

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

DAVID L. JESIP (PROSIS) — PETITIONER
(Your Name)

GOVERNMENT OF THE ^{VS.}
UNITED STATES OF AMERICA — RESPONDENT(S)
ET AL

ON PETITION FOR A WRIT OF CERTIORARI TO

FEDERAL CIRCUIT 17-3681
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DAVID L. JESIP
(Your Name)

GENERAL DISTRICT
(Address)

SAINT LOUIS, MO 63155-7999
(City, State, Zip Code)

314-514-5223
(Phone Number)

No. _____

IN THE
Supreme Court of United States of America

DAVID G. JEEP, (PRO SE)

Petitioner,

v.

GOVERNMENT OF THE UNITED STATES OF AMERICA, ET¹
AL.,

_____ *Respondents.*

Petition for Writ of Certiorari to the Supreme Court
of the United States of America

from

Eastern District of Missouri - St. Louis (4: 17-cv-02690-
AGF) and The Eighth Circuit (17-3681)

David G. Jeep GENERAL DELIVERY Saint Louis, MO 63155-9999 E-Mail Dave@DGJeep.com (preferred) (314) 514-5228

¹ The full list of respondent is several pages and is a part of the original petition in Eastern District of Missouri - St. Louis (4: 17-cv-02690-AGF) see is an appendices E-pages 1-4

I. QUESTIONS PRESENTED

- 1) Is the issuance, and support on appeal, of a court order without a “reasonable probable cause” a judicial act?
- 2) Is there a non-exigent exception to the XIV Amendment?
- 3) Is the 15 years struggle as described by the scandalous and criminal acts in this petition probable cause for the Racketeer Influenced and Corrupt Organizations Act (RICO)?

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II. INTRODUCTION (ORDERS AND DATES)

This petition started in the U.S. District Court for the Eastern District of Missouri - St. Louis (4: 17-cv-02690-AGF¹) and The Eighth Circuit (17-3681). The final order from Eastern District of Missouri - St. Louis was issued Thursday, November 09, 2017. The final order from The Eighth Circuit was issued Wednesday, May 30, 2018, their mandate was issued Wednesday, July 25, 2018 (see appendix).

¹ MEMORANDUM AND ORDER – dismissal - Case: 4:17-cv-02690-AGF Doc. #: 5 Filed: 11/09/17

Petitioner has been through the Federal Courts District, Circuit and Supreme Court with seven prior Petitions for Writ of Certiorari 07-11115, 11-8211, 13-7030, 13-5193, 14-5551, 14-10088 and 15-8884. All prior petitions, via this reference, are included herewith.

III. JURISDICTION

Federal question Diversity of citizenship

This is both a "Federal question" as a violation of my constitutional rights and NOW a "Diversity of citizenship" with the Article III Federal Courts in Washington DC in question.

The respondents are all listed in the original District Court Petition (4: 17-cv-02690-AGF) to the best of the petitioner's memory. I am asserting the jurisdiction of:

- Rule 60(d)(3) of the Federal Rules of Civil Procedure - "set aside a judgment for fraud on the court"
- 28 U.S. Code § 1331 - Federal Question: Federal question: "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."

- 28 U.S. Code § 1332 - Diversity of citizenship; amount in controversy
- 28 U.S. Code § 1343(a)(3) - Civil rights and elective franchise:
- 42 U.S. Code § 1983 and 1985- Civil action for deprivation of rights:
- 18 U.S. Code Chapter 96 - Racketeer Influenced And Corrupt Organizations
- 18 U.S. Code § 1961 – Definitions
- 18 U.S. Code § 1962 - Prohibited activities
- 18 U.S. Code § 1964 - Civil remedies

ADDITIONALLY, I again cite the jurisdiction of the pursuit of Justice and the Constitution for the United States of America² with **a representative 7th Amendment Jury DEMAND.**

² I herewith note: 7 prior petitions on this issue in “PURSUIT OF JUSTICE,” see Petition of Certioraris to the Supreme Court of the United States and associated District and Circuit petitions... 07-11115, 11-8211, 13-7030, 13-5193, 14-5551, 14-10088 and 15-8884.

IV. STATEMENT OF THE CASE

The idea of issuing and/or sustaining an *ex parte* order of protection **without** reasonable probable cause based exclusively on an **alleged** - unrelated subject-matter - misdemeanor traffic issue is beyond the reach of all reasonable jurisdiction.

