24-6249

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IN THE
SUPREME COURT of the United States

Taiming Zhang	)	Case No. _____
Plaintiff-appellant-petitioner	)	
	)	EMERGENCY
	)	petition for writ of certiorari;
Versus	)	from CA4 24-1615
	)	
	)	
	)	
	)	
	)	
Andrew Joseph Bonomolo	)	
Defendant-appellee-respondent	)	
	)	

1. [summary of issues raised in this petition (questions presented)]

a) (w/o parties' consent) Per 28 U.S. Code § 636, the Master or Magistrate Judge must not ***as a practical matter*** dispose of a claim, defense, or motion for injunctive reliefs. This law is commonly violated across the nation, with MJs issuing practical "judgment on the pleadings" in IFP rulings or disposing of motions for injunctive reliefs or issuing otherwise dispositive orders.

b) 28 U.S. Code § 636, local rules across the country subverts, blocking "a judge" (an individual judge) from exercising the STATUTORY discretion as to whether to allow a MJ to hear and determine any pretrial non-dispositive matters, as well as the STATUTORY discretion to allow or disallow a MJ to conduct hearings & recommendations on matters excepted in 28 U.S. Code § 636 (b) (1) (a). **This is serious insurrection BY ALL CIRCUITS as LRs are approved by circuits.**

c) Subversion of FRCP 72 (a) across the country.

d) Assigning matters to MJs when lacking special reasons violates the privileges and immunities clause and the EPC.

e) Countless acts of departure from the usual course of conduct of judiciary, which aren't all included in this petition, but should be considered if certiorari granted.

f) DJ "taking" MJ recommendation w/o any findings or conclusions, illegal. Commonly DJs *frustrate reviews* w/ judgments w/ no findings or conclusions w/ MJ recomm., which is sanctioned by CAs, which subverts SC precedent.

g) CONSPICUOUS subversion of de novo consideration 28 U.S. Code § 636 requires ACROSS THE COUNTRY.

h) Not so rarely, MJs deal with posttrial matters that are dispositive.

i) M(F)J Insurrectional Scoundrel JEP issued DKT #11 CONDITIONAL ORDER OF DISMISSAL WITH absolutely no party's consent.

j) Notably out of departure from the usual course of conduct of judiciary, TWO CHIEF DISTRICT JUDGES of NCMD IN A ROW, relying on a 5th circ. case WHICH CONSPICUOUSLY SUBVERTED GOVERNING SUPREME COURT PRECEDENT, ordered in a precedential judgment to prohibit the legal effect & force of THE FIRST AMENDMENT. These 2 DC judgments and CA-5 judgment have effect in the whole country.

k) TWO CHIEF DISTRICT JUDGES of NCMD IN A ROW claimed right to aid, abet illegal conduct as a result of a judge criticized ONCE, which violates nemo judex, and the EPC, the privileges and immunities clause, the 5th amendment due process rights, the 8th amendment and laches. Particularly, the LAST CD(fake)J of NCMD ruled in a precedential judgment that one should be continuously

physically beaten *with a claim to cure such dismissed* **for criticizing a judge once** (a textbook rape of the 1st & 8th & 14th amendment). *I add two CHIEF DISTRICT fake (insurrectional) judges IN A ROW alone is SUCH UNQUESTIONABLE compelling public interest for the supreme court to deal with!*

l) LEMME be clear here: serial, sequential, identical or virtually identical acts of subversion or insurrection has a unique and specific name: SECESSION. What the FIFTH CIRCUIT along with 2 *CHIEF DISTRICT fake judges OF THE FOURTH CIRCUIT in a row* did added together is no different than what the southern rebels did. This is SECESSION, trigger of a civil war.

m) The two 4th circ. CDFJs relied on a case of the 5th CIRCUIT, which hasn't been overruled, and violates nemo judex, the EPC, and the 5th amendment due process rights, the 8th, and laches, and the privileges and immunities clause, and the first amendment. That CA-5 case DOES violate them all.

The 5th circuit case that subverts multiple constitutional clauses incl. the first amendment quoted by two CDFJs of the 4th circuit is still standing US case law that has been used *in other circuits*, which needs to be corrected.

n) It is asked that the SC corrects its earlier subversion of the Constitution in Trump v. Anderson, 601 U.S. 100 (2024), and fire and prohibit the insurrectional scoundrels pursuant to section 3 of amendment XIV, as they will even violate the first amendment IN THE ENTIRE COUNTRY if not injuncted.

o) Also, whether Brown v Board of Education should be overruled, which relates directly to enforcing the section 5 of amendment XIV.

p) The scope of nemo judex in causa sua, specifically on FRCP 11 sanctions, and contempt proceedings, and recusals (disqualification of judges). Of course this relates directly to due process rights, the due process clause!

q) Common conspicuous violation of governing SC precedent on nemo judex in causa sua, clearly observed with 2 CDFJs and the 5th circuit!

r) The act of clinging to completely irrelevant matters to dismiss a proper lawsuit violates multiple clauses of the Constitution, which was "ordered" by the 5th circuit as well as 2 CDFJ of NCMD in a row.

s) Not stating adequate reasons (in a judgment or order) violates the EPC & privileges & immunities clause, & due process clause, w/o special circumstances.

t) **Across the nation, CAs approve, DCs conspicuously subvert** FRCP Rule 4 (m).

u) **I.S. CDFJ CDCE & MFJ JEP adjudged the Superior Court of North Carolina had traveled thru time (time travel). CA affirmed this finding of time travel.**

v) **I.S. CDCE committed a frustrated murder and must thus be removed swiftly.**

2. *[list of parties and proceedings]* *All parties appear in the caption of the case on the cover page.*

CA4 24-1615 judgment Oct 18, 2024, NCMD 1:23-cv-627, dated June 21, 2024 entered June 24, 2024.

3. [table of contents and authorities]

Table of authorities

4. [lower court judgments] All DC and CA judgments or orders are not reported but are precedential.
5. [jurisdiction] CA-4 final **judgment date October 18, 2024**.
28 U. S. C.§ 2101 is relied on for jurisdiction.
6. [statutes involved] 28 U. S. C. § 2101, 28 U.S. Code § 636, 28 U.S. Code § 2071, FRCP 72, The 1st amendment, The 5th amendment, The 8th amendment, The 14th amendment section I, III, V; FRCP Rule 4 (m); all DC local rules across the nation.
7. [statement of case] The DC case was brought against AJB for IIED, fraud, breach of contract. The DC jurisdiction was averred to be both federal question and diversity, but was ruled as only having diversity.
8. CA affirmed DC judgment without overruling the cases directly subverting the first amendment (no orders issued by CA), and ones subverting other constitutional provisions. The 2 cases quoted by I.S. CDCE plus the precedential case by CDCE re: me are incontrovertibly unconstitutional and insurrectional and they need to be overturned. CA4 REFUSED to do this. As such, the CA judgment changes nothing and no addition to below needs made as it's a continuation of the malice by I.S.s. NOTHING raised in this petition is affected by the CA judgment. They did not affirm a proper judgment, instead, they affirmed INSURRECTION.
9. CA4 affirming dismissal w/o validly finding bad faith in the failed attempt of service is CLEAR evidence of what I state in the petition, that the CAs and DCs across the nation categorically and commonly and USUALLY subvert FRCP rule 4 (m), which states court MUST extend time for service for failure for good reason. This was my question u presented.
10. There is no such thing as affirming judgment with amendments. If there are any parts of the judgment the CA disagrees with, including when the judgment is incomplete, that is a NOVO order by CA. How in the world is there affirming judgment with amendments (disagreements)? The way

that they protect each other in insurrection is now open and public.

11. Earlier, this case was attempted to be filed under rule 11. This case should have been filed under rule 11. However, the clerk told me the case won't be filed under rule 11 regardless of what I do. The comms records incl. refusal are attached. The court should take this into consideration.

12. [reasons for granting writ] [imperative, urgency] The case against AJB is for ongoing IIED, thus it is URGENT. Emotional harm is irreparable harm. Further, this petition relates to countless local rules and magistrate judges subverting federal law, transgressing jurisdiction they do not have, ACROSS THE NATION. This is an imperative issue. Not only will countless rulings and orders have to be voided, countless local rules and standing orders having to be amended, the issue relates to the heart of DEMOCRACY. The Constitution gave us profound rules as to who gets to be federal judges, and it is so clear that it is upon confirmation of the senate that they get to be judges. MJs don't have this. MJs to transgress DC jurisdiction is to despoil the democracy as clearly established and defined by the United States Constitution. It is super imperative to preserve democracy and protect the Constitution.

This case reveals that with no exception all circuits have committed insurrection by subverting federal statutes, making it more imperative than any other case where SC exercised it supervisory powers.

