

No.

IN THE
Supreme Court of the United States

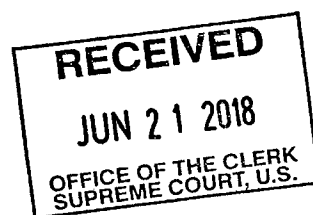
Michael Thomas Lewis,
Petitioner,
v.

Pennsylvania Higher Education Assistance
Agency ("PHEAA") & Educational Credit
Management Corporation ("ECMC"),
Respondent.

On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Sixth Circuit

PETITION FOR WRIT OF CERTIORARI

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I

QUESTIONS PRESENTED

Clarification of the constitutionality of the 6th Circuit Appeals Court judgment is needed;

1. Is the 6th Circuit Appeals Court discretion to interject their own non-relevant personal agenda that does not conform to U.S Supreme Court precedence, congressional intent or the matter before the court to dismiss this civil case unconstitutional?
2. Is the 6th Circuit Appeals Court judgment granting the Respondents and the Department of Education Article 3 bankruptcy court judicial authority and jurisdiction over Petitioners bankruptcy discharge order unconstitutional?
3. Is the 6th Circuit Appeals Court refusal to recognize and apply congressional statute intent unconstitutional?
4. Is the 6th Circuit Appeals Court verified judicial bias that denies petitioner due process and State of Kentucky equal protection rights unconstitutional?
5. Is the 6th Circuit Appeals Court refusal to recognize and apply relevant Federal and State congressional statutes unconstitutional?
6. Is the 6th Circuit Appeals Court judgment that collateral attacks the original bankruptcy courts subject matter jurisdiction and Petitioners bankruptcy court order without a pending bankruptcy core proceedings unconstitutional?
7. Is the 6th Circuit Appeals Court judgment to

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expand the scope of congressional statutes beyond congressional intent unconstitutional?

8. Is the 6th Circuit Appeals Court refusal to recognize and apply U.S. Supreme Court evidentiary requirements precedence for civil defense claims unconstitutional?

9. Is the 6th Circuit Appeals Court refusal to recognize and apply U.S. Supreme Court notice requirement precedence unconstitutional?

10. Is the 6th Circuit Appeals Court judgment to retroactively grant the Department of Education and the Respondents their own private procedural collateral advantages unconstitutional?

11. Is the 6th Circuit Appeals Court judgment that supplants congressional definitions unconstitutional?

12. Is the 6th Circuit Appeals Court judgment errors unconstitutional error?

13. Is the 6th Circuit Appeals Court judgment to not allow Petitioner to enforce his Bankruptcy discharge order and refusal to abide by Petitioners Bankruptcy discharge order unconstitutional?

III

PARTIES TO THE PROCEEDING

Petitioner is Michael T. Lewis, a State of Kentucky resident.

Respondents are Pennsylvania Higher Education Assistance Agency, herein referenced as ("PHEAA") & Educational Credit Management Corporation, herein referenced as ("ECMC").

The U. S. Department of Education is referenced but is not a Respondent in this case.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Michael T. Lewis respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Sixth Circuit.

OPINIONS BELOW

The opinion of the United States Court of Appeals for the Sixth Circuit, [Pet. App. 1a-8a], is attached. The En-Banc Review Decision of the United States Court of Appeals for the Sixth Circuit, [Pet. App. 9a-10a], is attached.

JURISDICTION

The judgment of the United States Court of Appeals for the Sixth Circuit was entered on January 24, 2018. [Pet. App. 1a-8a]. The judgment of the United States Court of Appeals for the Sixth Circuit denying En Banc Review was entered on April 5, 2018. [Pet. App. 9a-10a]. This petition is timely, and this Court has jurisdiction under 28 U.S.C. § 1254.

RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS

U. S. Const. art. III, § 1 Provides:

“The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish”

U. S. Const. amend. V provides:

" No person shall be deprived of life, liberty, or property, without due process of law"

U. S. Const. amend. XIII provides:

"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."

"Congress shall have power to enforce this article by appropriate legislation."

U. S. Const. amend. XIV as it relates to the effect of the 6th Circuit Appeals Court judgment on Petitioners claims under 28 U.S.C. §1367 - Supplemental Jurisdiction and State of Kentucky Statutes and precedence:

"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."

STATEMENT OF THE CASE

Factual background:

Over a decade ago and after years of paying on his consolidated direct lender loans, Petitioner filed a Pro Se voluntary chapter 7 bankruptcy. Petitioner was a single parent with sole custody of two young dependents that were not receiving child support to care for them and had other economic restraints

that did not allow him to afford a bankruptcy attorney. Petitioner followed relevant congressional statutes, congressional intent, the process set forth by the court and the facts of the case to complete the chapter 7 bankruptcy. A discharge order, inclusive of all debts listed in schedule F, which included the relevant Federally guaranteed private lender loan in question here, was granted in 2006. Subsequently at the time of the original bankruptcy, creditor Nelnet filed a claim on the loans in question with verbiage that the loans were "Student Loans" and that there was not a lean on the loans for the original bankruptcy final claims judgment. Creditor Nelnet received a favorable judgment and was compensated for that claim from the estate. The issue of the Petitioners government guaranteed private lender loans or as the 6th Circuit courts and Respondents also refer to them in their affirmative defense as "Student Loans" in question was finalized at that time. The U.S. Supreme Court has ruled; *"the discharge order was "final" on the issue of whether the student loans had been discharged because [creditors claim] could be viewed in conjunction with the order Which had provided for the discharge of the student loans."* See *United Student Aid Funds, Inc. v. Espinosa*, ___ U.S. ___, 130 S.Ct. 1367, 2010 WL 1027825 at *7-8 (March 23, 2010). All other relevant claims against the estate were also finalized and the case was closed.

No objection by motion to the Petitioners

discharge or claim that 11 U.S.C. § 523(a)(8) was applicable to petitioner's loans were made during the 2 and a half years long pendency of the original bankruptcy nor was there a timely appeal filed. The U.S. Supreme Court has ruled; "*The terms of the injunction bar the Direct Actions against [Petitioner], and the finality of [a] Bankruptcy Court's orders following the conclusion of direct review*" would "stan[d] in the way of challenging [their] enforceability." *Travelers Indemnity Co. v. Bailey*, 557 U. S. ___, ___ (2009) (slip op., at 1-2)

The bankruptcy judgment was a final determination based on the facts and law at the time. The Department of Education, the Respondents and lower court recent actions to seize Petitioners property since the closure of the original bankruptcy case should be bared by congressional statutes and intent under 11 U.S.C. § 524 (Effects of Discharge) and the congressional protection of 18 U.S.C. § 1509 (Obstruction of Court Orders).