The utter absurdity of the facts in this case, from its very inception, have begged all credulity. **IT IS UNPRECEDENTED.** All attempts at covering this up with sovereign, judicial or other immunity are constitutionally unsustainable! This was the act of a vulgar, criminally shameless conspiracy to, 15 years ago, take the petitioner's son, home and all his life's possessions to satiate the conspirator's thirst for power and profit.

The issue is and has always been – a flagrantly, infamous, and fraudulent non-exigent, extra-judicial (*coram non judice*) gravamen:

-
- a fraud (*fraus omnia corrumpit*³) on the court by an officer of the court (FRCP 60(d)(3))⁴
 - again, a fraudulent NOT “*facially valid court order*”⁵

³ *fraus omnia corrumpit* - “Fraud corrupts all.” - A principle according to which the discovery of fraud invalidates all aspects of a judicial decision or arbitral award.

⁴ Rule 60(d)(3) of the Federal Rules of Civil Procedure - “set aside a judgment for fraud on the court”

⁵ The assertion of a misdemeanor traffic violation does not provide REASONABLE probable cause for an *ex parte* order of protection.

(Stump v. Sparkman, 435 U.S. 356-57 (1978) PENN v. U.S. 335 F.3d 790 (2003)) -

- that was *reckonably*⁶ issued “*in the "clear absence of all jurisdiction,"*” (Mireles v. Waco, 502 U.S. 9, 11-12, 112 S.Ct. 286, 116 L.Ed.2d 9 (1991) (per curiam) PENN v. U.S. 335 F.3d 790 (2003)) –
- “*beyond debate*” (Ashcroft v. al-Kidd, 563 U. S. 731, 741 (2011), Mullenix v. Luna 577 U. S. (2015))
- “*sufficiently clear that every reasonable official would have understood that what he is doing violates that right*” (Anderson v. Creighton, 483 U. S. 635, 640 (1987), Ashcroft v. al-Kidd, 563 U. S. 731, 741 (2011)).⁷
- THE GRAVITAS OF THE PERSONAL⁸ ISSUE IS

Clearly based on the original SERVED handwritten petition dated 11-03-03, THERE WAS A COMPLETE ABSENCE OF JURISDICTION for the stated charge.

⁶ If reason (reckonability) does not limit jurisdiction with probable cause, nothing can. "reckonability" is a needful characteristic of any law worthy of the name." Antonin Scalia: The Rule of Law as a Law of Rules, 56 U. Chi. L. Rev. 1175, 1175-81 (1989)

⁷ "To this day, I am haunted by the vivid memory of the confirming shrug from the Police Officer when I questioned it as served on November 3, 2003. I am further haunted by the memory of the same confirming shrug when Commissioner Jones first saw the absurdity of the court order on the bench November 20, 2003 as my attorney then highlighted as he repeated his prior objections." Lisa Nesbit c/o OFFICE OF THE CLERK Thursday, June 15, 2017, 10:23:36 AM

⁸ While the petitioner asserts this is not necessarily an isolated Jane Crow issue, it is a uniquely flagrant "first impression" and PERSONAL for the petitioner. Per McCabe v. Atchison, T. & S.F. Ry.

BEYOND QUESTION, IT TOOK AWAY
PETITIONER'S SON, HOME, CAR AND
EVERYTHING HE ONCE HELD DEAR IN THE
WORLD. Thus the issue could never be construed as a vexatious⁹ nor is the ongoing fight against flagrant injustice "continual Calumniation"¹⁰ nor could a 15 year struggle against injustice be construed as an inconsequential "short ride."¹¹ While the "Jane Crow" proponents of the current domestic relations court want to assert that men have always been the ones to leave, I object. I demand "due process" and "equal protection of the law" before I relinquish my constitutional paternity,

Co., 235 U.S. 151 (1914) " The essence of the constitutional right to equal protection of the law is that it is a personal one, and does not depend upon the number of persons affected, and any individual who is denied by a common carrier, under authority of the state, a facility or convenience which is furnished to another under substantially the same circumstances may properly complain that his constitutional privilege has been invaded.

Congressman Beatty of Ohio claimed that it was the duty of Congress to listen to the appeals of those who,

"by reason of popular sentiment or secret organizations or prejudiced juries or bribed judges, [cannot] obtain the rights and privileges due an American citizen. . . ."