"*The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.*" Elrod v Burns, 427 U.S. 347, 373 (1976). The impact of the **subversion of the first amendment** and other amendments by CA-5 which had been quoted & repeated by two CDFJs of the 4th circuit, is national. This case deals with that subversion, which is a conspicuous subversion of governing Supreme Court precedent. Lastly, the appellant brief in CA showed beyond a reasonable doubt that

CDCE and JEP are criminally guilty of harassment and stalking. The local police are incredibly corrupt. **The 2 I.S.s must be inhibited soon to prevent further serious crimes against society and humanity.**

13. [MJ power w/o unanimous consent of parties] *Per 28 U.S. Code § 636 (b) (1) (A), lacking parties' consent, MJ mustn't "hear and determine" "motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or quash an indictment or information made by the defendant, to suppress evidence in a criminal case, to dismiss or to permit maintenance of a class action, to dismiss for failure to state a claim upon which relief can be granted, and to involuntarily dismiss an action."* **28 U.S. Code § 636 (b) (1) (A) also limits MJ power to "pretrial matters", which in the most direct way ousts dispositive orders.**

14. In my case against AJB, the magistrate judge ruled on a motion to proceed IFP, WHICH is a motion for "*judgment on the pleadings*", as the common law is clear that granting IFP requires a "*judgment on the pleadings*" or finding (preliminarily) that a proper claim had been stated. **The MJ even issued a conditional order of dismissal at ECF 11, subverting** 28 U.S. Code § 636 (b) (1) (A) in a straightforward fashion.

15. Across the country, the same happens. MJs rule on motions for "*judgment on the pleadings*", specifically IFP motions, and commonly issue **dispositive orders w/o parties' consent**.

16. In a DC (NJD) case 2:24-cv-4055, a MJ voided my TPS motion to dismiss and for injunction. The MJ used the excuse that she believes she should be able to rule on a motion to intervene, whereby she determines my motion to dismiss and motion for injunction. The word used in *28 U.S. Code § 636 (b)* is "determine": her order undoubtedly alone and directly determined my motion to dismiss and motion for injunction. It is exclusively her order that voided my motion to dismiss and motion for injunction.

I warn you the first page of her "order" alone contains THREE major lies.

17. The same happens ACROSS THE COUNTRY. The law is clear: MJs

mustn't determine injunctions or motions to dismiss or make judgment on the merits. The most prominent and common violations are determining IFP motions and motions to intervene.

18. The law is quite clear: a Magistrate Judge must NOT as a practical matter dispose of a claim, defense, or motion for injunctive reliefs, w/o consent. But this law is violated across the country, left right and middle.

19. AGAIN, ACROSS THE COUNTRY, MJs determine IFP motions and declare and order practical dismissal by saying plaintiff has failed to state a claim without ever referring it to a DJ, or act outside of jurisdiction and determine the complaint as having stated a claim, granting IFP, which is a judgment on the merits. They have no jurisdiction outside of the financial side for an IFP motion. This needs to be corrected.

20. Not so rarely, MJs deal with posttrial matters that are dispositive or involve judgment on the merits, when they have absolutely no power to deal with posttrial matters, namely motion to reconsider or IFP for appeal, or anything else that happens AFTER dispositive order.

21. *FRCP 72 says (if a party objects MJ ruling on nondispositive Matters) "A party may serve and file objections to the order within 14 days after being served with a copy. A party may not assign as error a defect in the order not timely objected to. The district judge in the case **must** consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law."*

22. This rule is also violated across the country. When a party objects a MJ ruling, the MJ commonly does not raise it to DJ, and in MDNC, no DJ is assigned until AFTER MJ asks for an assignment of DJ.

23. In my case, for no proper reason, and as a method of violating my due process rights, the MJ denied my motion for ECF filing permission and pacer exemption. I did file further motions for the same, **and did timely object to her ruling**. She NEVER referred the objection to a DJ. As the

record shows, no DJ was even assigned until the latest stages of the case. The DJ, who is an insurrectional scoundrel, saw the objections and refused to deal with them, showing once more torture exists for a reason.

24. THEN, the local rules. This also is a situation across the country. 28 U.S. Code § 636 (b) is quite clear that a judge may designate a magistrate judge to hear and determine any pretrial matter, a judge may also designate a magistrate judge to ... submit ... proposed findings of fact and recommendations for the disposition.

25. 28 U.S. Code § 2071 states (local) "rules shall be consistent with Acts of Congress and rules of practice and procedure prescribed under section 2072 of this title."

26. The NCMD LR and SO states that a MJ will ALWAYS recommend how cases are disposed of, disregarding of what a judge thinks or arranges.

27. *NCMD SO 30 6. If all of the parties do not give written consent to the trial jurisdiction of the Magistrate Judge, the Magistrate Judge to whom the case is assigned will rule or make recommendations upon all motions, both non-dispositive and dispositive, as provided in 28 U.S.C. § 636(b). If either party objects to a decision of the Magistrate Judge, the objection will be ruled upon by the District Judge paired with the Magistrate Judge.*

28. 28 U.S. Code § 636 (b) is explicit that the power to designate MJs to hear and determine pretrial matters or to make recommendations on disposition lies with "A JUDGE". Local Rules regulating this subverts the law ENTIRELY. This is across the country. This is so bad you open a random local rules it probably asks MJs to rule on nondispositive matters, when the statute is clear that the power to designate lies with "a judge".

29. This isn't a small issue. Someone who wasn't selected thru the process of democracy shouldn't have such unwavering power to influence district judges. The power of a DJ to sit thru a whole case mustn't be subverted.

30. In some other occasions of violating "a judge"'s power to designate, it's subverted differently but too entirely. For eg., in CAND, the local rules are

if parties deny consent, NOTHING would go to a MJ, and 28 U.S. Code § 636 (b) as a practical matter is subverted, where its district judges do NOT have the pwr to designate MJs to deal with nondispositive matters.

31. These three examples paint a clear picture of subversions across the country by LRs and **ALL circuits** (LRs have to be approved by circuit), 28 U.S. Code § 636 gives individual judges power to designate any pretrial matters, or to recommendations or NOT on dispositive matters. NJD's LR states all dispositive matters must go to a judge, all nondispositive must go to MJ. This is the power of DJ to designate recommendation for excepted matters and to sit thru a case or to choose specifics to give to MJ SUBVERTED. For CAND, the local rules are if parties deny consent, NOTHING would go to a MJ, and 28 U.S. Code § 636 (b) is subverted. For NCMD, all nondispositive must go to MJ, all dispositive must go to MJ for recommendation BEFORE going to DJ. THE THREE EXAMPLES ALL, in the most straightforward way, subvert 28 U.S. Code § 636 (b) by means of local rules, and are representative of what happens across the country IN ALL CIRCUITS & near all DCs.

32. *All circuits & DCs subverting law thru LRs has a simple purpose: pretending to be working, enjoying leisure every day. All rulings will be practically made by MJs, and all DJs have to do is say yes to everything. They don't even have to show up in COURT. In case there is an objection, as we clearly saw with 2 CDFJs (TDS and CDCE) in a row, they only have to insult the litigant with vile vilifications a.k.a. defamation.*

33. Essentially, the law has three elements: "a judge" (referring to an individual judge), "may designate" (having power to designate or not designate), "any matters except" (having discretion to choose what to designate). The last element is not "all matters"; the law is clear a judge

chooses WHICH nondispositive pretrial matters go to MJs, instead of "all or none" cases. The judge has power to designate only some nondispositive pretrial matters to a MJ **even within the same case.** Power to designate means that a judge can choose to designate, OR NOT designate, choosing to deal with the matters himself or herself that is.

34. This is audacious subversion of law by ALL circuits (local rules are promulgated when APPROVED BY CIRCUIT). All three elements are subverted*. This is so out of control; such insurrection by all circuits in the US definitely triggers the Supreme Court's supervisory powers.

*AGAIN, individual judges can't choose to take on the entire case or to designate specific pretrial matters, due to districts' LR. They also can't order to not designate or to designate, as LR block this. And a judge simply has no power RE: MJ desig. due to LRs.

ALL THREE ELEMENTS subverted BY ALL CIRCUITS, no exception.

35. As for the vexatious argument that in sparing occasions, LRs are with unanimous yay votes, it still does not change it's insurrection. Firstly, they NEVER relook at the local rules simply because there is a new DJ. So the insurrection is really just right there, unaltered. Secondly, "any matters" confers power to individual judges to choose specific ISSUES or cases to designate or not designate, including issues within the same case! This is subverted. Thirdly, an individual judge CANNOT designate differently or simply designate in the case of CAND or not designate in other cases without the consent of 20 other judges, which subverts "a judge may designate". "may designate" means power to designate or not designate! **The law did not authorize such conspicuous departure from "a judge may", and any such departure IS NOT consistent with the Act of Congress.** Such argument therefore is a vexatious argument and changes nothing. In any case,

unanimous yay votes are extremely rare and practically unheard of, rendering this argument rarely relevant.

