ORIGINAL

No. 18-9750

IN THE

SUPREME COURT OF THE UNITED STATES

John G. Curry — PETITIONER

vs.

Mark Lopez, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

John G. Curry (pro se)
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QUESTIONS PRESENTED

Introductory Statement:

John G. Curry is a natural born U.S. citizen and Illinois citizen, who has plausible claims that a criminal conspiracy of four people, including two Illinois associate judges, an Illinois attorney, and a non-attorney resident of Illinois, intentionally caused civil and criminal deprivations of his civil rights under the 8th, 13th, and 14th Amendments to the Constitution, under US laws, including 15 USC 1673, a prohibitive Act of Congress aimed at all judges, states, and state officers/agents, and under multiple Illinois laws, including 750 ILCS 28/35(c), a law supporting said prohibitive Act of Congress with mandatory criminal contempt of court penalties expressed in 750 ILCS 28/50(b) and including 750 ILCS 5/510(a), a law that clearly restricts the authority of judges.

Question(s):

Whether John G. Curry or someone similarly situated can be denied a federal forum, contrary to standards, by misapplication of doctrines, such as *Rooker-Feldman* or absolute judicial immunity, to override conferred jurisdiction that would otherwise permit the U.S. District Court to hear the merits of the resulting civil rights violation case and provide remedy under 42 USC 1983, 1985, and 1986 and justice initiated by mandamus to compel investigation/prosecution under 18 USC 242.

Whether a judge, who forfeits absolute judicial immunity by committing crimes and deprivations of civil rights in conspiracy with others, can be sued in his or her individual capacity in violation of civil rights cases under 42 USC 1983, 1985, and 1986 and at what point is the judge stripped of his or her official character.

Whether this Court's decision in *Stump v. Sparkman*, 435 US 349 - Supreme Court 1978 should be overruled, modified, or clarified to address the situations where judges knowingly violate state and/or federal laws to deprive a citizen of civil rights.

LIST OF PARTIES

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Petitioner: John G. Curry

vs.

Respondents: Mark Joseph Lopez

Gregory Emmett Ahern, Jr.

Jane F. Fields

Constance V. Curry

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

The opinion United States Court of Appeals appears at Appendix A to the petition and is unpublished.

The opinion of the United States District Court appears at Appendix B to the petition and is unpublished.

The opinion of the United States Secretary of Labor, as an enforcer of 15 U.S.C. § 1673, Consumer Credit Protection Act (CCPA) appears at Appendix C to the petition and is unpublished.

JURISDICTION

The date on which the United States Court of Appeals decided my case was March 21, 2019. No petition for rehearing was timely filed in my case.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

... all provided in relevant part:

Amendment VIII, Constitution of the United States

> "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."

Amendment XIII, Section 1., Constitution of the United States

> "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."

Amendment XIV, Section 1., Constitution of the United States

> "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

15 U.S.C. § 1673 Restriction on garnishment

> "(b)Exceptions
>
> (2) The maximum part of the aggregate disposable earnings of an individual for any workweek which is subject to garnishment to enforce any order for the support of any person shall not exceed—
>
> (A) where such individual is supporting his spouse or dependent child (other than a spouse or child with respect to whose support such order is used), 50 per centum of such individual's disposable earnings for that week; and
>
> (B) where such individual is not supporting such a spouse or dependent child described in clause (A), 60 per centum of such individual's disposable earnings for that week;
>
> except that, with respect to the disposable earnings of any individual for any workweek, the 50 per centum specified in clause (A) shall be deemed to be 55 per centum and the 60 per centum specified in clause (B) shall be deemed to be 65 per centum, if and to the extent that such earnings are subject to garnishment to enforce a support order with respect to a period which is prior to the twelve-week period which ends with the beginning of such workweek.
>
> (c) Execution or enforcement of garnishment order or process prohibited

No court of the United States or any State, and no State (or officer or agency thereof), may make, execute, or enforce any order or process in violation of this section."

15 U.S.C. § 1676 Enforcement by Secretary of Labor

"The Secretary of Labor, acting through the Wage and Hour Division of the Department of Labor, shall enforce the provisions of this subchapter."

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

"Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death."

18 U.S.C. § 1951

"Interference with commerce by threats or violence
(a) Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section shall be fined under this title or imprisoned not more than twenty years, or both.
(b) As used in this section—

2) The term "extortion" means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right."

18 U.S.C. § 1962 Prohibited activities

"(b) It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce."