⁹ Bradley v. Fisher, 80 U.S. 335 (1871), Page 80 U. S. 348 and 349

¹⁰ Floyd and Barker. (1607) Easter Term, 5 James I - In the Court of Star Chamber. - First Published in the Reports, volume 12, page 23.

¹¹ Ida B. Well v. Chesapeake & Ohio Railroad - Tennessee Supreme Court, which reversed the lower court's ruling in 1887. It concluded, "We think it is evident that the purpose of the defendant in error was to harass with a view to this suit, and that her persistence was not in good faith to obtain a comfortable seat for the short ride." [Southwestern Reporter, Volume 4, May 16–August 1, 1887.

property and liberty rights.

- Petitioner was then forced into the extra-judicial (coram non iudice) domestic relations court where the court's fraud, *fraus omnia corrumpit*,¹² had deprived the petitioner of resources and the psychological capacity (Post-Traumatic Stress Disorder). He had fewer rights than an African American in a "Jim Crow" jail shot dead in the back for trying to resisting arrest for merely looking at a white woman
- On November 3, 2003 Judge Joseph A. Goeke III clearly had no "subject matter" jurisdiction for the statute's stated "subject matter," i.e., "An immediate and present danger of domestic violence."
- On November 3, 2003 Judge Joseph A. Goeke III ruled *ex parte*, by definition, without personal jurisdiction of the petitioner. And the referenced alleged misdemeanor traffic violation, was already under the BONDED personal jurisdiction of another judge, Associate Circuit Judge Jack A. Bennett of 26th District of Missouri. Petitioner was ultimately found to be innocent in due course at a jury trial of the then prior driving while suspended.¹³

¹² *fraus omnia corrumpit* - "Fraud corrupts all." - A principle according to which the discovery of fraud invalidates all aspects of a judicial decision or arbitral award.

¹³ It should be noted, that the petitioner was found guilty of DWI. **Although the petitioner contests this conviction too, with this petition.** The conviction was a violation of petitioner's' constitutional rights i.e., "The rule of *Brady v. Maryland*, 373 U. S. 83, arguably applies in three quite different situations. Each involves the discovery, after trial, of

- On November 3, 2003 Judge Joseph A. Goeke III ruled *ex parte*, by definition, without geographic jurisdiction of the petitioner. Judge Joseph A. Goeke III was a part of the 21st District of Missouri in St. Louis County some 170 miles away from the site of the alleged BONDED misdemeanor traffic violation and Associate Circuit Judge Jack A. Bennett in the 26th District of Missouri, Osage Beach, Camden County Missouri. Petitioner was ultimately found to be innocent in due course at a jury trial of the then prior driving while suspended.¹⁴
- Since the extra-judicial (*coram non judice*) hearing on November 20, 2003, nearly 15 years total, with 11 years homeless, 411 days in federal custody, ago the petitioner has been RELENTLESSLY appealing the undisputed and unsustainable extra-judicial (*coram non judice*) fraud on the court by an officer of the court, *fraus omnia*

information, which had been known to the prosecution but unknown to the defense.” - United States v. Agurs, 427 U.S. 103 (1976). This can be documented, with the trial transcript and outside confirmation of standards, requested but never provided pretrial.

¹⁴ It should be noted, that the petitioner was found guilty of DWI. **Although the petitioner contests this conviction too, with this petition.** The conviction was a violation of petitioner’s’ constitutional rights i.e., “The rule of Brady v. Maryland, 373 U. S. 83, arguably applies in three quite different situations. Each involves the discovery, after trial, of information, which had been known to the prosecution but unknown to the defense.” - United States v. Agurs, 427 U.S. 103 (1976). This can be documented, with the trial transcript and outside confirmation of standards, requested but never provided pretrial.

corrumpit,¹⁵ with eight trips through the conspiring extra-judicial (*coram non judice*) Federal (district and circuit) Courts and seven docketed and denied petitions for writ of certiorari to the co-conspiring extra-judicial (*coram non judice*) Supreme Court (07-11115, 11-8211, 13-7030, 13-5193, 14-5551, 14-10088 and 15-8884

Now before you start crying about my asserting the Supreme Court as “extra-judicial (*coram non judice*)” and therefore trying to render my entire petition moot, whoa up.