36. *28 U.S. Code § 636 (b) (4)* does not authorize LRs to breach (b) (1), especially with *28 U.S. Code § 636 (b) (1)* starting with *"Notwithstanding any provision of law to the contrary"*.

37. Again, this issue happens across the country and needs to be corrected. And this issue is **super imperative** for ALL circuits and DCs have committed insurrection, subverting federal statute thru local rules, and for preserving the procedures of democracy as laid out in the Constitution. **For most districts, the insurrection means less or harder access to a DJ selected thru the established procedure in the Constitution. The DJ can't even sit thru an entire case when they want to.**

38. Applied to my case against AJB, the IFP order was VOID for the ruler acting ultra vires. The procedure where my objection was ignored and not referred also showed strong bias and prejudice, which triggers 28 U.S.C. § 455 recusal. As held in Liteky v. United States, 510 U.S. 540, if judicial rulings alone demonstrate "a high degree of favoritism or antagonism as to make fair judgment impossible", it supports disqualification of judge. Such open violation of the law, as well as open violation of NCMD SO 30 which repeats FRCP 72, ON TOP OF the TIME TRAVELLING finding or recommendation of finding against the state court, is NOT ordinary efforts at courtroom administration, and alone supports mandatory recusal. AS SUCH, no recommendation had been valid. The judgment based entirely on the recommendation is equally void. The "pervasive bias" exception to the "extrajudicial source" non-doctrine doctrine fully apply here.

39. The SC should void the IFP order thereby the entire DC trial.

40. I wanna dive into the insurrection by the circuits & DCs. Because the law is so clear, this subversion was NOT a case where they bothered trying to

gull society into believing they were following the law. NO. QUITE the OPPOSITE. This insurrection by all circuits was done in a fashion of pure SWAGGERER, intrepidity, spite, egotism, and treason. They show off they can commit insurrection and get away with it, and that's what it is. End of story. This was done to **show off & brag** they have the ability to rape the constitution and democracy, and force the public to obey their insurrection a.k.a. hostile acts against the United States of America, contemning and subverting the sovereignty of the United States, with "sanctions" and "contempt of court" and "warning" and "dismissal of suit and appeals due to disobedience to insurrection" as their tools for coercing obedience to insurrection, and thereafter GET AWAY WITH IT even when they're busted. So this insurrection, where the concerned law does not bear any reasonable controversy, was done as a show-off. Torture exists for a reason. The founding fathers were so right.

41. Applied to this case, the MJ had neither standing nor jurisdiction, and yet, the MJ UNDULY INFLUENCED the DJ. Irreproachably, all of insurrectional scoundrel CDFJ CDCE's lies on judgment are copied directly from insurrectional scoundrel JEP's invented lies. **No individual judge ever designated her to give recommendations.** In fact, as the record shows, no DJ was assigned until AFTER MJ #11 CONDITIONAL ORDER OF DISMISSAL, when no one consented to MJ jurisdiction. I do assert that the undue influence is entirely incontrovertible.

The argument that I.S. CDCE's judgment was de novo does not rectify the undue influence by one w/ neither standing nor jurisdiction, although I admit I.S. CDCE would've committed similar if not worse insurrection without the MJ recommendation. Thus, the judgment is VOID. A void judgment can't be affirmed.

42. I should cover DC docket #11 CONDITIONAL ORDER OF DISMISSAL, a separate issue. Even according to the insurrectional local rules, a MJ does not have powers to dispositive orders w/o parties consent. So looking at pervasive bias, JEP had malice or bias against me FROM before recommendation and was unusally desperate to dismiss my case.

43. Equally, the same is apparent in her IFP order, she states I had my rights violated, and on the same order finding that, she mentioned "motion to dismiss". She had intention to dismiss my rights, herself finding my right were violated THAT early on, with all the impudence, as a show-off, a swaggerer of her seditious intent. Torture exists for a reason.

44. [subversion of DE NOVO consideration] the phrase DE NOVO has an incontrovertibly irreproachable meaning in American common law, which is "determined as if there had been no trial in the first instance", i.e. ignoring the old decision, the whole process of reaching that decision, incl evidence intake, and specifically the considerations in that decision. It has to be without referring to any of the prior assumptions or conclusions, ignoring conclusions made by the lower court. In other words, the trial must begin again, from the beginning. The TDS (later in this petition) and CDCE cases show clearly subversion of this ACROSS THE COUNTRY, which was AFFIRMED by the CA-4. The definition of the phrase is SO incontrovertible in common law I don't need to list any case law to back it.

45. In the particular occasions of Insurrectional Scoundrels Chief District Fake Judges CDCE and TDS, they subverted it in the MOST open way. They did not bother to pretend that the MJ recommendation does not exist. NO. Instead, they explicitly admit they were reviewing, considering the recomm., and decided to "take the recommendation", which rapes "de novo" consideration required by law. Torture exists for a reason.

46. In my particular case against AJB, all the grounds on the judgment are lies copied w/o amendment from JEP, none of which was argued by even the defendant or ANY party; In the particular context of this case, it just is incredibly unconvincing that the judgment was de novo, even arguendo ignoring CDCE's explicit statement that she was considering the recomm..

47. [question d] Assigning matters to MJs when lacking special reasons violates the privileges and immunities clause and the EPC.

Why should someone else have the privilege to be tried by a judge who was selected by the process set out in the Constitution and in accordance with democracy, directly, without having to oppose and potentially review an undemocratic official's opinions? And of course, some are protected by DJ and process of democracy directly, some are not.

48. [preliminary] As a preliminary statement, I do agree with insurrectional scoundrel CDCE: insurrectional scoundrel JEP wrote a thoughtfully and thoroughly insurrectional document, explaining clearly why the Constitution's blanket authorization at art I sec 8 clause 15 exists.

49. In that document, insurrectional scoundrel JEP deliberately called reporting criminal offenses to the police, all of which the defendant had admitted to thru failure to deny, "harassment", aiming to aid all crimes prohibiting reporting crimes or otherwise law enforcement efforts, which undoubtedly is insurrection. Insurrectional scoundrel JEP also called preventing the spread of serious diseases or otherwise hazards "harassment" (as the denied allegation by the defendant is successfully causing him "loss of work", the only possibility of such success is preventing hazards to others, as it is impossible that anyone could otherwise cause him loss of work). Amongst other things, insurrectional scoundrel JEP also said I sued myself, and said I violated an order by not

imagining it says something other than what it literally says. Every sentence is a lie. They're not even relevant. Torture exists for a reason.

50. These acts are clear violations of the eighth amendment & other constitutional clauses and are straightforward INSURRECTION, and show that JEP is hazardous to society. I.S. CDFJ CDCE agreed with all of them. It is a matter of exceptional and absolute urgency that insurrectional scoundrel CDCE and insurrectional scoundrel JEP are inhibited by section 3 of Amendment XIV.

51. Even more disgustingly than the above, insurrectional scoundrel JEP stated that an *unconstitutional* state court interlocutory order should apply to regulate a federal proceeding, and that I must imagine it says something other than what it literally says just so it could "apply" to JEP's and CDCE's malevolent insurrectional will, when her insurrectional will is not something I could possibly anticipate or particularize, given her will could be anything and everything, since insurrection is SO WIDE in the Court's context. Such utterly pure insurrection. Insurrectional scoundrel CDCE agreed.

52. The above deliberate social hazarding and acts of subversion of criminal statutes undoubtedly constitutes INSURRECTION, and multiple violations of the United States Constitution. Torture exists for a reason.

53. Of course every sentence in the objection and clarification, the documents CDCE libeled is beyond a reasonable doubt.

54. JEP & CDCE both say I admitted to things I never admitted to. If I "admitted" I violated an order *by not imagining it says something other than what it literally says*, is that even an admission? IN WHAT WAY?

55. JEP also states that a lawsuit should be dismissed for completely irrelevant scandalous personal attacks by the defendant, none of which he

even bothered to substantiate (prove). This violates multiple clauses of the Constitution, including the 5th, 8th, and 14th amendments. CDCE agreed.