28 U.S.C. § 1331 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.C. § 1343 Civil rights and elective franchise

"(a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;

(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote."

28 U.S.C. § 1361 Action to compel an officer of the United States to perform his duty

"The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff."

28 U.S.C. § 1367 Supplemental jurisdiction

"(a) Except as provided in subsections (b) and (c) or as expressly provided otherwise by Federal statute, in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution. Such

supplemental jurisdiction shall include claims that involve the joinder or intervention of additional parties.
(c) The district courts may decline to exercise supplemental jurisdiction over a claim under subsection (a) if—
(1) the claim raises a novel or complex issue of State law,
(2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction,
(3) the district court has dismissed all claims over which it has original jurisdiction, or
(4) in exceptional circumstances, there are other compelling reasons for declining jurisdiction."

40 ILCS 5/6-125

"Future entrants - age 50 but less than age 63 in service - amount of annuity. When a future entrant who attains age 50 or more in service, having 10 or more years of service, withdraws before age 63 his age and service annuity shall be fixed as of his age at withdrawal. He is entitled to annuity, after withdrawal, of the amount provided from the following sums on the date of withdrawal:
(1) If service is 20 or more years, the entire sum accumulated to his credit for age and service annuity; or"

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

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia."

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

"(3) Depriving persons of rights or privileges
If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal

protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators."

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

"Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding $5,000 damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued."

720 ILCS 5/10-9 Sec. 10-9. Trafficking in persons, involuntary servitude, and related offenses.

"(b) Involuntary servitude. A person commits involuntary servitude when he or she knowingly subjects, attempts to subject, or engages in a conspiracy to subject another person to labor or services obtained or maintained through any of the following means, or any combination of these means:

(1) Not applicable;

(2) physically restrains or threatens to physically restrain another person;
(3) abuses or threatens to abuse the law or legal process;
(4) Not applicable;
(5) uses intimidation, or exerts financial control over any person; or
(6) uses any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform the labor or services, that person or another person would suffer serious harm or physical restraint.

Sentence. Except as otherwise provided in subsection (e) or (f), a violation of subsection (b)(1) is a Class X felony, (b)(2) is a Class 1 felony, (b)(3) is a Class 2 felony, (b)(4) is a Class 3 felony, (b)(5) and (b)(6) is a Class 4 felony."

720 ILCS 5/16-1 Theft.

"(a) A person commits theft when he or she knowingly:
(1) Obtains or exerts unauthorized control over property of the owner; or
(2) Obtains by deception control over property of the owner; or
(3) Obtains by threat control over property of the owner; or
(4) Obtains control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce him or her to believe that the property was stolen; or
(5) Not applicable"

720 ILCS 5/33-3 Official misconduct.

"(a) A public officer or employee or special government agent commits misconduct when, in his official capacity or capacity as a special government agent, he or she commits any of the following acts:
(1) Intentionally or recklessly fails to perform any mandatory duty as required by law; or
(2) Knowingly performs an act which he knows he is forbidden by law to perform; or
(3) With intent to obtain a personal advantage for himself or another, he performs an act in excess of his lawful authority; or
(4) Solicits or knowingly accepts for the performance of any act a fee or reward which he knows is not authorized by law."

735 ILCS 5/12-109(b) Interest on judgments.

"(b) Every judgment arising by operation of law from a child support order shall bear interest as provided in this subsection. The interest on judgments arising by operation of law from child support orders shall be calculated by applying one-twelfth of the current statutory interest rate as provided in

Section 2-1303 to the unpaid child support balance as of the end of each calendar month."

735 ILCS 5/2-1303

"Interest on judgment. Judgments recovered in any court shall draw interest at the rate of 9% per annum from the date of the judgment until satisfied or 6% per annum when the judgment debtor is a unit of local government, as defined in Section 1 of Article VII of the Constitution, a school district, a community college district, or any other governmental entity. When judgment is entered upon any award, report or verdict, interest shall be computed at the above rate, from the time when made or rendered to the time of entering judgment upon the same, and included in the judgment."

750 ILCS 5/505.1

"(a) Whenever it is determined in a proceeding to establish or enforce a child support or maintenance obligation that the person owing a duty of support is unemployed, the court may order the person to seek employment and report periodically to the court with a diary, listing or other memorandum of his or her efforts in accordance with such order."

750 ILCS 5/510(a) Modification and termination of provisions for maintenance, support, educational expenses, and property disposition.