If the Judiciary, is only half, as honorable as they assert? They, from the Supreme Court to the lowliest family commissioner, should have ALWAYS been able to honorably admit error and then WORK to remedy their errors! These issues of “due process” and “equal protection of the laws, have been before every Judge that ever heard the case. Starting with my attorney of record, Timothy Schlesinger, at the hearing on November 20, 2003 and in his two timely post-trial motions, noting Missouri Court Rule 129.11¹⁶ requirements.

I am suing for “fraud on the court by an officer of the court”¹⁷ and the resultant damages from the unconstitutional

¹⁵ *fraus omnia corrumpit* - “Fraud corrupts all.” - A principle according to which the discovery of fraud invalidates all aspects of a judicial decision or arbitral award.

¹⁶ Note: Rule 129.11 requiring rehearing and findings was repealed and replaced by the Supreme Court of Missouri May 20, 2009

¹⁷ Rule 60(d)(3) of the Federal Rules of Civil Procedure - “set aside a judgment for fraud on the court”

extra-judicial (*coram non judice*) criminal¹⁸ deprivation of rights. This is consistent with and sustaining the Constitutional necessity - the *ex industria*¹⁹ laws, originally passed in 1871²⁰ - at present codified into Federal Statute laws as 42 U.S. Code § 1983&1985 - Conspiracy to interfere with civil rights - that were Federally legislated²¹ post-civil war to enforce this prohibition for all time and without non-exigent restriction.

¹⁸ 18 U.S. Code § 241 - Conspiracy against rights

¹⁹ See XIV Amendment Section 5. "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

²⁰ The Enforcement Act of 1871 (17 Stat. 13), also known as the Civil Rights Act of 1871, Force Act of 1871, Ku Klux Klan Act, the act was passed by the 42nd United States Congress and signed into law by President Ulysses S. Grant on April 20, 1871. The act was the last of three Enforcement Acts passed by the United States Congress from 1870 to 1871 during the Reconstruction Era to combat attacks upon the suffrage rights of African Americans. The statute has been subject to only minor changes since then.

²¹ Pierson v. Ray, 386 U.S. 559 (1967)

"The congressional purpose seems to me to be clear. A condition of lawlessness existed in certain of the States under which people were being denied their civil rights. Congress intended to provide a remedy for the wrongs being perpetrated. And its members were not unaware that certain members of the judiciary were implicated in the state of affairs which the statute was intended to rectify. It was often noted that "[i]mmunity is given to crime, and the records of the public tribunals are searched in vain for any evidence of effective redress." Cong.Globe, 42d Cong., 1st Sess., 374. Mr. Rainey of South Carolina noted that "[T]he courts are in many instances under the control of those who are wholly inimical to the impartial administration of law and equity." Id. at 394."

“This robe doesn’t make me anything other than human,” Judge T.S. Ellis III in the case of ex-Trump campaign chairperson Paul Manafort.

The Petitioner’s 15 year struggle, with proof of the flagrant deprivation of his Constitutional civil rights in-hand, inculcates all those who have thus sustained the ongoing extra-judicial (*coram non judice*) deprivation of his rights, in his many appeals.

This is and has been, since day one November 3, 2003, a deliberate and unquestionable fraud on the court by an officer(s) of the court. Given the gravitas²² of the personal²³ issue to the petitioner - the kidnapping of his son and theft of the petitioner’s car, home and all his worldly possessions – this is not vexatious²⁴ or calumnious²⁵ or a “short ride.”²⁶.

²² They took my son, everything I ever owned and threw me on the street to fend for myself!

²³ While the petitioner asserts this is not necessarily an isolated Jane Crow issue, **it is a uniquely flagrant “first impression” and personal for the petitioner.** Per McCabe v. Atchison, T. & S.F. Ry. Co., 235 U.S. 151 (1914) " The essence of the constitutional right to equal protection of the law is that it is a personal one, and does not depend upon the number of persons affected, and any individual who is denied by a common carrier, under authority of the state, a facility or convenience which is furnished to another under substantially the same circumstances may properly complain that his constitutional privilege has been invaded."

²⁴ Bradley v. Fisher, 80 U.S. 335 (1871), Page 80 U. S. 348 and 349

²⁵ Floyd and Barker. (1607) Easter Term, 5 James I - In the Court of Star Chamber. - First Published in the Reports, volume 12, page 23.