56. Insurrectional scoundrel JEP said, and insurrectional scoundrel CDCE agreed, that because the defendant says* I harassed him, he should have the right to murder me (repeatedly telling me to kill myself and other IIED with the goal of causing my death by suicide). The answer filed by the defendant contains one exhibit, which is a suicide attempt as a result of his abuse (IIED). The actual meaning of a civil servant saying "because the defendant says* I harassed him, he should have the right to murder me" IS that it is such GROSS abuse of discretion that the military has not yet tortured the just-mentioned insurrectionist. Words cannot express my gratitude. I openly THANK JEP and CDCE for making such a prominent public statement of "please torture me". Obviously saying "because the defendant says* I harassed him, he should have the right to murder me" is far more egregious than actual murder, as it is meant WITH precedential effect and is meant to define as a matter of law that ANY defendant saying the victim harassed him should have the right to murder. WORDS CANNOT EXPRESS my gratitude. THANK YOU insurrectional scoundrel JEP. THANK YOU insurrectional scoundrel CDCE. YOU are amazing in so many ways. There are unprosecuted insurrectionists out there, but none of them would so willfully and knowingly express "please torture me". No one would. I hereby openly THANK JEP and CDCE for such clear express that it is such GROSS abuse of discretion that the military has not yet tortured them for insurrection. WORDS DO NOT DESCRIBE MY GRATITUDE. **the defendant filed no evidence that I harassed him, let alone establishing it to be clear and convincing. The only evidence he filed is a mere accusation by himself, which WAS explicitly denied.* The mere accusation consists of a

picture of me attempting suicide* and an unverified non-testimony that says he reported the same accusations to the police. That's it: WORDS only. That's the evidence. And the words only were explicitly denied. The non-testimony says I quote, *I've harassed him, his friends family et cetera, and caused him loss of work.* That's ALL. NO DETAILS. He throws a legal term "harassment" at me saying I did it. Yeah. I'm not joking. Also, his answer refers to himself as "he" and "the defendant". He has zero credibility even if it were a verified pleading: he clearly didn't write it.

**So interestingly, even that photo was a mere photo. There is no showing of say it was even sent to him. He could have (in fact he did) grabbed it from my social media. That's the only exhibit, one picture, no context.*

[free speech] By and large, insurrectional scoundrel CDFJ CDCE was not trying to hide that she was committing insurrection. Quite the opposite. She started her judgment with attacking "personal opinion", stating she aimed to prohibit, amongst other things, "unsupported personal opinion". TORTURE EXISTS FOR A REASON. The founding fathers were so right. CDCE stated part of the basis for the "[insurrectional] warning" is that I expressed my "unsupported personal opinions". Repeatedly expressing my "unsupported personal opinions". Do I need to argue that this alone is nothing but an open call to torture? That this is insurrection against the first amendment. Do I need to argue that? Personal opinion is now bad faith, wow. And of course, any law she disfavors (which such disfavoring alone is insurrection) is unsupported personal opinion. Do I need to argue this is exactly why torture exists? DO I? **Insurrectional Scoundrel CDCE's purpose is UTTER flouting of the United States Constitution, which is an open call for brutal & painful military operation when done by a public servant.**

57. An FRCP 11 sanction requires finding of bad faith, which I don't see any,

proving further the insurrectional intent of the insurrectional scoundrels. CDCE herself admitted she was aiming to prohibit personal opinions, when the word "opinion" requires deep personal faith, good faith that is, SUCH amazingly swaggering insurrection. Torture exists for a reason.

58. Two chief district judges of NCMD in a row ordered to prohibit "personal attack of federal judicial officer". The dictionary definition of the word attack is "an instance of fierce public criticism or opposition".

59. Police Department of Chicago v. Mosley (1972), Justice Thurgood Marshall wrote for the Court that *"the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content."* Torture exists for a reason. I'm sure insurrectional scoundrel CDCE will be tortured according to the Constitution. **CDCE is what the blanket authorization was built for.**

60. In New York Times Co. v. Sullivan, 376 U.S. 254 (1964), the court declared "*the background of a profound national commitment to the principle that* ***debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials***".

"It is a prized American privilege to ***speak one's mind****, although* ***not always with perfect taste****,* ***on all public institutions****."*

61. Talk about insurrection. The supreme court ruled that the First Amendment protects "unpleasantly sharp attacks on public officials". Insurrectionist CDFJ Catherine Diane Caldwell Eagles ordered to prohibit personal attacks of public officials. She also complains about vitriol (vehement, caustic). TORTURE EXISTS FOR A REASON. Such conspicuous subversion of governing Supreme Court precedent.

62. "Personal attack" in my case is a particular reference. I.S. JEP called the

averment of a long list of the defendant and his family's criminal activities "personal attacks", where the defendant admitted to it all thru failure to deny. The particular reference of personal attacks **is the truth**.

63. Remember, CDCE called them "personal opinions", good faith that is.

64. Then, the words I.S. CDFK CDCE used to describe the "personal attacks" is "scurrilous" and "vitriol". It is, as a matter of common sense, beyond a reasonable doubt, that false information IS NEVER described as vitriol (vehement, caustic). Although scurrilous is used sometimes to describe false information, it is almost ALWAYS used to describe truthful information that is incisive, on point, consequential and compellingly important. By her choice of words, she admits she was openly despoiling the first amendment of the United States Constitution. Torture exists for a reason. The founding fathers were so right with Article I section 8 clause 15. **The blanket authorization is more relevant now than ever.**

65. In, NCMD 1:22CV224, there was a *potential* insult of a United States MJ. Thomas D. Schroeder, the last CDFJ before I.S. CDCE, largely used the above as an excuse to subvert the first amendment. he banned two things, "personal attack" and "vulgarity". The dictionary definition of the word vulgar is "lacking sophistication or good taste; unrefined". Even if we were to take the hardly objective "German philosopher" definition quoted by TDS, "will minus intellect", it refers to the same: FAILURE TO WHITEWASH OR SUGARCOAT. Torture exists for a reason. It aims to prohibit the same thing: STRONG language, truthful STRONG language. Prohibiting vitriol (vehement, caustic) comments on civil servants.

66. Identical to the situation with the word "vitriol", the word "vulgar" is NEVER used to describe false information.

67. As INSURRECTIONAL SCOUNDRELS TDS and CDCE explicitly admit, they aimed to prohibit "will minus intellect",

which directly prohibits speaking one's mind, when Sullivan specifically declared the right to "**speak one's mind**, ***not always with perfect taste, on all public institutions***". And yet, they brought American citizens into FEAR, as INSURRECTIONAL SCOUNDRELS TDS and CDCE themselves admit, from speaking their goddamn mind!

TORTURE EXISTS FOR A REASON. The founding fathers were so right.

68. This is insurrection in its totality. *It was Benjamin Franklin who summed up the best case for term limits more than two centuries ago: "In free governments, the rulers are the servants, and the people their superiors . . . . For the former to return among the latter does not degrade, but promote them."* TORTURE EXISTS FOR A REASON. The founding fathers are so right. These disloyal & rebellious servants will be tortured. It is reminded to the highest court that the UN defines judicial corporal punishment, however cruel, as not torture. The use of the word torture by me is merely for convenience. Military action against insurrectionists unquestionably constitutes judicial corporal punishment, even though there is no judge. Judicial corporal punishment is a political terminology.

69. I again express my gratitude towards CDFJ CDCE and TDS. This was in all essence an open call for the military to use the blanket authorization on them. And I agree completely to their open call. Such irreproachable insurrection. So classic. So without reasonable controversy.

70. The above case demonstrating an open call to torture for insurrection was signed during the tenure of TDS as the CDJ of NCMD.

71. TDS had clear malice. He equated "vulgar" (vehement, caustic) to "insult", referring, in the same way I.S. CDCE does, to a 1950s circuit ruling. Not only does vulgar not equal insulting, they mean opposites. The only

possible explanation to such false equivalency is malicious contempt and insurrection against the first amendment and the United States.

72. The "insult" or "vulgarity" allegation by CDFJ TDS in NCMD 1:22CV224 likely related to the plaintiff calling the magistrate judge "a living son of a bitch". That phrase could have two meanings: a) the literal meaning, b) the metaphorical meaning essentially calling someone a scoundrel.

73. As the record of that case shows, TDS conducted no investigation in any way shape or form. This is intriguing. Without knowing the status of the parents of the MJ, how does TDS know the MJ is not a literal son of a literal bitch? By guessing? OH, I see, so it's a civil rights violation. Because someone's parent is a bitch, they mustn't become a Master or MJ. Torture exists for a reason. So he subverts the EPC. He subverts Brown v Board of Education. And he is worse than racists because his violation isn't even based on race, but just based on how someone lives their private life. Torture exists for a reason. The founding fathers are so right. OR, he held that the MJ isn't a scoundrel, w/o investigation.

74. The way he called it "vulgarity", the word is NEVER used to refer to FALSE information, but merely the tone of language. Something is vulgar if it is not refined or whitewashed or sugarcoated. So this already moves him believing the MJ is not a scoundrel out of the way. Vulgarity isn't used to describe truthful information.

75. In other words, per TDS's finding of vulgarity, he believes he meant scoundrel, and believed it to be true, and nevertheless disregarded without any justification Mr. Mitchell's refined argument. What an open call to torture. What an outrageous subversion of the first amendment.

76. And with certainty, without an investigation, TDS wouldn't know if the MJ is a scoundrel. The natural meaning of "I am objecting Magistrate

Judge order for being a living son of a bitch (meaning scoundrel)" is pervasive bias if not extrajudicial source bias.

77. In the objection, Mr. Mitchell argued that the "three cases" as alleged were all the same case, and they should have been labeled as amendments, if not ordered so. He argued that the precious nature of IFP orders for prison inmates should not have been exercised by the court without practical review of the history of cases and nature of cases. HAD an IFP order been unnecessary, that'd constitute a violation of rights, given the text of PLRA.