The original bankruptcy case has not been reopened under (11 U.S.C. § 350 - closing and reopening cases) nor has any motion under the original case been filed to dispute the discharge or claims judgment. No case under Title 11 is commenced or is pending and there are no Title 11 issues before a bankruptcy court. Although the Appeals court has based its entire judgment on the respondents Title 11 claims to justify the Respondents illegal activities. There are no Title 11 claims in the Petitioners complaint

and there are no pending Title 11 issues before this non-bankruptcy 42 U.S.C. § 1985 civil rights case. The lower courts, the Department of Education nor the Respondents have jurisdiction over the Petitioners property in question under statute 28 U.S. Code § 1334(e) at the time of Petitioners injury or now.

Respondents and lower court subsequent 11 U.S.C. § 523(a)(8) "Student Loan" issue had been raised by creditor Nelnet and was judged non-applicable to Petitioners loan at the time of the original bankruptcy and is not now subject to appeal, should be barred by collateral estoppel and because the Respondents make the same "Student Loan" claim for the same loans that had already been adjudicated under the original case and is not now subject to appeal, should be barred under res judicata.

The Petitioners Federally guaranteed private lender loans in question were rightfully handled the same as any other loan that had been listed on Petitioners schedule F and were discharged. The bankruptcy court, the creditor and Petitioner complied with relevant Bankruptcy statutes, the facts, the laws and congressional intent at the time of the original discharge and Petitioner received a legitimate bankruptcy discharge order that included the Petitioners government guaranteed private lender loans that were not owing to a governmental unit or nonprofit institute of higher education. Congress has

specifically and clearly stated as it relates to 11 U.S.C. § 523(a)(8); “*Only educational loans owing to a governmental unit or a nonprofit institution of higher education are made nondischargeable under this paragraph.*” See 11 U.S.C. § 523(a)(8) *Legislative Statements 523(a)(8)*.

Over a decade later the respondents attempted to seize Petitioners property through a collateral attack on the Petitioners original chapter 7 discharge order during a separate chapter 13 bankruptcy voluntarily filed by petitioner by making a fraudulent claim that 11 U.S.C. § 523(a)(8) was applicable during the original bankruptcy and that the loans were not discharged because there was not an adversarial proceeding to determine the dischargeability of the loans. The Chapter 13 bankruptcy court, like here did not require the Respondents to prove that the loans in question were owing to a congressionally defined Governmental Unit or Institute of Higher Education for 11 U.S.C. § 523(a)(8) to have been applicable and collaterally attached Petitioners Bankruptcy Court order to rule in Respondents favor. Like with this Appeals Court judgment, in the judge’s haste to pass an erroneous judgment that 11 U.S.C. § 523(a)(8) had been applicable to Petitioners loans and to bias their judgments in favor of the Federal government and Respondents fraudulent claim to seize petitioner’s property. The judge failed to require the Respondents to prove a constitutional or legal authority to

make a claim for the loans that were subject to a prior bankruptcy discharge, prove that the loans were owing to a Governmental Unit or Institute of Higher Education at the time of the original discharge or allow the Petitioner to file for a 11 U.S.C. § 523(a)(8) adversarial proceeding for a dischargeability judgment by passing a discharge judgment at a claims hearing. The judgment demonstrates and established a pattern of extraordinary judicial bias and the Respondents abuse of the process that the lower courts are supporting to fraudulently and coercively force an unconstitutional dischargeability determination under 11 U.S.C. § 523(a)(8) to seize Petitioners property.

Respondents were successful during Petitioners Chapter 13 case with the fraudulent 11 U.S.C. § 523(a)(8) claim and collateral attach on Petitioners original bankruptcy court order. The chapter 13 case was dismissed due to petitioner's refusal to pay for what Petitioner believed was a miscarriage of justice that denied him due process under bankruptcy proceedings and statutes. This established a pattern of Respondents interference with Petitioners civil rights.

Years later Petitioner started receiving calls by individuals representing the Respondents fraudulently claiming that student loan debts cannot be discharge in bankruptcies and that I owed them money. Equivalent correspondence received by the

petitioner through the mail fraudulently indicating that the loans in question were in default. Petitioner engaged in correspondence, that included sending copies of the chapter 7 discharge through the mail and engaged over the phone with the respondents in this case to enforce his bankruptcy court order and stop Respondents attempts to seize Petitioners property. Respondents continued with their claims outside of bankruptcy core proceedings that 11 U.S.C. § 523(a)(8) was applicable during the original bankruptcy proceedings as a means to interfere with Petitioner civil right to enforce his bankruptcy court order, bypass all procedural due process rights for Petitioner and as another means to abuse the process to get around Petitions congressional protections under *11 U.S.C. § 524. Effect of discharge*. Respondents ultimately engaged the coercive powers of the Department of Education for their assistance to conspire to interfere with Petitioners civil rights, defraud and traffic in the Petitioner.

Additional Correspondence received by Petitioner indicated that PHEAA had initially relinquished interest in the loans to ECMC to seize Petitioners property without reporting the transfer of the loans to the original bankruptcy case. A due process violation that denies the original bankruptcy Trustees office a chance to avoid the transfer under 11 U.S.C § 547 -Preference or a chance for Petitioner to attempt to stop the transfer through an

adversarial proceeding through enforcement of his bankruptcy discharge order. Petitioner interacted with The Department of Education, its ombudsman group, its inspector general and finally the Federal Bureau of Investigations to stop the Respondents illegal activities to seize Petitioners property, to no avail.

The Department of Education held a private hearing and assumed subject matter jurisdiction in defiance of 28 U.S.C. § 1334, the constitution's *separation of power clause* and petitioners discharge court order to determine dischargeability of Petitioners loans outside of bankruptcy core proceeding and claimed that Petitioners chapter 7 discharge order was not valid. Upon my objection that I was not included in the hearing, a subsequent hearing over the phone, with me included, was conducted and the Department of Education reiterated claims supporting that they have article 3 bankruptcy court authority and subject matter jurisdiction to determine the dischargeability of Petitioners loans, outside of bankruptcy core proceedings and that Petitioners chapter 7 discharge was not valid. The Department of Education actors sent documentation [Pet. App. 11a-15a] demonstrating their decision and resolve to allow ECMC's to seize Petitioner's property based upon their self-determination, Respondents fraudulent claims, their personal desire to violate Petitioners

bankruptcy court order and willingness to deny Petitioner constitutional and due process rights under bankruptcy statutes and procedure. The Department of Education actor then instructed that wage garnishments could commence against the Petitioner. The Department of Education hearing decision to violate Petitioner discharge order, in which they acknowledge they had a copy of and seize Petitioners property was made by Department of Education actor V. Wilson. V. Wilson is not a Federal judge [Pet. App. 15a], ECMC began wage garnishments by sending petitioners employer a letter extortionately threatening Petitioners employer with legal action if they did not comply with Respondents wage garnishment. Petitioner sent his employer a copy of the Bankruptcy discharge order but his attempt at enforcing the order was again prevented. Petitioners wages were garnished for several months and the Petitioner was *forced to labor* for the Department of Educations and the Respondents. The Petitioner continued to attempt to enforce his bankruptcy discharge order, but the Respondents would not stop seizing Petitioners property. Respondents did invite Petitioner to pursue Federal Court action to resolve the matter. Petitioner commenced this civil rights and State tort action, demanding a jury trial and seeking the return of property and damages.