²⁶ Tennessee Supreme Court, which reversed the lower court's ruling in 1887. It concluded, "We think it is evident that the purpose of the defendant in error was to harass with a view to this suit, and that her

Petitioner is merely asking for his right to relief from injustice, per Rule 60(d)(3) of the Federal Rules of Civil Procedure - "set aside a judgment for fraud on the court" and damages²⁷, **fraus omnia corrumpit**.²⁸ THERE WAS A COMPLETE ABSENCE OF JURISDICTION for the stated charge and that the court acted extra-judicial (*coram non judice*) without clear and reasonable probable cause was and is an ongoing "fraud on the court." The *ex parte* order was issued without probable cause for the stated charge - it was a criminal conspiracy against rights²⁹ that resulted in criminal kidnaping, assault, trespass and theft.

The petitioner was **and is** the victim of a criminal conspiracy against rights³⁰ resulting in criminal kidnaping, assault, trespass and theft. The *ex parte* order at the inception of the issue was, and has ALWAYS been, a "fraud on the court by an officer(s) of the court" and there for not a judicial act, *coram non judice*. The *ex parte* order was issued without probable cause for the stated charge - it was a criminal

persistence was not in good faith to obtain a comfortable seat for the short ride."Southwestern Reporter, Volume 4, May 16–August 1, 1887.

²⁷ A deprivation of rights 42 U.S. Code § 1983 and 1985- Civil action for deprivation of rights as perpetuated by a RICO action 18 U.S. Code § 1964 - Civil remedies

²⁸ *fraus omnia corrumpit* - "Fraud corrupts all." - A principle according to which the discovery of fraud invalidates all aspects of a judicial decision or arbitral award.

²⁹ 18 U.S. Code § 241 - Conspiracy against rights

³⁰ 18 U.S. Code § 241 - Conspiracy against rights

conspiracy against rights³¹ – criminal kidnapping, assault, trespass and theft.

If the court is immune and not limited by reckonable³² and reasonable probable cause; **JUSTICE CANNOT BE SERVED**. Officers of the court could *at will* arrest anyone to SMEAR for minor issues and THEN charge AND CONVICT capital crimes, on said misdemeanor issues alone; it is too ABSURD to even consider.

The XIV Amendment clearly constitutionally federally prohibits any state's or judge-made-law non-exigent exceptions to:

"No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Did we not learn this with Jim Crow laws? Jane Crow³³ should never have had a foot-hold. Who would ever have

³¹ 18 U.S. Code § 241 - Conspiracy against rights

³² "reconability" is a needful characteristic of any law worthy of the name." Antonin Scalia: The Rule of Law as a Law of Rules, 56 U. Chi. L. Rev. 1175, 1175-81 (1989)

³³ The "Jane Crow" era has NOW been sustained by socioeconomic statistical RESEARCH. "Jane Crow" discrimination is REAL! Men are disfavored by domestic relations law in the United States of America!

democratically authorized a state sponsored “star chamber”³⁴ to “at will” take away due process protections for paternal rights, property rights and personal liberty rights without exigency?

The District and Circuit have asserted a “domestic relations exception” as judge-made-law. They justify it with the “interests of the child.” The Court’s prior assertion to Juvenile courts (Juvenile Crow) with the “interests of the child” seems pertinent HERE:

“Juvenile Court history has again demonstrated that unbridled discretion, however benevolently motivated, is frequently a poor substitute for principle and procedure. In 1937, Dean Pound wrote: “The powers of the Star Chamber were a trifle in comparison with those of our juvenile courts. . . .” The absence of substantive standards has not necessarily meant that children receive careful, compassionate, individualized treatment. The absence of procedural rules based upon constitutional principle has not always produced fair, efficient, and effective procedures. Departures from

With the birth rate down by 48% since 1960 and teen pregnancy down by 65% just since 1990 -- single motherhood is UP by 700% since 1960 (40% of births were to single mothers in 2015 v. 1960's 5%). Per the report's authors,³³these figures stand without regard to race or income.

³⁴ Abolition of the Star Chamber July 5, 1641 An act for the regulating of the privy council, and for taking away the court commonly called the star-chamber.

established principles of due process have frequently resulted not in enlightened procedure, but in arbitrariness. The Chairman of the Pennsylvania Council of Juvenile Court Judges has recently observed:

"Unfortunately, loose procedures, high-handed methods and crowded court calendars, either singly or in combination, all too often, have resulted in depriving some juveniles of fundamental rights that have resulted in a denial of due process."