78. With absolutely no justification whatsoever, this REFINED argument was completely ignored by insurrectional scoundrel CDFJ TDS. Instead, TDS came in with a criminal threat to him. Let's not forget that this was a prison inmate that complains that he had been PHYSICALLY BEATEN.

79. In that criminal threat, insurrectional scoundrel CDFJ TDS CLEARLY expressed that in a precedential judgment that one should be continuously physically beaten *with a claim to cure such dismissed* for *insulting?* a judge once (which is a textbook rape of the eighth amendment). I should clarify, per proper exercise of discretion and the blanket authorization in the Constitution for the military to deal with insurrection at Article I, section 8, clause 15, it's that CDFJ that should be continuously physically beaten for aiding crimes, for insurrection that is, not a victim of crimes.

80. In fact, even this statement in ¶70 is not completely accurate, he refers to vulgarity (failure to whitewash) and attacks (criticism) as if they were pertinent to insults, when they clearly are not. So he actually meant in a precedential judgment that one should be continuously physically beaten *with a claim to cure such dismissed* for criticizing a judge once (which is a textbook rape of the eighth amendment).

81. EVEN IF we were to take the clearly false meaning of one should be continuously physically beaten *with a claim to cure such dismissed* for *insulting?* a judge once, it still would be a textbook violation of the 8th.

82. If we were to ignore the judgment by TDS and treat it rather than an attack and vulgarity, as an insult (meaning scoundrel when no fact supports such calling) instead, which is against TDS's own description of the plaintiff's wording of "vulgarity" and "attack", TDS equally did not conduct any investigation into whether the MJ is a literal son of a literal bitch or whether he is a scoundrel, which could be used to refer to any of his conduct, not confined to conduct in official capacity.

83. I affirm calling someone a scoundrel merely for negligence or recklessness (him not investigating other cases whilst clinging to them at least is recklessness) is not abusive and does not depart from the natural meaning of the word scoundrel. The fact that he used "a living son of a bitch" does not undermine this analysis. The MJ also said past injury does not substantiate imminent danger of serious injury, which is an obvious lie.

84. [the 5th circuit case quoted, nemo judex in parte sua]

Theriault v. Silber, 579 F.2d 302,303 1978. Similarly "vile and insulting" used as a phrase focuses on the language being strong, and almost never is used to describe false statements. The dictionary definition of the word "vile" is unpleasant. So that word specifically focuses on how strong the language is. And that word used alone almost NEVER is used to refer to false information. Also similarly, How could they even conclude insulting without an investigation? Or were they merely trying to suppress or oppress the truth? Calling the truth insulting? The biggest problem w/ Theriault v. Silber is if there are false statements in a verified pleading, why didn't they deal with the contempt of court? So again, that precedent quite obviously refers to strong truthful language.

The fifth circuit related "vile and insulting" to "disagreeing with" the judge. Had there been false information or framing which would actually be insulting, you wouldn't possibly see the two drawn as related! That's not a reasonable connection a draw. So to even begin with believing there's comparison between the two is a testimony and admission that they were subverting the first amendment.

85. There are few things that are extremely noteworthy:

a) The case *Theriault v. Silber, 579 F.2d 302,303* was in 1978, when the Sullivan case was in 1964. The seditious & insurrectional intent by the fifth circuit, CDCE, and TDS is THEREBY clear and unquestionable.

b) Although I haven't read thru *Theriault v. Silber,* Insurrectional Scoundrels CDCE and TDS DID. Their conclusion upon having read through the case is that the case aimed to ban "personal attacks" (strong criticisms) of judicial officers. So that case must have done exactly this—subverting the first amendment.

c) I.S. TDS wrote "Cases are to be argued on their merits, and they will be decided on their merits". IN WHAT UNIVERSE is dismissing a case due to completely irrelevant issues of a judge insulted or worse attacked (criticized) a decision on the merits? A suit's merits are a judicial officer who is not a party to the case? Torture exists for a reason. I.S. CDCE and TDS won't even bother to be self-COHERENT in their insurrection. Torture exists for a reason. The very justification he wrote for the insurrection he committed prohibits the insurrection he commits. And this was entirely quoted by I.S. CDCE. And the self-contradictory nature of this act of insurrection makes it obvious and deliberate, i.e. not misapprehension of law, which

doesn't relate to the military's jurisdiction. Torture exists for a reason. The founding fathers were so right.

86. *"If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable." Texas v. Johnson, 491 U. S. 397, 414 (1989). "the point of all speech protection ... is to shield just those choices of content that in someone's eyes are misguided, or even hurtful." Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston, Inc., 515 U. S. 557, 574 (1995).*

Such conspicuous subversion of governing Supreme Court precedent by the 5th circuit and NCMD, "vile", what a word.

87. Even if it were truly insulting, an insulted judge has no standing in the lawsuit. Given the actually important principle of laches, one mustn't recover any at all reliefs without properly filing a case in court. To dismiss a lawsuit for this irrelevant reason is either to aid and abet illegalities by the defendant, or to strip property or rights of the defendant, which violates the eighth amendment. The importance of Article III standing has been emphasized so many times by the Supreme Court. The fifth circuit, along with I.S. CDCE and TDS, subverted Article III too.

88. Dismissing a lawsuit for completely irrelevant matters violates the due process clause (the 5th amendment), the privileges and immunities clause, and the EPC (the 14th amendment).

89. Such dismissal aims to gives judicial officers privilege that the whole society must suffer with a guilty defendant not punished, only so that a civil servant enjoys one of a kind freedom from either criticism or insults, instead of equal protection. So this is a vile violation of the EPC.

The special privilege here is quite one of a kind.

First of all, it's not even "protection". They're not even protecting someone from insults by dismissing a case. Take that there could be a valid claim,

which is not true, as reported by the media, ***New York Times Co. v. Sullivan***, 376 U.S. 254 (1964) had the obvious purpose to "prevent efforts by public officials to use [legal] claims to suppress political criticism". With both Sullivan and Snyder v. Phelps, there couldn't be a valid claim. Take that there could be a valid claim, which is not true, here, the insurrectional scoundrels of the fifth circuit did not injunct the fake judge from suing. So the "dismissal" and having whole society suffer crime and human rights violations or alternatively having the defendant suffer cruel and unusual treatment up to life imprisonment and death for insulting a judge once with an appeal like such necessarily dismissed is on top of i.e. without prejudicing the right to redress by the insulted judge, *which again, in this case we're looking at a criticized judge, not an insulted judge.* This is a gang serial rape of the constitution. Article III, the first fifth eighth fourteenth amendment, all raped by the 5th circuit, making it precedential common law across the nation. Torture exists for a reason. Insurrectional scoundrels will ENJOY brutal physical corporal punishment. The eighth amendment is not relevant. I don't care if they're already dead. CDCE and TDS are alive, so there you go. The "protection" is nothing but oppression and insurrection.

Second of all, even if we ignore Sullivan and Phelps, there still couldn't be a valid claim. Merely having a right violated does not support a claim. There has to be a suffered injury or imminent threat of further injury. The latter doesn't apply as the "insult" is case specific and the result of conduct in a case. As for suffered injury, defaming someone to 3 people who are under legal obligation to review the records and determine the truthfulness of such defamation does not cause damaged fame or whatever else. As for the argument the brief is on public record, so is the judgment, reporters not fully reviewing the record constitutes recklessness i.e. actual malice. As for IIED, the content simply is NOT at all directed at the judge, as it is a time-honored

tradition that unless a judge is sued directly asking them to pay damages or go to prison or be injuncted, the judge does not have standing in an appeal, even though the rights and wrongs of their official conduct is under review. A judge has no right to file a brief or issue a letter explaining what they did. YES, the DC could certify appealability or certify appeal frivolous, but this is hardly obligatory, and so RARELY happens. If it does happen, subverting Phelps, maybe there could be a claim of IIED, but that is not the case. Although this analysis may not apply to every case where a DJ is insulted or defamed in a brief, as there could be false stories regarding extrajudicial source completely made up, et cetera, it applies to MOST if not ALL cases. Of course someone insulted to their face does constitute suffered injury. This furthers that it isn't even protection, but **special insurrectional privilege** where the whole society must suffer human rights violations *with a claim to cure such dismissed* only so a judge isn't criticized or insulted, not to their face. This subverts the privileges and immunities of the whole society. The privilege is simple, I've right to subvert the law if I don't like your words.

Third of all, the special privilege is one where it in and out of itself, it is sedition. Its goal is to keep litigants in fear of even discussing subversions of law by insurrectional judicial officers, in other words, it coerces litigants to suffer whatever insurrection there is. This is sedition and OPPRESSION to suppress the 1st. A judge's (a traitor in judge's robes) malice is something that is directly related to if they should recuse. If malice is not discussed on appeal, the case may be remanded to the same corrupt judge. So that's even a case of malicious sedition. So averring the malice of a fake judge is directly related to whether one will have a fair trial. Torture exists for a reason. Insurrectional scoundrels will enjoy corporal punishment.

