed more harm and fraud witnessed since the filing of this instant case from the continuing nature of RICO, and named additional public servants that breached their duty to constitution and laws.

Stated on Petitioners' verified appellate BRIEF p. 23, "Shari has been denied her right to litigate her allegations of crimes, including extrinsic fraud,[21] . . ."

"[21] Rooker-Feldman does not bar a federal suit to set aside a state court judgment if that judgment was obtained by extrinsic fraud. *Kougasian v. TMSL, Inc.*, 359 F.3d 1136, 1140 (9th Cir. 2004). Motions to dismiss and final order brought up Rooker-Feldman, yet **instant case was pled for remedy for harm due to crimes (through a federal-state enterprise), *NOT* explicitly to set aside state court judgment.**"

These statements in Petitioners' verified appellate BRIEF are argument against both *Rooker-Feldman* and "domestic-relations exception". Petitioners' verified appellate BRIEF had additional sworn statements alleging extrinsic fraud and that domestic matters were still being fought in state court cases, such as one example stated on p. 44, "Pending Case No. 367128 [appeal of dismissed collateral attack] argued that judge McDonald lacked the inherent power to enter JOD, and entered orders which violated due process and were procured through extrinsic or collateral fraud, and is thus null and void, and can be attacked at any time, in any court, either directly or collaterally, provided that the party is properly before the court."

Erickson v. Pardus, 551 U.S. 89 (2007) stated, "A document filed *pro se* is "to be liberally construed," Estelle, 429 U.S., at 106".

Furthermore, Petitioners' verified appellate REPLY BRIEF included argument sections of *Rooker-Feldman* doctrine and "domestic-relations exception", which is remedy for any allegations that arguments in Petitioners' verified

appellate BRIEF were made in a perfunctory manner. *Rooker-Feldman* only contemplates lawful acts and ***not*** "color of law" acts and therefore would be a misapplication to the facts of this case. *Rooker-Feldman* is for a properly adjudicated state court case for two (2) parties that are ***properly*** before the court—not for these Family Courts to railroad mothers and fathers through their little clown courts and then claim they lost!

This Court does not favor usage of the *Rooker-Feldman* doctrine as demonstrated in Justice John Paul Steven's opinion from *Lance v. Dennis*, 546 U.S. 459 (2006), where he wrote, "Last Term, Justice Ginsburg's lucid opinion in *Exxon Mobile Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280 (2005), the Court finally interred the so-called '*Rooker-Feldman* doctrine.' And today, the Court quite properly disapproves of the District Court's resuscitation of a doctrine that has produced nothing but mischief for 23 years."

The "domestic-relations exception" does not and cannot, as a matter of positive law, limit federal-question jurisdiction. The "domestic-relations exception" does not apply to the facts of this case as verified complaint Case No. 2:22-cv-12665 ECF No. 6 does not move the court to issue dissolution, support, or custody orders.

If federal subject-matter jurisdiction exists, then as stated on Petitioners' verified appellate BRIEF p. 1, federal "District Court also has supplement jurisdiction over state law claims pursuant to 28 U.S.C. § 1367(a) as they all are so related to the federal questions that they form part of the same case or controversy." With nature of the case being RICO and with the facts alleged in Petitioners'

verified COMPLAINT and verified appellate BRIEF, allegations demonstrated how the federal state law claims formed a significant part of the same controversy. Pursuant to Fed. R. Civ. P. 1 (Scope and Purpose), state law claims should also be included in the federal case in the interest of a "speedy, and inexpensive determination of every action".

This case also had a clear failure to have motions to dismiss expeditiously decided and denied Petitioners a **just, speedy, and inexpensive determination of every action** and proceeding in accordance with Fed. R. Civ. P. 1 (Scope and Purpose). It is a *FACT* that Respondents failed to timely answer Petitioners' complaint pursuant to Fed. R. Civ. P. 12(a)(1)(A)(i) or (ii) based in law and **supported with substantial competent evidence of their defense** in accordance with Fed. R. Civ. P. 8(b). Nowhere in the Federal Rules does it state that when a Defendant submits Fed. R. Civ. P. 12(b)(1) and (6) motion(s) that Fed. R. Civ. P. 12(a)(1)(A), or Fed. R. Civ. P. 8(b) are suspended can halt and or delay a Plaintiff's case for an indefinite time period.

Case law from *Gomez v. Toledo*, 446 U.S. 635 (1980) cited Fed. R. Civ. P. 8(c) and stated that immunity claims are an affirmative defense and must be put in an answer. No declaration or affidavit with claims of personal knowledge was in support of any Respondent's motion. Federal judges, however, ruled in favor of attorney hearsay over *pro se* sworn facts. The ruling that the trial court lacked subject-matter jurisdiction is an abuse of discretion. Respondents have failed to defend this case.

The Lower Courts' Rulings Conflict With This Court's Precedent

"It is most true that this Court will not take jurisdiction if it should not: but it is equally true, that it must take jurisdiction if it should. The judiciary cannot, as the legislature may, avoid a measure because it approaches the confines of the constitution. We cannot pass it by because it is doubtful. With whatever doubts, with whatever difficulties, a case may be attended, we must decide it, if it be brought before us. We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the constitution. Questions may occur which we would gladly avoid; but we cannot avoid them. All we can do is, to exercise our best judgment, and conscientiously to perform our duty. In doing this, on the present occasion, we find this tribunal invested with appellate jurisdiction in all cases arising under the constitution and laws of the United States. We find no exception to this grant, and we cannot insert one." *Cohens v. Virginia*, 19 U.S. 264, 404 (1821).