Failure to observe the fundamental requirements of due process has resulted in instances, which might have been avoided, of unfairness to individuals and inadequate or inaccurate findings of fact and unfortunate prescriptions of remedy. Due process of law is the primary and indispensable foundation of individual freedom. It is the basic and essential term in the social compact which defines the rights of the individual and delimits the powers which the state may exercise. As Mr. Justice Frankfurter has said: "The history of American freedom is, in no small measure, the history of procedure." But, in addition, the procedural rules which have been fashioned from the generality of due process are our best instruments for the distillation and evaluation of essential facts from the conflicting welter of data that life and our adversary methods present. It is

these instruments of due process which enhance the possibility that truth will emerge from the confrontation of opposing versions and conflicting data. "Procedure is to law what scientific method' is to science." (In re Gault, 387 U.S. 1 (1967) internal footnotes omitted)"

The petitioner is asking for R.I.C.O.³⁵ damages³⁶ for the 15 years of the criminal deprivation of paternal, personal and property right in the pain and suffering still ongoing in the criminal³⁷ action.

I argued from day one this was a case involving "unreasonable probable cause."³⁸ To any EDUCATED legal professional, that should infer a constitutional problem described as a "fraud on the court by an officer of the court."

Petitioner may not have had the legal shibboleth i.e., "fraud on the court by an officer of the court" but the constitutional issue has always been clear!

Petitioner includes the undisputed evidence, the original *ex parte* order (see appendix), dated November 3, 2003,³⁹ and

³⁵ 18 U.S. Code Chapter 96 - Racketeer Influenced and Corrupt Organizations

³⁶ 42 U.S. Code § 1983 - Civil action for deprivation of rights

³⁷ 18 U.S. Code § 241 - Conspiracy against rights

³⁸ My attorney of record filed two timely motions in December of 2003 addressing the constitutional issues in legal speak.

³⁹ Note the case header from Case 4-07-cv-01116-CEJ Doc. 1-2 Filed 06-07-07

by reference the motion stating the facts at issue, prepared by Tim Schlesinger- Respondent's attorney, dated December 5, 2003 - arbitrarily denied extra-judicially (coram non judge) December 18, 2003, without any findings required by Missouri Court Rule 129.11.⁴⁰

V. REASONS FOR GRANTING THE PETITION

NO ONE IS ABOVE THE LAW.

“NO ONE IS ABOVE THE LAW” is in common usage today in regard to our current president. Petitioner asserts, the larger problem is in our Judiciary. If the Judiciary is as honorable as they assert? They, from the Supreme Court to the lowliest family commissioner, should be able to honorably admit human error and then WORK to fully remedy their human errors! This is how it was always supposed to have worked. Nobody ever assumed that “perfection” would exist - the second the Constitution was enacted and then last happily ever after for all time in the courts.

We have forgotten that the founders had many contemporary grievances with the corruption of the judiciary of their time. The Star Chamber,⁴¹ The Inquisition, the Bloody Assizes, or the application of General Warrants (“Wilkes and Liberty”),

⁴⁰ Note: Rule 129.11 requiring rehearing and findings was repealed and replaced by the Supreme Court of Missouri May 20, 2009

⁴¹ Abolition of the Star Chamber - JULY 5, 1641 An act for the regulating of the privy council, and for taking away the court commonly called the star-chamber.

represent only a few of the major historical judicial corruptions of the 17th and 18th Century. Judicial corruption and/or mistakes, motivated by ignorance, avarice or the lust for power; were always seen to be an integrally inescapable part of anything man made. Thus, the VII Amendment's common law jury trial GUARANTEE!

The assertion of absolute judicial immunity is without any constitutional basis.- Yes, some judicial persons are appointed for life, but that does not mean they are immune to traffic tickets, felonies, non-exigent deprivation of civil rights,⁴² the VII Amendment or in the end impeachment. \

The idea that the founders thought to **trade** their hard won liberty from the "King that can do no wrong"⁴³ **for** the discretion of any judicial officer of the court that "can do no wrong" is just RIDICULOUS.

Beyond that the Jane Crow era, based on the Jim Crow and Juvenile Crow era's that proceeded it, it is currently decimating the roots of the American Family structure.

MEN ARE DISFAVORED BY DOMESTIC RELATIONS LAW IN THE UNITED STATES OF AMERICA!