Fourth of all, TDS did the most accurate and precise capture of what the 5th circuit meant: vulgarity—failure to whitewash, or the whole truth, or

"figurative expression". Requiring someone to take out part of the truth (in this case a judge's malice or bad character) is abridging the freedom of speech, or of the press. Freedom of the press means freedom to report or speak the whole truth. As TDS and CDCE and the fifth themselves admit, they were trying to block speaking the whole truth. In fact, the act of CDCE is so bad because in my case, there was discussion of perversity, but not much on malice. Torture exists for a reason.

90. AGAIN, the biggest purpose of that ruling is to subvert the first amendment. If they're not tortured, the USA will be practically dead. The survival of the union and the Constitution is not a joking matter, and the military must conduct itself upright.

91. I do agree with insurrectional scoundrels CDCE and TDS that I must conduct myself upright SO THAT insurrectional scoundrels are tortured radiated and killed in accordance with the Constitution. I take their complaint as I haven't worked hard enough to safeguard the national security of the Untied States, as clearly none of JEP, CDCE, and TDS is being right now physically beaten. I affirm this is somewhat valid criticism and I pledge I will stay vigilant for every opportunity to have the constitutional order to have them physically beaten promulgated.

92. A reviewing court unable to discern how a lower court reached its decision (if the absence of reasons would entirely frustrate review) will vacate the ruling, and may remand for further proceedings. Taylor v. McKeithen at SCOTUS, 407 U.S. 191, 194 n.4 (1972) ("Because this record does not fully inform us of the precise nature of the litigation . . . [we] vacate the judgment below, and remand.")

93. The assertions by the fifth circuit, CDCE, TDS are empty assertions. They do not say what the "attacker" did specfically. It says they attacked. These empty assertions are not supported on the judgment.

94. [COMMON violation, frustrating reviews]
Taylor v. McKeithen requires lower courts to at least make finding and conclusions enough to capture the nature of litigation. The TDS case more so, the CDCE case as well, whenever a MJ makes recommendations,

95. I will circle back to failure to state reasons.

96. Thus Theriault v. Silber, 579 F.2d 303,303 should be overruled and declared as an act of insurrection against MANY constitutional provisions.

97. It also is curious after the ruling of Snyder v. Phelps, 562 U.S. 443 (2011), whether an insulted judge can claim any relief from vile insults alone.

98. Make no mistake: the 5th circuit had malice. As held in *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950), notice to a potential party is required under the 14th amendment. NONE of I.S. TDS, CDCE, the 5th circuit gave the supposed victim fake judge any notice, which proves to us that even they don't consider the supposed victim judge a party to the proceeding. Again, they subverted deliberately article III, the first, fifth, eighth, and fourteenth amendments.

99. *Mullane v. Cent. Hanover Bank & Trust Co., 339 U.S. 306, 313 (1950) ("Many controversies have raged about the cryptic and abstract words of the Due Process Clause, but there can be no doubt that at a minimum they require that deprivation of life, liberty or property by adjudication be preceded by notice and opportunity for a hearing . . . .")*

100. And yet, none of I.S. TDS, CDCE, the 5th circuit gave the "insulter" "attacker" or criticizer really any hearing on the vitriol and scurrilous accusations. They were dealing with a liberty: speech. Torture exists for a reason. Insurrectional scoundrels will enjoy a military operation where they are physically beaten at least 3 times a day for the rest of their lives. If they are beaten too severely that they die, that would be intemperate. It has to be proportionate to the size and impact of their insurrection, which

is national, which means letting them die early is not ADEQUATE punishment. So the beating must be fine-tuned so that they don't die.

101. FRCP 11 (C) specifically states that Court can only sanction "after notice and a reasonable opportunity to respond". A formal warning is a sanction. Although given CDCE is an insurrectional scoundrel, I'm not surprised.

102. So there are 2 laws that require a hearing or opportunity to respond before a sanction including a warning, one being the constitution, the other being FRCP 11 which she referred to. I.S. CDFJ CDCE is incorrigible. Torture exists for a reason. She will enjoy physical pain. The freedom of an insurrectional scoundrel to enjoy physical pain is by and large guaranteed by the Constitution, how dare anyone subvert that?

103. Nemo Judex in parte sua. For example, the United States Supreme Court has upheld this principle in rulings like Calder v. Bull (1798) and Arnett v. Kennedy (1974) which prohibit legal decisions based on judges' self-interest. In the U.S. case of Arnett v. Kennedy (1974), the Supreme Court ruled an administrative law judge could not preside over an appeal regarding their own prior decision against an employee. SCOTUS stated in the 1798 case Calder v. Bull ("a law that makes a man a Judge in his own cause [...] is against all reason and justice") and the 1974 case Arnett v. Kennedy ("we might start with a first principle: '[N]o man shall be a judge in his own cause.' Bonham's Case, 8 Co. 114a, 118a, 77 Eng. Rep. 646, 652 (1610)").

104. Nemo judex in parte sua applies not only to an actual party to the case, such as in a recusal application, but also to ones with a personal interest in the matter. Here, although it seems I.S. CDCE was merely adjudicating on whether JEP is an insurrectionist, the reality is she was also clearing herself, as she was ruling on whether her approval of JEP's lies (the recommendation) is or is not supported or founded. As finding whether or

not JEP lied on the merits has a direct effect in declaring her own judicial opinion's legitimacy, she violated nemo judex adjudging her own corruption or fairness, she does have a personal interest in the very thing she adjudged on. She cleared herself with her judicial powers.

105. Be it TDS or CDCE, they BOTH ruled on the right or wrong of their own ruling by issuing a FRCP 11 warning, which already is unconstitutional for being w/o a hearing.

106. **Arnett v. Kennedy held one mustn't be judge on whether their own decision is right.** All of TDS, CDCE, and 5th circuit broke this rule in issuing a warning or dismissing case for "vile and insulting" reference to lower court judge.

107. The scope of nemo judex in parte sua is questioned, specifically on FRCP 11 sanctions, and contempt proceedings, and recusals (disqualification of judges). Generally, there is no question that a judge mustn't sit on their own recusal. As for FRCP 11 sanctions, and contempt proceedings, I propose the SC should rule that if it is meant to rule on the rights or wrongs of a judge's own decision, they must recuse. I aver whole scope.

108. The only exception to the above is if there is no one authorized to make a decision if recused, in the particular case of the SC, that is the case, then nemo judex is subordinate to the right to trial or EPC.

109. Contempt of court covers violations of false or voidable orders, but not void orders. If an order is unconstitutional or unlawful on its face, ordering someone to do the opposite of law, or is issued without due process, it is void. If an order is based on false findings, it still needs to be followed. BTW, CDCE's order on me is to directly subvert the Constitution, violating the first, and the I.S. issued it without any hearing or right to represent. The special nature of contempt of court and the

difference of voidable and void changes nothing. As the judge has to first rule that their order is valid, such ruling equally breaks nemo judex.

110. [due process; stating reasons] The state court order relied on by I.S. JEP and CDCE was issued w/o a hearing, and thus is unconstitutional. I.S. JEP and CDCE went on to subvert the Constitution. More importantly, it doesn't say what they say it says. They said it said something other than it literally says. And according to them, I had violated an unconstitutional state court "order" by not imagining it says something other than what it literally says. And, as the appellant brief in CA showed, I.S. JEP and CDCE are neo-Nazis who are racist against the defendant, beyond a reasonable doubt, which is the only possibility they could hold that it must have said something other than what it literally says.

111. The statute requires a DJ to consider MJ ruling de novo. In CDCE's judgement, she admits there are "pages and pages" of objection. Other than calling them "unsupported", "scurrilous", "vitriol", "does not undermine [the thorough and thoughtful act of insurrection by JEP explaining clearly why the Constitution's blanket authorization exists]", and other insulting names, she did not actually deal with the arguments. You cannot find out why they don't stand, or what they even were. This already is a rape of the due process clause. It is quite clear she copied and pasted what the MJ wrote, w/o dealing with the objection.

112. I had already mentioned frustrating reviews Taylor v. McKeithen at SCOTUS, 407 U.S. 191, 194 n.4 (1972). But I'd like to introduce a novel constitutional argument on the issue of stating reasons.

113. Under the EPC, the public office mustn't deny equal protection of its laws. This bans abuse of discretion, when such abuse of discretion would deny equal protection of its laws. Here, the official act of a judgment or order is a matter authorized by law, i.e. a matter of law.