District Court Judgment:

The 6th Circuit Federal District Court had jurisdiction in this case because the questions raised in this complaint relate to the activities of the defendants inside and outside of federal court proceedings and the applications of federal regulations, 28 U.S.C. § 1331 - Federal Question applies. Because the Plaintiff lives in Shelby County Kentucky and the defendants are headquartered in foreign states and the award that Plaintiff seeks is in excess of \$75,000.00, 28 U.S. Code § 1332 - Diversity of citizenship applies. 28 U.S. Code § 1334 - Civil rights and elective franchise because it involves matters of the Plaintiffs civil rights. Plaintiff further invokes the supplemental jurisdiction of this Court pursuant to 28 U.S.C. §1367 to hear and decide claims arising under state law. The defendants were enjoined under Fed.R.Civ.P. 20.

Petitioner filed this lawsuit in the United States District Court for the Eastern District of Kentucky. Petitioner alleges 42 U.S.C. § 1985 Conspiracy, abuse of process, conversion, and intentional infliction of emotional distress against defendants Pennsylvania Higher Education Assistance Agency ("PHEAA") and Educational Credit Management Corporation ("ECMC").

Contrary to the lower court's unconstitutional judgment that does not address the matters raised in Petitioners complaint, does not directly challenge any salient element Petitioner needs to prove his

claims by a preponderance of the evidence and does not state a constitutional or legal authority for the actions of the Respondents and the Department of Education to seize Petitioners property outside of bankruptcy core proceedings and without a valid court order allowing the actions, [Pet. App. 1a-8a] and in relevant part, Petitioner has reasonably proven by a preponderance of the evidence those specific elements necessary to prove his claims. Petitioner should not be forced then to disprove Respondent's irrelevant claims related to 11 U.S.C. § 523(a)(8) to justify their illegal actions or defend against an irrelevant, non-judicial and unconstitutional personal agenda of court judges that want all Federal guaranteed loans to be subject to 11 U.S.C. § 523(a)(8) contrary to congressional intent for the statute.

Although the 6th Circuit refuses to recognize their own precedence for this case, Petitioner simply has *"no duty to anticipate or to negate a defense theory" in his case-in-chief. Martin v. Weaver, 666 F.2d 1013, 1020 (6th Cir. 1981); see also Weiss v. Chrysler Motors Corp., 515 F.2d 449, 459 (2d. Cir. 1975).* and the judge can't constitutionally interject its own non-credible biased and manufactured judgments as evidence into the case, after the fact, to support Respondents irrelevant affirmative defense to dismiss Petitioners complaint [Pet. App. 1a-8a, 17a-33a] because *"The burden of proving an affirmative defense by a preponderance of the credible evidence is*

on the party asserting the defense. Batesole v. Stratford, 505 F.2d 804, 810 (6th Cir. 1974); Tresise v. Ashdown, 118 Ohio St. 307, 160 N.E. 898 (1928).” Martin v. Weaver, 666 F.2d 1013, 1019 (6th Cir. 1981) and not the judge.

Respondents fraudulent claims about 11 U.S.C. § 523(a)(8) in or outside of Bankruptcy core proceedings should not have been a means to get around Petitioners Bankruptcy court order, due process rights, State equal protection rights, Bankruptcy statutes and guard against valid civil rights cases. Any of Respondents claims should be left for a jury to hear and decide if the Respondent's claims legally justified the actions of the Department of Education and the Respondents to seize Petitioners property outside of bankruptcy proceedings and without a court order in this non-bankruptcy civil case. The jury should be instructed in the law as it is written with congresses intent for the statutes and not the way the judge and Respondents wishes it to be to bias this case in favor of the Federal Government and themselves to traffic in Federal Program Participants. And because contrary to the Appeals Court judgment the U.S. Supreme Court and the State of Kentucky has found at the time of the Petitioners injury and the filing of his complaint that;

For petitioner to prevail on his claims of 42 U.S.C. § 1985 Conspiracy to interfere with civil rights, Petitioner must show with particularity that; (1) a conspiracy; (2) with

intent to deprive, a person, or class of persons, of equal protection of the laws, or of equal privileges and immunities under the law; (3) an invidious, class-based animus; (4) an act in furtherance of the conspiracy; and (5) and injury. *United Brotherhood of Carpenters Local 610 v. Scott*, 103 S. Ct. 3352 (1983) 461 F. Supp. At 227. Petitioner correlated all elements of the complaint and evidence necessary to support his claim of 42 U.S.C. § 1985 Conspiracy to interfere with civil rights in his Memorandum of Law in Support of Plaintiffs' Response to Joint Motion to Dismiss of Defendants Educational Credit Management Corporation and Pennsylvania Higher Education Assistance. Respondents and the lower courts did not dispute these facts.

For petitioner to prevail on his claims of action for abuse of process Petitioner must show (1) an ulterior purpose and (2) a willful act in the use of the process not proper in the regular conduct of the proceeding. *Simpson v. Laytart*, 962 S.W.2d 392, 394-95 (Ky. 1998). Petitioner correlated all complaint elements and evidence necessary to support his claim of abuse of process in his Memorandum of Law in Support of Plaintiffs' Response to Joint Motion to Dismiss of Defendants Educational Credit Management Corporation and Pennsylvania Higher Education Assistance. Respondents and the lower courts did not dispute these facts.

For petitioner to prevail on his claim of

conversion. Petitioner must show (1) the plaintiff had legal title to the converted property; (2) the plaintiff had possession of the property or the right to possess it at the time of the conversion; (3) the defendant exercised dominion over the property in a manner which denied the plaintiff's rights to use and enjoy the property and which was to the defendant's own use and beneficial enjoyment; (4) the defendant intended to interfere with the plaintiff's possession; (5) the plaintiff made some demand for the property's return which the defendant refused; (6) the defendant's act was the legal cause of the plaintiff's loss of the property; and the plaintiff suffered damage by the loss of the property. *Association of Counties All Lines Fund Trust v. McClendon*, 157 S.W.3d 626 (Ky. 2005). Citing 90 C.J.S. *Trover and Conversion* 4 (2004). Petitioner correlated all complaint elements necessary and evidence to support his claim of conversion in his Memorandum of Law in Support of Plaintiffs' Response to Joint Motion to Dismiss of Defendants Educational Credit Management Corporation and Pennsylvania Higher Education Assistance. Respondents and the lower courts did not dispute these facts.