"(a) Except as otherwise provided in paragraph (f) of Section 502 and in subsection (b), clause (3) of Section 505.2, the provisions of any judgment respecting maintenance or support may be modified only as to installments accruing subsequent to due notice by the moving party of the filing of the motion for modification."

750 ILCS 5/602 Best Interest of Child (before repeal 7/1/2017):

"(a) The court shall determine custody in accordance with the best interest of the child. The court shall consider all relevant factors including: (1) the wishes of the child's parent or parents as to his custody; (2) the wishes of the child as to his custodian; (3) the interaction and interrelationship of the child with his parent or parents, his siblings and any other person who may significantly affect the child's best interest; (4) the child's adjustment to his home, school and community; (5) the mental and physical health of all individuals involved; (6) the physical violence or threat of physical violence by the child's potential custodian, whether directed against the child or directed against another person; (7) the occurrence of ongoing or repeated abuse as defined in Section 103 of the Illinois Domestic Violence Act of 1986, whether

directed against the child or directed against another person; (8) the willingness and ability of each parent to facilitate and encourage a close and continuing relationship between the other parent and the child; (9) whether one of the parents is a sex offender; and (10) the terms of a parent's military family-care plan that a parent must complete before deployment if a parent is a member of the United States Armed Forces who is being deployed."

750 ILCS 28/35(c) (under Duties of payor)

"(c) Withholding of income under this Act shall be made without regard to any prior or subsequent garnishments, attachments, wage assignments, or any other claims of creditors. Withholding of income under this Act shall not be in excess of the maximum amounts permitted under the federal Consumer Credit Protection Act."

750 ILCS 28/50(b) (under Penalties)

"(b) Any obligee, public office or obligor who wilfully initiates a false proceeding under this Act or who wilfully fails to comply with the requirements of this Act shall be punished as in cases of contempt of court."

STATEMENT OF THE CASE

Petitioner John G. Curry (John Curry) sought to have a federal forum to enforce his civil rights under multiple laws that were established to protect U.S. and Illinois citizens. On May 17, 2017, John Curry filed a Complaint (Complaint) (Docket# 17-cv-03659) in the United States District Court For The Northern District Of Illinois (District Court) alleging that the four Respondents to this petition, in criminal conspiracy violated and were continuously violating his civil rights under the Constitution and U.S. laws/Illinois laws and committed criminal acts against him injuring him severely. The Respondents, who were named Defendants, included two Illinois Associate Judges, Mark J. Lopez (Mark Lopez) and Gregory Emmett Ahern, Jr. (Gregory Ahern) both sued in their individual

capacities, included an Illinois attorney, Jane F. Fields (Jane Fields), and included John Curry's ex-wife Constance V. Curry (Constance Curry).

The Complaint was brought under 42 USC 1983, 1985, and 1986 for the civil deprivations of rights in conspiracy and was brought indirectly under 18 USC 242 for the criminal deprivations of rights, conspiracy, and crimes, since mandamus was also requested to compel the Federal Bureau of Investigation (FBI) or other appropriate authorities to cause investigation, indictment, and prosecution of the conspirators. The District Court had conferred jurisdiction under 28 U.S.C. §§ 1331, 1343, 1361, and 1367. The Complaint alleged that the conspirators criminally misused the Circuit Court of Cook County, Illinois, Domestic Relations Division (IL trial court) and it requested multiple forms of remedy and justice.

At the time of filing the Complaint, John Curry was waiting for the Illinois Supreme Court to decide on his petition for leave to appeal there (Docket# 121933, filed 2/22/2017) from the Appellate Court of Illinois (Docket# 16-0965, decided 12/9/2016, rehearing denied 1/18/2017). John Curry informed the Illinois Supreme Court that "Such abuse of discretion, willfully violating the provisions of statutes and well-established case law, committing crimes and offenses to the court, and causing perpetual injury to a party, should not become the practice in courts of this State without further review by this Supreme Court." (meaning the Illinois Supreme Court). On May 24, 2017, the Illinois Supreme Court denied the petition for leave to appeal, without explanation and without choosing to exercise

supervisory authority to stop ongoing criminal abuse John Curry was suffering in violation of Illinois and federal laws.