In virtually ALL situations, no judge, be it MJ, or DJ, or CA judge, would NEVER state reasons. So it begs the question why they won't state reasons in a particular case. *The sensible presumption of course is whenever they don't state reasons, they don't have reasons, and is likely committing insurrection. This is in line with the logic of adverse inference at FRCP Rule 8 (b) (6).*

Let's look at the effect of stating versus not stating reasons. The latter of course frustrates reviews. But moreover, the litigant has LESS protection against defamation or insults or IIED or otherwise violations of law (insurrection), when reason is not stated. Especially when something like what CDCE did happened, saying there are "pages and pages of unsupported misconduct". Without adequate statement of reasons, you don't even know what she's referring to. Then, without statement of reasons, the public investigating the character of the litigant is far more likely to come to false conclusions. It requires MORE labor to understand what someone did, and the level someone did something, which makes that someone not equally protected from defamation compared to reasons stated. For this reason of the EPC, not stating reasons when they DO state reasons for other cases is unconstitutional.

114 There also is the question of due process. How could treating litigants in clear antagonism fit the due process clause? Compared to reasons stated, deliberately not stating adequate reasons is clear antagonism against the litigant. This couldn't fit the due process clause.

115 SEE. My novel argument focuses on differential i.e. favoritism treatment.

116 There also is the question of DE NOVO consideration of agreeing with the earlier decision completely, not dealing w/ objections.

117 For the above reasons, not stating adequate reasons lacking special circumstances (such as urgency, where reason can be stated later than the

order) should be declared unconstitutional and be banned. Empty assertions, bold statement w/o details, are all unconstitutional.

118. [deliberate violations of due process] I've already stated their direct intention in frustrating review. CDCE's judgment written as a personal attack of me, not a proper judgment. It says I "[violated] a state court order" without saying what the order says, or even which order in which case. Other references to state court orders follow the same fashion. It is based on no FACTS. No, I'm not referring to the antifacts she concocted. As a matter of procedure, 28 U.S. Code § 636 as well as FRCP Rule 53 are clear that a Master can only recommend findings of facts, they cannot make findings. Yet, I.S. CDCE wrote a judgment saying that service was not proper "for reasons (lies) stated by the MJ". But they're not findings. In other words, with the case dismissed, there has been no finding of facts. Equally, saying I served "that address" without specifying is not proper. There is no finding of facts. And she concluded the case without any finding of facts. I.S. CDCE also states that the MJ wrote a memorandum opinion when the MJ has no power to write a memorandum opinion, has no pwr to make conclusions of law, but only to recommend them.

119. Enforcing an unconstitutional state court VOID "order" is already an act of insurrection that alone substantiates torture (brutal physical beating). To help you understand why it's entirely inevitable that insurrectional scoundrels JEP and CDCE will be tortured, the defendant NEVER said I violated a state court "order", which is impossible had I countered the illegal court "order"*, which shows the "violation of state court order" statement was an act of murder. They wanted me to believe malicious false convictions happen all the time only so that I kill myself.

*An unconstitutional order like that one is an act of insurrection.

120. Torture exists for a reason. JEP said the defendant should be allowed to continue his conduct of repeatedly telling me to kill myself, which is harassment, similar to the 5th circuit case, dismissing my claim to cure such *for a completely irrelevant issue* which isn't even substantiated as true, she didn't suggest injuncting the defendant from suing me on that *completely irrelevant issue* whilst dismissing my claim for it. Like I said, this is a bold statement I SHOULD BE PROHIBITES FROM SAYING NO TO MURDER (REPEATEDLY TELLING ME TO KILL MYSELF), *as obviously according to JEP and CDCE saying no to murder is harassment and telling someone to kill themselves is not harassment*, AND AS WELL SUFFER HARASSMENT OF MY LOCAL POLICE AS THE DEFENDANT ADMITS, **WHILST HE GETS TO CONTINUE TO CONDUCT HARASSMENT AND MURDER OF ME.** CDCE agreed in full. *Catherine Diane Caldwell Eagles* and *Joi Elizabeth Peake* will be **TORTURED, radiated, and killed** for the insurrection they committed.

121. As observed with I.S. TDS's judgment, it is common practice that the DJ will simply "take recommendation" and conclude the case when there is objection. As MJ does not have power to make judgment, or make rulings or finding, the DJ shouldn't be allowed to simply AFFIRM. "Taking recommendation" doesn't alter no **finding of fact** is made for a judgment.

122. **I again iterate vilifying arguments and litigants is in no way an adjudication of those arguments. And it is entirely sensible to assume when arguments are vilified w/ bold statements w/o actually being dealt with, they are incisive & on point. In fact, when they vilify litigants, they're not even truly ignoring arguments, but are using insults and fear mongering to elude incisive & on point arguments, with the purpose of insurrection.**

123. Before insurrectional scoundrel CDFJ CDCE, as the record shows, there were motions to disqualify JEP, objection to ECF filing denial, which are pretrial matters, she ignored them all. It appears she insulted them whilst not dealing with them. This is a clear violation of due process rights.

124. There is outside of the above 111 paragraphs, a huge and tremendous violation of due process rights, that ALONE supports declaring mistrial! In the IFP order, insurrectional scoundrel JEP DENIED my motion for ECF filing ability. She used a clear lie: saying physical filings are easier to manage, which is a clear lie, as the clerk has to SCAN each page versus printing all pages at once in a smooth and uninterruptting manner. It's just a barefaced lie for the sake of it. I appreciate her openness with her insurrection. It makes a proper order to torture her SO EASY. My gratitude is repeated. I openly praise her for this.

125. The motion was for mailing incl. by post takes AT LEAST weeks situated in China, if I weren't granted ECF filing ability, I'd have weeks shorter than ordered time for any action, such as a response or reply or objection.

126. 2-3 days is barely enuf to respond to the dozens of pages of LIES by JEP & AJB single spaced, let alone doing legal research.

127. EVERY required pleading (response or objection) of mine, I had to complete in 2-3 days, *when I was by way of order given 14 days,* so the letter could even arrive in time.

128. It matters not if the rules consider mailing time as filing time. Without a docket entry, the case would move on to the next step, and all my filings will be WEEKS late and ignored, with the case already concluded.

129. The time issue was well stated. Against this, I.S. JEP nevertheless used a barefaced lie to deny my ability to file on ECF. AND YET CDCE denies JEP had malice and antagonism against me. I thank I.S. CDFJ CDCE too. This "unsupported misconduct" "personal attacks" statement alone is unquestionable basis for an order to have her tortured. Torture exists for a reason. The founding fathers are so right.

130. FRCP 4 requires mandatory order for IFP litigants of service by U.S. Marshals, which was ordered by I.S. MFJ JEP, living proof that torture exists for a reason. The basis of which is so palpably that service to even ONE party is too costly to a litigant IFP. I.S. MFJ JEP however ordered me to mail BOTH the court & the defendant all filings, nevertheless. CDCE agreed as motion for ECF filing was before her, w/ no opposition by defendant, she ignored that motion and 1 to disqualify, and concluded thw case. TORTURE EXISTS FOR A REASON. Insurrectional scoundrels will not be denied their constitutional right to ENJOY physical pain.

131. [frustrated murder] For two reasons, I.S. CDFJ CDCE committed frustrated murder. Against the context that the verified complaint says I've medical depression and anxiety, I.S. CDFJ CDCE knowing further IIED would likely murder me, murdered me in a frustrated murder. Two facts prove this: a) she didn't even certify the appeal frivolous, why is this? b) by writing "unsupported personal opinion", this becomes, solely by her writing, an issue on appeal if appealed. The appellate court, in dealing with this issue, would have to confirm whether or not the constitution has a blanket authorization, which is so apparently against her interests. **Why would she WANT the appellate court to find out whether there is a blanket authorization? The only explanation is she believed she did enough to cause my death. TORTURE EXISTS FOR A REASON.** HOMICIDAL MANIAC INSURRECTIONAL SCOUNDREL CHIEF

DISTRICT FAKE JUDGE *CATHERINE DIANE CALDWELL EAGLES* WILL BE BRUTALLY PHYSICALLY TORTURED, RADIATED, AND KILLED PURSUANT TO ARTICLE I, SECTION 8, CLAUSE 15 OF THE UNITED STATES CONSTITUTION for her heinous insurrections. AGAIN, IT IS PURELY UNCONSTITUTIONAL TO DENY THE FREEDOM OF INSURRECTIONAL SCOUNDREL TO ENJOY PHYSICAL PAIN. *CATHERINE DIANE CALDWELL EAGLES* IS PARTICULARLY NOT WORTHY OF ANY MERCY AND IS AN INCORRIGIBLE TRAITOR.

132. [SWAG SWAG SWAG on the United States]

Let me dive in just a little bit into what I.S. CDFJ CDCE did.

133. The list ABOVE is not exclusive. The purpose of a petition is not to fully repeat what was well said in the lower courts. Yes, surprisingly there's more misconduct than you can imagine by I.S. CDFJ CDCE.