Court of Appeals Judgment:

The Sixth Circuit Appeal Court affirmed the District Courts judgment without any semblance or concern for substantive or

procedural due process under bankruptcy procedure, congressional statute intent, U.S. Supreme Court Precedence or U.S. Constitutional authority to support their personal agenda. The Appeals court's judgment documents the lower courts intent to modify congressional statutes to make all Federally guaranteed loans subject to 11 U.S.C. § 523(a)(8) and to give the Department of Education and Respondents subject matter jurisdiction over discharged loans and unconstitutional Article 3 Bankruptcy Court judgment authority to determine loan dischargeability outside of bankruptcy proceedings to justify Respondents actions and claims in this case. And look for a way around State of Kentucky protections, congressional statutes, Congressional intent, Federal Rules of bankruptcy procedure, U.S. Supreme Court precedence, the U.S. Constitution and Petitioners bankruptcy discharge court order to support 3rd party corporation profits at the expense of the Petitioners and federal program participants civil rights and freedom. [Pet. App. 1a-8a] This should not be allowed under any circumstance.

Questions:

Petitioner Michael T. Lewis is a Pro Se litigant whom relies on the plain meaning of congressional statute intent when engaging in activities with the Federal Government and a

civil rights proponent that asks the questions;

1) Is the 6th Circuit Appeals Court discretion to interject their own irrelevant personal agenda that does not conform to U.S Supreme Court precedence, congressional intent or the matter before the court to dismiss this civil case unconstitutional?

Question 1 Argument;

Although the issues presented in Petitioners complaint and this petition are mostly well settled law and procedure. The 6th Circuit Courts are unconstitutionally interjecting their own personal agenda to not allow all Federal guaranteed loan to be discharged and modifying congressional bankruptcy statutes to support this personal agenda as evidence, outside of bankruptcy core proceedings, into this non-bankruptcy civil case to bias the case in the Federal Government and Respondents favor and unconstitutionally undermine and dismiss Petitioners valid civil rights claim. The facts show the Respondents and the lower courts version of statute 11 U.S.C. § 523(a)(8) was not congresses intent for the statute at the time of Petitioner original bankruptcy, not at the time of Petitioners injury, is not currently the intent of congress nor was this Appeals Courts judgment a judicial precedence used by the Department of Education or the Respondents when they conspired to make an unauthorized self-determination on Petitioners discharged loans outside of bankruptcy core proceedings to seize

Petitioners property. Making the Appeals court's judgment irrelevant in this non-bankruptcy civil case.

The lower court judge's personal agenda related to statute 11 U.S.C. § 523(a)(8) has no bases to be mentioned in this case nor is it a plausible or constitutional reason to dismiss this valid civil rights case. It only appears to be propaganda to coerce Federal program participants into believing that all Federal guaranteed loans cannot be discharged. This irrelevant personal agenda of the lower courts about Federal guaranteed loan non-dischargeability that is based on the Respondents fraudulent and irrelevant claims is prevalent and pervasive in the lower courts respective judgments. [Pet. App. 1a-8a, 17a-33a]

As Petitioners complaint and the facts demonstrates any claim the Respondents make up for their illegal actions to seize Petitioners property simply did not constitutionally or legally give the Department of Education or the Respondents bankruptcy court authority or jurisdiction over Petitioners Bankruptcy discharge order to justify making self-determinations about Petitioners bankruptcy loan dischargeability outside of bankruptcy core proceedings or the authority to seize Petitioners property based on those self-determinations without a valid bankruptcy court order allowing the action. Although the Appeals Court refuses to recognize this documented fact to bias the

case, the fact is confirmed by U.S. Supreme Court's precedence that plainly and simply states; "*see Hood, 541 U. S., at 447 (noting that "[b]ankruptcy courts have exclusive jurisdiction over a debtor's property")*" *United Student Aid Funds, Inc. v. Espinosa, 559 U.S. U.S. (2010)*

2) Is the 6th Circuit Appeals Court judgment granting the Respondents and the Department of Education Article 3 bankruptcy court judicial authority and jurisdiction over Petitioners bankruptcy discharge order unconstitutional?

Question 2 Argument;

Contrary to the Appeals court judgment unconstitutionally giving the Department of Education and the Respondents retroactive Article 3 bankruptcy court authority and jurisdiction to determine the dischargeability of Petitioners Federal guaranteed private lender loans to make it appear that the Department of Education and the Respondents actions were legitimate. Only congress by declaration of the U.S. Constitution under U. S. Const. art. III, § 1 has the authority to propose and set forth U. S. Const. art. III, § 1 bankruptcy court authority and had not bestowed those judicial powers to the Department of Education or the Respondents through statute or regulation to make determinations on bankruptcy loan dischargeability at any time. This undisputable fact of this case and the U.S Constitution states; "*The judicial Power of the United States, shall be vested in one supreme*

Court, and in such inferior Courts as the Congress may from time to time ordain and establish" U. S. Const. art. III, § 1.

3) Is the 6th Circuit Appeals Court refusal to recognize and apply congressional statute intent unconstitutional?

Question 3 Argument;

Contrary to the Appeals court unconstitutional judgment that 11 U.S.C. § 523(a)(8) was applicable to Petitioners loans in question at the time of Petitioners original bankruptcy, Petitioners facts, evidence and more importantly congressional intent shows by a preponderance of the evidence that Petitioners Federally guaranteed private lender loans were not owing to a congressionally defined governmental unit or nonprofit institution of higher education and were not subject to 11 U.S.C. § 523(a)(8) at the time of the original bankruptcy. Although the Appeals court judgment refuses to recognize this unwavering fact, Congress has specifically and clearly stated their intent that; *"Only educational loans owing to a governmental unit or a nonprofit institution of higher education are made nondischargeable under this paragraph."* See 11 U.S.C. § 523(a)(8) *Legislative Statements 523(a)(8)*. At no time has the Respondents produced any actual evidence that Petitioners Federally guaranteed private lender loans have ever been owing to a congressionally defined governmental unit or a nonprofit institution of higher education at any time.

4) Is the 6th Circuit Appeals Court verified judicial bias that denies petitioner due process and State of Kentucky equal protection rights unconstitutional?