⁴² MR. JUSTICE DOUGLAS, dissenting Pierson v. Ray, 386 U.S. 558 (1967):

"I do not think that all judges, under all circumstances, no matter how outrageous their conduct, are immune from suit under 17 Stat. 13, 42 U.S.C. § 1983. The Court's ruling is not justified by the admitted need for a vigorous and independent judiciary, is not commanded by the common law doctrine of judicial immunity, and does not follow inexorably from our prior decisions."

⁴³ Pierson v. Ray, 386 U.S. 565 (1967)

The "Jane Crow" Era has been supported by media reports in the news for DECADES. "It doesn't take a cynic to point out that when a woman is getting a divorce, what she may truly fear is not violence, but losing the house or kids. Under an *exparte* order of protection, if she's willing to fib to the judge and say she is "in fear" of her children's father, she will get custody and money and probably the house."

A fait accompli, "A man against whom a frivolous *exparte* order of protection has been brought starts to lose any power in his divorce proceeding. They do start decompensating, and they do start to have emotional issues, and they do start developing post-traumatic stress disorders (PTSD). They keep replaying in their minds the tape of what happened to them in court. It starts this whole vicious downward cycle. They've been embarrassed and shamed in front of their family and friends, unjustly, and they totally lose any sense of self-control and self-respect. They may indeed become verbally abusive. It's difficult for the court to see where that person was prior to the restraining order." "The Booming Domestic Violence Industry" - Massachusetts News, 08/02/99, By John Maguire, Hitting below the belt Monday, 10/25/99 12:00 ET, By Cathy Young, Salon - Divorced men claim discrimination by state courts, 09/07/99, By Erica Noonan, Associated Press, Dads to Sue for Discrimination, 08/24/99, By Amy Sinatra, ABCNEWS.com, The Federal Scheme to Destroy Father-Child Relationships, by Jake Morphonios, 02/13/08.

Additionally, the "Jane Crow" era has **NOW** been sustained by socioeconomic statistical research. "Jane Crow" discrimination is verifiably REAL!

Men are disfavored by domestic relations law in the United States of America! With the birth rate down by 48% since

1960 and teen pregnancy down by 65% just since 1990 -- single motherhood is UP by 700% since 1960 (40% of births were to single mothers in 2015 v. 1960's 5%).⁴⁴ Per the report's authors,⁴⁵ these figures stand without regard to race or income. The place of the FATHER in the American Family is at RISK!

VI. CONCLUSION

First given that absolute immunity has been the unconstitutional fomenting force behind Jim Crow, Juvenile Crow and Jane Crow law it is time to END it HERE!!

"I do not think that all judges, under all circumstances, no matter how outrageous their conduct, are immune from suit under 17 Stat. 13, 42 U.S.C. § 1983. The Court's ruling is not justified by the admitted need for a vigorous and independent judiciary, is not commanded by the common law doctrine of judicial immunity, and does not follow inexorably from our prior decisions" (MR. JUSTICE DOUGLAS, dissenting Pierson v. Ray, 386 U.S. 558 (1967)).

⁴⁴ "Male Earnings, Marriageable Men, and Nonmarital Fertility: Evidence from the Fracking Boom" by Melissa S. Kearney, Riley Wilson - NBER Working Paper No. 23408 - Issued in May 2017 - NBER Program(s): CH EEE LS PE - Per a new paper by Andrew Cherlin, professor of sociology at Johns Hopkins University and Melissa Kearney, professor of economics at University of Maryland this 700% increase is across economic and racial lines. See also - "Women just aren't that into the 'marriageable male' anymore, economists say" Washington Post - By Danielle Paquette - May 16, 2016 - "The Fracking Boom, a Baby Boom, and the Retreat From Marriage" Freakonomics - NPR - July 5, 2017

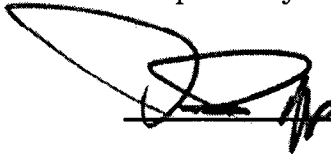
⁴⁵ Andrew Cherlin, professor of sociology at Johns Hopkins University and Melissa Kearney, professor of economics at University of Maryland

Absolute immunity is not and never was authorized by the Constitution of the United States of America.

NO ONE IS ABOVE THE LAW.