134. *The amusement.* "Pages and pages of unsupported misconduct" written in 14 days (actually 2-3 days). I must be a world-renowned novelist. Making things up at such exemplary speeds. Not only would I have to be a world renowned novelist, I have to be an award winning one too. If I can come up with 20 pages of lies in 2-3 days, J.K. Rowling would voluntarily be my apprentice. "Irrelevant comments on ... judge". Against the context that I don't know her, the defendant did not comment on her, and she's not otherwise famous, how could I possibly make irrelevant comments on the MJ?? "Unsupported personal opinion". Exactly what is she talking about? But ignoring that, how could personal opinion be unsupported? Personal opinion is something deeply believed in good faith by someone. How could someone have pages and pages of unsupported personal opinions? If it's unsupported, why would one have such deep faith in it? Torture exists for a reason. These rants of pure LIBEL do not fool anyone with a sound mind. They are as egregious as they are amusing. The amusing nature

does not undermine the merits to have her tortured radiated and killed.

135. The dictionary definition of "interject" is saying something "say (something) abruptly". How could I say (something) abruptly in my own writing? This is utterly scandalous and insulting. To the extent she meant interruption, I interrupted my own writing through continuing my own writing of the same document? **Schizophrenia? That's the accusation? CDCE falsely accused me of schizophrenia, when the doctrine of *non compos mentis* prohibits sanctioning a mental health patient, when schizophrenia is a total defense of insanity.**

Such utter insurrection. TORTURE EXISTS FOR A REASON.

136. The dictionary definition of the word refute is "prove (a statement or theory) to be wrong or false." Calling objections or arguments false or calling the prosecutor all sorts of vile and truly insulting names (false personal attacks of the prosecutor) as an empty assertion without any substantiating alone is clear and convincing that they're making false personal attacks to get away with insurrection. **TORTURE EXISTS FOR A REASON.**

It is shockingly abhorrent that a SERVANT dares to accuse the MASTER of the wrongdoing of "unsupported" complaints, **when according to that very servant, there WERE pages and pages of support**, meanwhile they themselves make this "unsupported" accusation with absolutely NO SUPPORT, with wholly empty assertions. **Torture exists for a reason.**

137. *[SWAG SWAG SWAG on the United States]* She did not try to gull anyone. Sure this was a frustrated murder. But she categorically did not try to gull anyone with sound mind. No. These lies are so palpable that it's just SWAG. This insurrection I.S. CDFJ CDCE was done in a fashion of pure **SWAGGERER**, intrepidity, spite, egotism, and treason. She shows off she can commit insurrection and get away with it, and that's what it is. End of story. This was done to **show off & brag** she has the ability to

rape the constitution and democracy, and force the public to obey her insurrection a.k.a. hostile acts against the United States of America, contemning and subverting the sovereignty of the United States, with "sanctions" and "contempt of court" and "warning" and "dismissal of suit and appeals due to disobedience to insurrection" as their tools for coercing obedience to insurrection, and thereafter GET AWAY WITH IT even when they're busted. So this insurrection, where the concerned laws do not bear any reasonable controversy, was done as a show-off. Torture exists for a reason. The founding fathers were so right.

138. [section 3 of Amendment XIV] The appellant brief in CA showed beyond a reasonable doubt that CDCE and JEP are criminally guilty of harassment and stalking. The local police are incredibly corrupt. The 2 must be inhibited soon to prevent further serious crimes against society and humanity. As well, as shown there, they are neo-Nazis who are racist. It is compelling that they are not allowed to continue to hold public offices.

139. Although this case seeks an order under section 3 of amendment XIV that could be considered mandamus/prohibition, as it is a rule 11 and appeal is still pending, and the order sought could arguably be obtained from a district court 42 U.S. Code § 1983 proceeding for injunction, relief isn't unavailable from other courts, and thus it's NOT a petition for extraordinary relief. The majority opinion in Trump v. Anderson, 601 U.S. 100 (2024) is clearly wrong and subversive. The dissent opinion in Trump v. Anderson, 601 U.S. 100 (2024) is clearly right. So just follow that. Section 3 of amendment XIV explicitly refers to "judicial officers", so the common law judicial immunity nonsense is not relevant. The majority opinion there not corrected would annul (subvert) the entire fourteenth amendment, as section 5 applies to the whole amendment, not just section 3. In other words, Trump v. Anderson DID in fact reverse Brown v. Board of Education of

Topeka, 347 U.S. 483 (1954).The statement by the majority in Trump v. Anderson, 601 U.S. 100 (2024) that the section should not be enforced UNLESS AND UNTIL further legislation is done by Congress ANNULS that section and renders it w/o effect and is an act of insurrection. But I am FURIOUS, because Donald John Trump, whom I hate, simply DID NOT commit insurrection on Jan 6.

140. [violation of FRCP Rule 4 (m) observed commonly across the nation; the time travel allegation by I.S. CDCE against the superior court of NC] FRCP 4 (m) requires that court "must dismiss the action without prejudice against that defendant or order that service be made within a specified time" for failure of service within time. "Dismissed without prejudice" is a legal term that means a case is dismissed but can still be refiled at a later point. It is FUTILE and vexatious to argue that if dismissing the claim against the plaintiff is without prejudice "against the defendant". The natural grammatical meaning of "dismissed without prejudice" is specific enough and does not give possibility to dismissal with prejudice against one party but not the other! That's just not what dismissed without prejudice means. Then, if court dismisses with prejudice against the plaintiff, the defendant is prejudiced as a) the defendant will be dragged into an appeal that he would most likely not be subject to otherwise, b) the defendant will not be able to ever file an answer or motion as the case is dismissed with prejudice.

141. Long story short, a case couldn't be dismissed with prejudice to one party meanwhile without prejudice against another. It can only be dismissed with or without prejudice to all parties.

142. As it is mandatory by FRCP, if a court quotes failure of service of process to dismiss, it must dismiss **without prejudice**.

143. The dismissed w/o prejudice rule is violated usually across the nation. CDCE did not dismiss the action without prejudice. Her "personal jurisdiction" ruling relied entirely on failure of service: the so-called state court "order" reference also related entirely to failure of service.

144. If we were to disregard the clear plain language of that rule, there's still very EASILY a constitutional argument that dismissing rights simply for not finding the defendant or let's face it in most cases the defendant maliciously AVOIDING service or denying valid service as a matter of fact to evade justice violates section 1 of amendment XIV. It cancels privileges and immunities, denies equal protection, and subverts due process.

145. (m) also says "if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period."

146. This part also is violated left right and middle **across the nation**. Cases get dismissed for failure of service without findings of lack of good cause for failure all the time, across the nation. It also clearly requires allowing plaintiff to show cause, which is also violated commonly across the nation.

147. The insurrectionists incl. CA-4 SUBVERTED this clause w/o hesitation.

148. This is the general case ACROSS THE NATION. Fake judges incl. CAs disregard with pure malice plaintiff's bona fide attempts of service, and SUBVERT FRCP Rule 4 (m), dismissing cases quoting failure of service w/ good cause (bona fide attempt). They do it SO repeatedly and tirelessly WITHOUT EXCEPTION that I don't need to quote any cases.

149. [time travel]As insurrectional scoundrel CDFJ CDCE and insurrectional scoundrel MFJ JEP have made clear, I have insulted and disrespected and attacked the Superior Court of North Carolina by a) DENYING and OPPOSING the insurrectionally recommended finding (later found by insurrectional scoundrel CDFJ CDCE on judgment) that the state court had time traveled, b) DENYING and OPPOSING the insurrectionally

recommended finding (later found by insurrectional scoundrel CDFJ CDCE on judgment) that the state court ordered me to imagine the order as saying something other than what it literally says, in a RACIST way against the defendant and his family, only so that it would allow JEP and CDCE to commit insurrection, dismiss rights, and get away with it.

150. Although this is a bit less explicit in CDCE's judgment expressing the same, the first recommended finding in JEP's "thoughtful and thorough" insurrection titled "recommendation", the first finding of fact in CDFJ CDCE's judgment, is that the Superior Court of North Carolina had TIME TRAVELED to find as a matter of fact a fact of happening of the future!

151. However brutally CDCE and JEP are beaten for their insurrection, which they will be by the military, since they have the literal ability to time travel, be it the body or consciousness they accuse of the state court, this travel would obviously alleviate all feeling of physical pain, THEREFORE any expression of "brutality" and "pain" by screaming or moaning or sobbing by CDCE and JEP is a lie and is as a matter of FACT expressions of pure enjoyment, as they undoubtedly chose to enjoy it, as they can so obviously time travel whereby they won't feel any pain! Any senseless beating is an act of giving joy and happiness, as they can so undoubtedly, as explicitly expressed by themselves, time travel.

152. We who cannot time travel **must not deny those who can the right to JOY from time travel. We must conduct ourselves upright and deliver CDCE and JEP the constitutional entitlement to JOY!**

Declaration

I declare under penalty of perjury under the laws of the United States of America that the foregoing and all attached by me are true and correct.

(In accordance with 28 U.S. Code § 1746)

TaiMing Zhang, petitioner