Question 4 Argument;

The lower courts have chosen to grant themselves an unconstitutional private subject matter jurisdiction over Petitioners original bankruptcy to unconstitutionally dismiss this case and allow the Respondents to seize Petitioners property by demanding that *"the outstanding loans survived the [C]hapter 7 general discharge order."* Because all of Lewis's claims were premised solely on his erroneous assertion that the debt had been discharged in the Chapter 7 bankruptcy proceeding, his complaint failed to state a plausible claim upon which relief may be granted. See *Iqbal*, 556 U.S. at 678" [Pet App. 8A.] The unconstitutional judgment is consistent with the lower courts ignoring the facts and the law to support their own personal agenda to make all Federally guaranteed loans including Petitioners loans nondischargeable and deny Petitioner due process under bankruptcy statutes and congressional intent.

The lower court's judgment also demonstrates their bias by choosing to only acknowledge and propagate the Respondents irrelevant claims by demanding; 11 U.S.C. § 523(a)(8) (2005). This provision renders student loan debt presumptively nondischargeable 'unless' a determination of

undue hardship is made.” United Student Aid Funds, Inc. v. Espinosa, 559 U.S. 260, 277 n.13 (2010). If a debtor seeks to obtain a discharge of a student loan debt, he must initiate an adversary proceeding in order for the bankruptcy court to make an undue-hardship determination. See id. at 263-64; see also Fed. R. Bankr. P. 7001(6). Indeed, “[u]nless the debtor affirmatively secures a hardship determination, the discharge order will not include a student loan debt.” Tenn. Student Assistance Corp. v. Hood, 541 U.S. 440, 450 (2004). [Pet. App. A] The judgment ignores Petitioners complaint, evidence and facts that the loans in question were not “Student Loans” (Supra) as defined by congress or the U.S Supreme Court subject to 11 U.S.C. § 523(a)(8) because congressional intent that plainly, clearly and specifically states; “Only educational loans owing to a governmental unit or a nonprofit institution of higher education are made nondischargeable under this paragraph.” See 11 U.S.C. § 523(a)(8) Legislative Statements 523(a)(8) is applicable as well to U.S. Supreme Court finding. The Department of Education, the Respondents and the lower courts self-servingly chose not to recognize that the U.S Supreme courts definition of “Student Loan” (Supra) supports inclusion of this congressional intent into their definition of “Student Loan” when the U.S Supreme court established the precedence that; “If the intent of Congress is clear, that is the end of the matter; for the court, as well as the agency,

must give effect to the unambiguously expressed intent of Congress." *Chevron, U.S.A., Inc. v. Natural Res. Def. Council, Inc.*, 467 U.S. 837, 842-43 (1984); *Nat'l Cotton Council of Am. v. U.S. EPA*, 553 F.3d 927, 933 (6th Cir. 2009). Despite the lower court's refusal to give recognition to these facts to support their person agenda, it's simply an undisputable documented fact that the Petitioners Federally guaranteed private lender loans are not "Student Loans" subject to 11 U.S.C. § 523(a)(8) according to congressional intent. Contrary to the Respondents self-serving version of the law to support their criminal enterprise, that's supported by these lower courts. Congress simply has no intent to allow Petitioners loans to be subject to 11 U.S.C. § 523(a)(8).

The U.S. Supreme Court and 6th Circuit Courts had already ruled that to afford Petitioner due process that it is the Respondents responsibility to prove by a preponderance of the evidence that the loans were owing to a Governmental Unit or Non-Profit Institute of Higher Education under 11 U.S.C. § 523(a)(8) to support their irrelevant bankruptcy claim, outside of bankruptcy core proceedings, when they stated; *"The party seeking to deny debtor a discharge bears the burden of proving both requirements by a preponderance of the evidence."* *Grogan v. Garner*, 498 U.S. 279, 291, 11 I.S. Ct. 654, 661 (1991). *In Re Phillips*, 09-8032 (6th Cir. 8-20-2010). The 6th circuit court had agreed with

the U.S Supreme court precedence but claims now a special exception for Petitioner and Federal program participants when the U.S Supreme court's precedence does not comply with the lower courts personal agenda to make all Federal guaranteed loans subject to 11 U.S.C. § 523(a)(8) scrutiny and use their position to enrich 3rd party corporate actors. The U.S. Supreme Court has already concluded that: *'judgment[s] can be set aside for voidness where the movant was denied due process'* *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. 260, 271, 130 U.S.Ct. 1367, 1377, 176 L.Ed.2d 158 (2010).

This documented extraordinary judicial bias to favor the Department of Education and corporate interest over the constitutional protected civil rights of its citizens is the reason why the Petitioner demanded a jury trial and not a trial by judge. Petitioners jury trial demand is being subverted by the very animus and bias of the court that Petitioner attempted to avoid in this process.

5) Is the 6th Circuit Appeals Court refusal to recognize and apply relevant Federal and State congressional statutes unconstitutional?

Question 5 Argument;

Although the lower courts and Respondents intent is to unconstitutionally bias this civil rights case with irrelevant claims about bankruptcy discharges, this civil rights case before the lower court is about the respondents engaging the Department of

Education to interfere with Petitioners civil rights, defy congressional statutes, the U.S Constitution and relevant U.S. Supreme Court precedence to give the Department of Education and the Respondents a procedural collateral advantage outside of court proceedings to make a judgment on the dischargeability of Petitioners loans and seize Petitioners property. Seizures of Petitioners property that is not allowed by congress. See 11 U.S.C. § 524 (Effects of Discharge) Despite Petitioners many failed attempts to enforce his bankruptcy court discharge order due to interference and obstruction by the Respondents. Respondents obstructions of Petitioners bankruptcy court order that is not allowed by congress. See 18 U.S.C. § 1509 (Obstruction of Court Orders), The Department of Education and Respondents acted upon their self-determination that Petitioners loan were not discharged and proceeded to garnish the petitioner's wages, commit the act of conversion by seizing petitioner's property through an extortionate threat of legal action against Petitioner employer. Threats that are not allowed by congress. See 18 U.S. Code § 1589(a)(3) - Forced labor (by means of the abuse or threatened abuse of law or legal process) and are not allowed by the State of Kentucky. See (KRS 514.060 - Theft of services). Ultimately the Petitioners facts and documented evidence submitted by the Respondents in this case shows that these actions and activities by the Department of Education and

the Respondent had also been barred by Federal statutes and congressional intent under 18 U.S.C. § 1590(a) - Trafficking and State of Kentucky statute and intent under (KRS 529.100 - Human trafficking). The judgment refusal to give recognition to the facts and at least apply these State of Kentucky statutes (Supra) is unconstitutional. See. U. S. Const. amend. XIV

The judgments clearly document that due to judicial bias the lower courts simply refuse to recognize any evidence and apply any congressional statute or intent that would be averse to their personal agenda and would shed light on the corrupt actions of the Department of Education and the Respondents that severely harms Petitioner and Federal Program Participants to unconstitutionally dismiss this civil rights case. [Pet. App. 1a-8a, 17a-33a]

6) Is the 6th Circuit Appeals Court judgment that collateral attacks the original bankruptcy courts subject matter jurisdiction and Petitioners bankruptcy court order without a pending bankruptcy core proceedings unconstitutional?