Secondly the petition should be granted to, re-establish the XIV Amendment's "due process" and "equal protection" of the law for all persons and . Thus denying any and all "domestic relations exceptions." And once again, give reckonability⁴⁶ to establish the rule of law with the VII Amendment's jury trial, as proposed by the founders with the Constitution for the United States of America.

Respectfully submitted,



David G. Jeep

GENERAL DELIVERY

Saint Louis, MO 63155-9999

E-Mail Dave@DGJeep.com (preferred)

(314) 514-5228

⁴⁶ If reason (reconabilty) does not limit jurisdiction with probable cause, nothing can."reconability" is a needful characteristic of any law worthy of the name." Antonin Scalia: The Rule of Law as a Law of Rules, 56 U. Chi. L. Rev. 1175, 1175-81 (1989)

VII. TABLE OF AUTHORITIES

Federal Rules of Civil Procedure

- Rule 60(d)(3) of the Federal Rules of Civil Procedure - “set aside a judgment for fraud on the court”

Statutes

- Abolition of the Star Chamber - JULY 5, 1641 An act for the regulating of the privy council, and for taking away the court commonly called the star-chamber.
- 28 U.S. Code § 1331 - Federal Question
- 28 U.S. Code § 1332 - Diversity of citizenship; amount in controversy
- 28 U.S. Code § 1343(a)(3) - Civil rights and elective franchise:
- 18 U.S. Code § 241 - Conspiracy against rights
- 18 U.S. Code Chapter 96 - Racketeer Influenced And Corrupt Organizations

- 18 U.S. Code § 1961 – Definitions
- 18 U.S. Code § 1962 - Prohibited activities
- 18 U.S. Code § 1964 - Civil remedies
- 42 U.S. Code § 1983 - Civil action for deprivation of rights
- 42 U.S. Code § 1985- Civil action for conspiracy deprivation of rights

Cases References

- Ashcroft v. al-Kidd, 563 U. S. 731, 741 (2011), Mullenix v. Luna 577 U. S. _(2015)
- Anderson v. Creighton, 483 U. S. 635, 640 (1987), Ashcroft v. al-Kidd, 563 U. S. 731, 741 (2011)
- Bradley v. Fisher, 80 U.S. 335 (1871), Page 80 U. S. 348 and 349
- Floyd and Barker. (1607) Easter Term, 5 James I - In the Court of Star Chamber. - First Published in the Reports, volume 12, page 23. - Sir Edward Coke, The Selected Writings and Speeches of Sir Edward Coke, ed. Steve Sheppard (Indianapolis: Liberty Fund, 2003). Vol. 1. 8/18/2018
- In re Gault, 387 U.S. 18 (1967)
- McCabe v. Atchison, T. & S.F. Ry. Co., 235 U.S. 161 (1914)

- Mireles v. Waco, 502 U.S. 9, 11-12, 112 S.Ct. 286, 116 L.Ed.2d 9 (1991) (per curiam) PENN v. U.S. 335 F.3d 790 (2003)
- Pierson v. Ray, 386 U.S. 565 (1967)
- Stump v. Sparkman, 435 U.S. 356-57 (1978) PENN v. U.S. 335 F.3d 790 (2003)
- Tennessee Supreme Court, Southwestern Reporter, Volume 4, May 16–August 1, 1887.
- United States v. Agurs, 427 U.S. 103 (1976)

Other

- The Rule of Law as a Law of Rules, 56 U. Chi. L. Rev. 1175, 1175-81 (1989)

VIII. APPENDIX

- A. (1-4) ORIGINAL EX PARTE ORDER OF PROTECTION - Case: 4:07-cv-01116-CEJ Doc. #: 1-2 Filed: 06/07/07 Page: 1 of 4 Page ID #: 8
- B. (1-3) DISMISSAL OF DISTRICT COURT PETITION - Case: 4:17-cv-02690-AGF Doc. #: 5 Filed: 11/09/17 Page: 1 of 3 Page ID #: 41
- C. (1) APPELLATE COURT'S AFFIRMATION OF DISTRICT COURT - Appellate Case: 17-3681 Page: 1 Date Filed: 05/30/2018 Entry ID: 4667103

- D. (1) FORMAL MANDATE - Appellate Case: 17-3681
Page: 1 Date Filed: 07/25/2018 Entry ID: 4686306
- E. (1-4) COMPLETE LIST OF THE RESPONDENTS
- F. (1) MEME