Reasons for Granting the Petition

Reasons for an appeal of the Sixth Circuit's final order include national importance and wide application, reversible legal error, disagreement among courts, and a departure from the law of the land. This case is a good vehicle for the important question presented given the extensive documentation in these court cases of public servant corruption and incontrovertible facts of harm. Remedy is

vital to the preservation of this country as a Constitutional Republic that follows the Founding Fathers' principles.

More specifically, the subject-matter of this case involves:

I. an or the oldest of the fundamental liberty interest recognized by this Court (First, Fifth, Ninth, Fourteenth Amendments),

II. a matter of significant public importance: a Parental Rights Amendment to the U.S. Constitution is currently in the U.S. Senate,

III. federal racketeering allegations (18 U.S.C. §§ 1964, 1962) and interstate commerce, for which RICO is continuing by nature,

IV. capital offense allegations (18 U.S.C. §§ 242, 241),

V. allegations of public servants breaching their duty to uphold constitutions and rule of law (violate oath 5 U.S.C. § 3331, 28 U.S.C. § 453, Michigan Constitution Art. XI § 1, Utah Constitution Art. IV § 10), violation of color of law pursuant to 42 U.S.C. §§ 1983, 1985, 1986, 18 U.S.C. §§ 242, 241,

VI. allegations public servants from executive and judicial branches of government will not do their duty to hold public servants accountable (42 U.S.C. § 1987, 18 U.S.C. § 1968, MCL § 767.3),

VII. the judiciary denying We the People's right and civic duty to hold public servants accountable (First, Seventh Amendments, 42 U.S.C. § 1987, 18 U.S.C. § 1968),

VIII. national significance pertaining to the multi-billion dollar divorce industry with many opportunities for *mens rea* to capitalize on the cash flow in connection with Family Courts,

IX. the need to rein in the administrative state (example in support is Mark Chenoweth testimony to the Subcommittee on the Administrate State, Regulatory Reform, and Antitrust of the House Committee on the Judiciary on March 20, 2024),

X. public servants receive and are incentivized by funds from Title IV-D of the SSA, which may result in *mens rea* to harm men, women, and children to maintain and increase these funds, a "weaponization of welfare", and thereby resulting in every U.S. taxpayer defrauded (42 U.S.C. § 654(7), 655, 658a),

XI. allegations that the federal-state enterprise of Family Court is being used criminally, entraps and has been weaponized against Petitioners and We the People, and has resulted in tyranny (First, Fourth, Fifth, Sixth, Seventh, Ninth, Thirteenth, Fourteenth Amendments).

Appellate courts should not reach an obviously wrong result. The dismissal of Case No. 2:22-cv-12665-GAD-EAS for lack of subject-matter jurisdiction has no basis in law and was decided after the Respondents, most are public servants, made unsubstantiated claims of immunity from suit through their attorney hearsay, provided *NO* proper answer to the complaint and District Court had *NO* discovery, and therefore was in violation of Fed. R. Civ. P. 1 and 8(c) . Dismissal results in a denial of First and Seventh Amendments right to remedy with a trial by jury. **The**

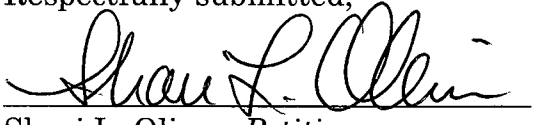
judiciary is permitting an erasure of rights and gives the public no access to due process. **This is a wrong result**. With un-checked immunity offenders have no accountability, and they can breach their fiduciary duty with impunity and have no incentive to follow constitutions and rule of law. The result is also a participation in the deprivation of rights under color of law and has a chilling effect—denial or delay of remedy and the right to petition the government for redress. "EQUAL JUSTICE UNDER LAW"—These words, written above the main entrance to the Supreme Court Building, express the ultimate responsibility of the Supreme Court of the United States. All courts should have such standards.

Petitioners' verified appellate BRIEF posed federal questions for RICO and for civil rights deprivations, and that tyranny is being perpetrated by private and public servants through Family Courts. RICO is continuing by nature and public servants have been violating and denying Respondents and many others their constitutionally protected rights, including denying their right to remedy through the courts. Denial of constitutionally protected rights can and has caused irreparable harm, including **damage to reputation, deprivation of fundamental rights, and loss of opportunities**. **One tactic of tyranny is "passing the buck".** This "buck" has now stopped at this Court, the Supreme Court of the United States.

CONCLUSION

For the foregoing reasons, Petitioners respectfully request that the petition for writ of certiorari be granted. Request, made in Pursuit of the Public Good, is for the decision of the Sixth Circuit—dismissal of Case No. 2:22-cv-12665-GAD-EAS—to be summarily reversed and remand for further proceedings, and to set precedent or additional case law in favor of parent-child rights, against immunity of public servants, against the "best interests of the child" standard, against entrapment and unconstitutional acts through Family Court, against Family Court tyranny, against capitalizing on any disadvantage of *pro se* litigants—particularly when doing their civic duty of holding public servants accountable, and in opposition to the perception that the Constitution of the United States is dead or irrelevant.

Respectfully submitted,



Date: September 23, 2024

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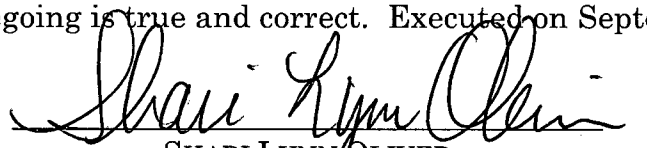
VERIFICATION PURSUANT TO 28 U.S.C. § 1746(1)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on September 23, 2024.



SHARI LYNN OLIVER