Question 6 Argument;

Although no case under Title 11 is commenced or is pending and there are no Title 11 issues before a bankruptcy court. To support the lower courts personal agenda, the judgment collaterally attaches the Petitioners original bankruptcy court discharge order and

the original bankruptcy courts subject matter jurisdiction and claims they have discretion to retroactively bestow the Department of Education and the Respondents U. S. Const. art. III, § 1 court authority and subject matter jurisdiction over Petitioners original bankruptcy discharge order outside of bankruptcy core proceedings to justify the Department of Education and the Respondents actions by demanding; 11 U.S.C. § 523(a)(8) (2005). *This provision “renders student loan debt presumptively nondischargeable ‘unless’ a determination of undue hardship is made United Student Aid Funds, Inc. v. Espinosa, 559 U.S. 260, 277 n.13 (2010). If a debtor seeks to obtain a discharge of a student loan debt, he must initiate an adversary proceeding in order for the bankruptcy court to make an undue-hardship determination. See id. at 263-64; see also Fed. R. Bankr. P. 7001(6). Indeed, “[u]nless the debtor affirmatively secures a hardship determination, the discharge order will not include a student loan debt.” Tenn. Student Assistance Corp. v. Hood, 541 U.S. 440, 450 (2004). [Pet. App. 6A]. Although this issue the judgment raises is not relevant to the matters in Petitioners complaint, Petitioner contends this judgment is an unconstitutional collateral attach that is not allowed on Petitioners bankruptcy discharge order or the original bankruptcy courts subject matter jurisdiction. Petitioner contends that “Travelers confirmed that bankruptcy court orders have finality and*

cannot be collaterally attacked." See *"Travelers Indem. Co. v. Bailey, 129 S.Ct. at 2205.* and that the U.S Supreme Court has also held *"Those orders are not any the less preclusive because the attack is on the Bankruptcy Court's conformity with its subject-matter jurisdiction, for "[e]ven subject-matter jurisdiction ... may not be attacked collaterally."* *Kontrick v. Ryan, 540 U. S. 443, 455, n. 9 (2004)".* See also *Chicot County Drainage Dist. v. Baxter State Bank, 308 U. S. 371, 376 (1940); Travelers Indemnity Co. v. Bailey, 557 U. S. (2009)*

7) Is the 6th Circuit Appeals Court judgment to expand the scope of congressional statutes beyond congressional intent unconstitutional?

Question 7 Argument;

Without congressional approval and to accomplish subverting congressional intent and propagate their personal agenda in this case the lower courts have chosen to take the extreme approach to not simply interpret the statutes as congress intended but to rewrite bankruptcy statutes to conform to its own personal agenda that Petitioners and all loans *"guaranteed by a governmental unit"* and Petitioners and all loans connected with the "federal student loan program" are subject to 11 U.S.C. § 523(a)(8) by demanding; *"Not only was Lewis's loan guaranteed by a governmental unit, but it originated under a federal student loan program. Lewis's student loans are therefore subject to the discharge exception set forth in §*

523(a)(8). Pet. App. 1A This Appeals court judgment directly contradicts explicit and clear congressional intent that *"Only educational loans owing to a governmental unit or a nonprofit institution of higher education"* are subject to 11 U.S.C. § 523(a)(8). This unconstitutional Appeals court decision to bias the case and make the Petitioners Federal guaranteed private lender loans appear subject to 11 U.S.C. § 523(a)(8) when the facts clearly shows Petitioners guaranteed private lender loans were no different than any other discharged loans that was listed in Petitioners schedule F that were also not *"owing to a governmental unit or a nonprofit institution of higher education"*. The Appeals court judgment unconstitutional forces an expansion of the scope of 11 U.S.C. § 523(a)(8) to include all loans to supports the lower courts personal agenda, contrary to congressional intent. If Congress has limited the scope of 11 U.S.C. § 523(a)(8), like here, Petitioner believes those are the constitutional limits of that statute and cannot be expanded without congressional mandate.

8) Is the 6th Circuit Appeals Court refusal to recognize and apply U.S. Supreme Court evidentiary requirements precedence for civil defense claims unconstitutional?

Question 8 Argument;

To further buttress the lower court unconstitutional personal agenda in this non-bankruptcy case, the Appeals court has chosen

to simply not require any evidence from the Respondents that the loans in question were owing to a “*governmental unit or a nonprofit institution of higher education*” at the time of the original discharge to make its judgment in favor of the Respondents affirmative defense seem viable and to support the courts personal agenda that all Federal Guaranteed loans should not be discharged. The 6th Circuit Courts and the U.S Supreme Court has previously agreed until this judgment that it is the Respondence obligation to provide evidence to support Respondents irrelevant but specific affirmative bankruptcy defense claim when they concluded that; “*The party seeking to deny debtor a discharge bears the burden of proving both requirements by a preponderance of the evidence.*” *Grogan v. Garner*, 498 U.S. 279, 291, 111 S. Ct. 654, 661 (1991). *In Re Phillips*, 09-8032 (6th Cir. 8-20-2010). The 6th Circuit Appeals Court had agreed with this U.S. Supreme Court precedence but now chooses to not recognize and apply this U.S Supreme Court evidence requirement precedence to unconstitutionally segregate Petitioner and Federal Program Participants from U.S Supreme Court precedence and unconstitutionally subject them to separate and unequal treatment under their personal agenda outside of bankruptcy proceedings.

9) Is the 6th Circuit Appeals Court refusal to recognize and apply U.S. Supreme Court notice requirement precedence unconstitutional?

Question 9 Argument;

The lower court judgments refuse to acknowledge the U.S. Supreme Courts due process notice requirement to afford Petitioner due process. The process that the Federal guarantee loan holder needed to supply the Petitioner, debtors, the bankruptcy courts and the bankruptcy Trustees office, whom has the authority to avoid transfers, with proper notice and evidence that the loans in question were owing or had been transferred to a congressionally defined Governmental Unit of Institute of Higher Education to invoke 11 U.S.C. § 523(a)(8) prior to the original loan discharge by stating; "*Lewis never initiated an adversary proceeding or received an undue-hardship determination from the bankruptcy court, and therefore the debt was not discharged.*" [Pet. App. 7a-8a] Although irrelevant to this case, this judgment directly contradicts U.S. Supreme Court precedence by not acknowledging and applying that there needed to have been proper notice that establishes that the loans were owing to a congressionally defined Governmental Unit or Non-profit Institution of higher education to let the Petitioner, the court and bankruptcy Trustees office know that 11 U.S.C. § 523(a)(8) is applicable during a bankruptcy when U.S. Supreme Court rightfully established that; "*But when notice is a person's due, process which is a mere gesture is not due process.*" *Mullane v. Central Hanover Tr. Co*, 339 U.S. 306, 315 (U.S. 1950). A notice requirement known to the Respondents prior to their seizure of Petitioners property and a U.S Supreme

Court precedence that Respondent ECMC even agrees with when it was to their economic advantage when ECMC quoted to this same U.S. Supreme Court that; *"More than five decades ago, this Court held that due process requires that "deprivation of life, liberty or property by adjudication be preceded by notice and opportunity for hearing appropriate to the nature of the case."* *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 313 (1950) (emphasis added) *United Student Aid Funds V. Espinosa*, 08-1134 (U.S. 3-23-2010), brief in support of petitioner for amicus curiae Educational Credit Management Corporation (ECMC) S.C.T. (U.S. 2010). Although the lower courts refuse to recognize this U.S. Supreme Court precedence and the Respondents refuse to acknowledge their own statement on proper notice and process to continue to attempt to illegally seize the property of the Petitioner and other Federal Program Participants. The U.S. Supreme Court has already established to afford this due process notice requirement to Petitioner and other debtors that the notice must have specific details of whom is owing for the loans and evidence that the organization owing for the loans is a congressionally defined Governmental Unit or non-profit Institution of Higher Education when the U.S. Supreme Court held that; *"An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to*

apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. Milliken v. Meyer, 311 U.S. 457; Grannis v. Ordean, 234 U.S. 385; Priest v. Las Vegas, 232 U.S. 604; Roller v. Holly, 176 U.S. 398. The notice must be of such nature as reasonably to convey the required information, Grannis v. Ordean, supra, and it must afford a reasonable time for those interested to make their appearance, Roller v. Holly, supra, and cf. Goodrich v. Ferris, 214 U.S. 71" Mullane v. Central Hanover Tr. Co, 339 U.S. 306, 314 (U.S. 1950). Whom the loans are transferred to or owing to is not something the bankruptcy court, the debtor or the Trustees office should have to guess at and application of this already established due process notice requirement will ultimately help deny the Respondents the ability to use their demonstrated and documented method to continue to defraud and traffic in Federal Program Participants in the future.

10) Is the 6th Circuit Appeals Court judgment to retroactively grant the Department of Education and the Respondents their own private procedural collateral advantages unconstitutional?

Question 10 Argument;

The Petitioner claims that Respondents irrelevant defense supported by the Appeals Court that clearly documents Respondents unlawful intent and techniques to give themselves and the Department of Education an unconstitutional procedure outside of

bankruptcy core proceeding to violate bankruptcy discharge orders is the crux of the Respondents scam and abuse of the process that these lower courts are unconstitutionally supporting in this case. The scam and abuse of the process is to also make Federal Program Participants believe that 11 U.S.C. § 523(a)(8) is applicable anytime a Federal Guaranteed loan are involved in a bankruptcy case without allowing consideration as to whether the loans are owing to a congressionally defined Governmental Unit or Institution of Higher Education as congress intended. Specifically, in this case were the Respondents and the lower courts are denying Petitioner bankruptcy due process and state equal protection rights by ignoring congressional intent and not requiring the original creditors to provide evidence to support their irrelevant statute 11 U.S.C. § 523(a)(8) defense claim in this civil case. This way, exactly like this Appeals Court judgment, the courts and Respondents can assure themselves an unconstitutional and unlawful procedural collateral advantage under a 11 U.S.C. § 523(a)(8) determination and an unconstitutional denial of discharge for Petitioner and Federally guaranteed loan program participants, without a bankruptcy core proceeding, even though the loans were not owing to a Governmental Unit or Non-profit Institute of Higher Education at the time of the determination. The Respondents have taken their scam and abuse of the process to use this private procedural collateral advantage they created only for themselves to extremes in this

case by also violating known State of Kentucky crime statutes and denying Petitioner physical freedom as well.

11) Is the 6th Circuit Appeals Court judgment that supplants congressional definitions unconstitutional?

Question 11 Argument;

To hedge their bets for supporting Respondents irrelevant claim and their own personal agenda, the lower courts have gone so far as to make it appear like that Petitioners loans were not discharged by claiming that PHEAA as guarantor was a congressionally defined governmental unit at the time of the original bankruptcy and to give PHEAA an additional unconstitutional collateral advantage in all bankruptcy proceedings. Without regard to whether PHEAA was even owing for Petitioners loans at the time of Petitioners original bankruptcy discharge. The Appeals court demands; *"PHEAA is a statutorily created government instrumentality under Pennsylvania law. See 24 Pa. Cons. Stat. § 5101. As an "instrumentality" of the state of Pennsylvania, PHEAA is a "governmental unit" within the meaning of § 523(a)(8). See 11 U.S.C. § 101 (27).* But Congress, specifically the Senate expresses their intent under their 11 U.S.C. § 101 Senate Report 95-989 Paragraph (21) that denies PHEAA's, inclusion as an instrumentality when they plainly, clearly and definitively state their intent that; *"Paragraph (21) instrumentality" does not include an entity*

that owes its existence to State action, such as the granting of a charter or a license but that has no other connection with a State or local government or the Federal Government.” See 11 U.S.C. § 101 Senate Report 95-989 Paragraph (21). Petitioners facts clearly demonstrates PHEAA owes its existence to the State of Pennsylvania actions and has multiple connections to both the State of Pennsylvania and the Federal Government. A fact PHEAA has never denied but the lower courts unconstitutionally choose to ignore along with this congressional intent to bias this case in Respondents favor and to support their personal agenda to subject all federally guaranteed loans to 11 U.S.C. § 523(a)(8) scrutiny by making PHEAA appear to be a governmental unit contrary to congressional intent and giving PHEAA an additional unconstitutional status of “governmental unit” for all bankruptcy proceedings.

12) Is the 6th Circuit Appeals Court judgment errors unconstitutional error?

Question 12 Argument;

The lower court judgments nor the Respondents have established a viable constitutional justification or legal authority for the actions of The Department of Education and the Respondents to self-determine the dischargeability of Pensioners loans or legal authority to seize Petitioners property outside of bankruptcy proceedings nor directly challenge Petitioners complaint in any way. Again the U.S. Supreme Court’s has already found that; “see *Hood*, 541 U. S., at

447 (noting that “[b]ankruptcy courts have exclusive jurisdiction over a debtor’s property”)” *United Student Aid Funds, Inc. v. Espinosa*, 559 U.S. (2010) U.S. This is the crux of Petitioners complaint and not what the lower courts erroneously claim, a claim that does not allow for the merits of the case to be judged by a jury, to support their personal agenda and unjustly dismiss this valid civil rights case when they erroneously demand; “*The crux of Lewis’s complaint was that the defendants have been illegally collecting on a student loan debt that was discharged in Lewis’s Chapter 7 bankruptcy case*”. [Pet. App 2a] This error is the crux of the Appeals court’s unconstitutional bias and is significant in that it has no relevance to the issues put forth in Petitioners complaint and unjustly supports Respondents intent to traffic in Federal Program participants through interference with Federal program participants civil rights, by extortionate threats of legal action, filing fraudulent claims, denying congressional intent and abusing people through the coercive powers of the Department of Education and Federal Courts. The constitutional implications of this judicial error are of extreme significance and should never be allowed to stand. See, the U. S. Const. amend. XIII and the Trafficking Victims Protection Act (TVPA) of 2000 as amended, which define a human trafficking victim as a person induced to perform labor through force, fraud, or coercion.

13) Is the 6th Circuit Appeals Court judgment to not allow Petitioner to enforce his Bankruptcy

discharge order and refusal to abide by Petitioners Bankruptcy discharge order unconstitutional?

Question 13 Argument;

The U.S. Supreme Court and congressional Statute 28 U.S.C. §§ 1334(a)(e) – Bankruptcy procedure has already disputed the lower courts granting the Department of Education and Respondents subject matter jurisdiction in this case to not abide by Petitioners bankruptcy court order when they held; *“Those orders are not any the less preclusive because the attack is on the Bankruptcy Court’s conformity with its subject-matter jurisdiction, for “[e]ven subject-matter jurisdiction ... may not be attacked collaterally.” Kontrick v. Ryan, 540 U. S. 443, 455, n. 9 (2004)”. See also Chicot County Drainage Dist. v. Baxter State Bank, 308 U. S. 371, 376 (1940); Travelers Indemnity Co. v. Bailey, 557 U. S. (2009) And that the Department of Education, the Respondents and lower courts can’t simply create their own personal ambiguity under irrelevant 11 U.S.C. § 523(a)(8) claims to not honor Petitioners clear bankruptcy court discharge order, which on its face does not exclude the loans in question [Pet. App. 16a], to seize Petitioners property and dismiss this valid civil rights case when the U.S. Supreme Court states; “the plain terms of a court order unambiguously apply, as they do here, they are entitled to their effect. See, e.g., Negrón-Almeda v. Santiago, 528 F.3d 15, 23 (1st*

Cir.2008) (“[A] court **must** carry out and enforce an order that is clear and unambiguous **on its face**”); *United States v. Spallone*, 399 F.3d 415, 421 (2d Cir.2005)” *Travelers Indemnity Co. v. Bailey*, 557 U. S. (2009) (slip op., at 1–2).

REASONS FOR GRANTING THE WRIT

The questions presented are important.

This petition demonstrates that the Sixth Circuit's decisions constitutes a significant departure from many U.S Constitution provisions, congressional statute intent, U.S. Supreme Court precedence, usurps congress authority over Article 3 courts and State of Kentucky equal protection of its citizens and directly interferes with Petitioners and federal program participants civil rights and denies them physical freedom to support their unconstitutional personal agenda and the Respondents criminal enterprise. Even though human trafficking, slavery, forced labor, involuntary servitude and peonage have been abolished through Federal congressional statutes and the U.S. Constitution. The 6th Circuit Courts are attempting through direct manipulation of congressional statutes and their own animus based non-relevant personal agenda to reestablish and subject these stains upon our shared past onto Petitioner and a congressionally protected class of Federal program participants, which Petitioner is part of, for corporate profit and to placate their

animus. These crimes against humanity cannot be allowed to continue.

Acceptance of the 6th Circuit Courts judgment will mean that congressional statute intent will no longer be relevant when citizens engage with the Federal government. Instead, statute intent will be subject to the ever-changing discretion of corporations and Federal district judges on a case by case basis. Trust in the rule of law will continue to erode.

The judgment and personal agenda of the 6th circuit Appeals Court will not financially advantage or disadvantage the Department of Education which works from a congressional budget nor will it financially advantage or disadvantage Federal guarantee guarantors whom are contractually compensated for their service nor will it financially advantage or disadvantage private lenders whose profitability is congressionally regulated through interest rates. Respondent 3rd party corporate actors will be the financial beneficiary of the unconstitutional actions of this Appeals Court judgment that injures Federal Program Participants. With the Department of Education actors and Respondents not claiming that their actions were a misunderstanding of congressional statutes, not claiming negligence and verifiably intentionally abusing the process for their procedural collateral advantages, the activities of the Department of Education and the Respondents, that are supported by the 6th Circuit Appeals Courts to deny Petitioner

and Federal program participants civil rights and to traffic in them for financial profit is well thought out, willful and malicious animus that warrants constitutional clarification and not exoneration.

Congress has demonstrated their intent to allow this case under statute 42 U.S.C. § 1985. The State of Kentucky has demonstrated their intent to allow this case under the torts of abuse of process, conversion and intentional infliction of emotional stress.

CONCLUSION

The U.S. Supreme Court's refusal to address this 6th Circuit Appeals Court judgment and relevant issues set forth in this Petition will overturn many well settled and established U.S. Supreme Court and State of Kentucky precedents. Petitioner is not only trying to stand up for his civil rights and the rights of all Federal Program Participants being harmed by the Respondents actions. Petitioner is also trying to protect the United States and its citizens against the lower courts personal agenda and Respondents conspiracies to continue to benefit from abusing the process beyond this case. *See. Hass v. Henkel, 216 U.S. 462, 479-480 (1910), and Hammerschmidt v. United States, 265 U.S. 182-188 (1924).* As you will see, Congress and the U.S Supreme Court has already agreed that the lower courts judgments, the abuse of Petitioner, the abuse of other Federal Program Participants and the abuse of the process by the Respondents for

their financial benefit is unacceptable. Although it's been almost 100 years, it's my hope that the U.S. Supreme Court will reaffirm these precedence that its unacceptable to abuse the government as well as use the government as an instrument of abuse. Now more than ever, we need this commitment to safeguard not only the Petitioner civil rights here but the rights of all citizens of the United States.

For the foregoing reasons and because of the importance of these matters, the petition for a writ of certiorari should be granted.

Respectfully submitted,

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