Because the alleged conspirators immediately threatened to steal/extort under color of official right up to $69,000.00 of John Curry's settlement funds, from unrelated litigation in the Circuit Court of Cook County, Illinois, Chancery Division (Chancery), which had been seized by Mark Lopez and held by Jane Fields, and because additional violations of his civil rights and overt acts in the conspiracy had occurred and were continuing since filing the Complaint, John Curry filed a Motion For Miscellaneous Relief in the District Court on July 5, 2017. The motion requested injunctions to stop ongoing victimization and other remedies for criminal acts occurring on a monthly basis while the federal case proceeded to trial. Also the motion requested permission to amend the complaint, at an appropriate time.

On July 13, 2017, on behalf of Mark Lopez and Gregory Ahern, the Illinois Attorney General filed a Rule 12(b)(6) motion to dismiss the Complaint in the District Court. On July 17, 2017, Jane Fields and Constance Curry together filed a Rule 12(b)(1) motion to dismiss the Complaint. John Curry's motion for miscellaneous relief and the two Rule 12 motions to dismiss were presented on July 19, 2017. The District Court, presided by Honorable Rebecca R. Pallmeyer, ordered briefing by August 9, 2017. On December 4, 2017, the District Court issued a Memorandum Opinion And Order denying John Curry's motion for miscellaneous relief as to all matters except his request for reimbursement of reasonable expenses for service of process and granting both motions to dismiss the Complaint.

On December 28, 2017, John appealed to the United States Court of Appeals For the Seventh Circuit (Seventh Circuit)(Docket# 17-3645). On April 3, 2018, while waiting for permission from the Seventh Circuit to appeal in forma pauperis, John Curry was granted in forma pauperis status to appeal on his second motion to the District Court. John Curry's Plaintiff-Appellant brief, filed May 3, 2018, argued the plausibility of all his claims since the merits of his case had not been reached at trial in the District Court and since the facts, as presented in the District Court opinion, did not take as true all well pleaded facts and make all reasonable inferences in John Curry's favor. It was argued that the District Court had conferred jurisdiction for his case and that the dismissal was improper and/or in error because the applicable standard is to hear the merits of a non-frivolous Complaint. He argued that his Complaint alleged crimes, for which there is no absolute judicial immunity, and violations of civil rights under U.S. laws and the Constitution, which include equal protection and due process of laws in state courts, thereby qualifying his as a civil rights lawsuit. Also argued was that the Seventh Circuit had cited standards in the Handbook it provides for appeals, which support the case proceeding to trial in the District Court and that the U.S. Supreme Court recognizes the lower federal courts misapply the *Rooker-Feldman* Doctrine to override conferred jurisdiction.

After four extensions of time to file were granted to the Illinois Attorney General filing on behalf of Mark Lopez and Gregory Ahern, a Defendants-Appellees' brief was filed October 5, 2018 in the Seventh Circuit. This brief argued that the

case was barred by absolute judicial immunity. The brief claimed that John Curry's allegations of the judges' criminal acts were a "mere legal conclusion" insufficient to survive a 12(b)(6) motion to dismiss. Defendants-Appellees Jane Fields and Constance Curry did not file a brief in the Seventh Circuit.

On March 21, 2019, the Seventh Circuit affirmed the District Court dismissal stating, "the district court correctly ruled that it lacked jurisdiction." The Seventh Circuit added the following quote from the District Court: "that Curry's claims against the judges were barred under the *Rooker-Feldman* doctrine, see *D.C. Court of Appeals v. Feldman*, 460 U.S. 462 (1983); *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923), and by absolute judicial immunity, and his claims against the other defendants also lacked subject-matter jurisdiction."

John Curry now petitions this Honorable Court, the Supreme Court Of The United States to grant a writ of certiorari to the Seventh Circuit.

REASONS FOR GRANTING THE PETITION

Introduction

The reasons for granting this petition can be summarized as follows: 1) "a United States court of appeals has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power." 2) "a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a

way that conflicts with relevant decisions of this Court." 3) this case presents issues of importance beyond the particular facts and parties involved.

This case invites this Honorable Court to express the distinction between civil and criminal deprivations of civil rights and how those rights are to be enforced in federal lawsuits brought under Titles 42 and 18 of the U.S. Code. It also invites this Court to correct a state court problem of disregarding the civil rights of citizens of the U.S. and the states, and to make new case law that corrects the misapplication of *Rooker-Feldman* and absolute judicial immunity doctrines and case law that fortifies the rights protected under Amendments XIV, VIII, and XIII to prevent future abuses and neglect.

A. Standards Not Being Followed Results In Improper Dismissal

The Seventh Circuit's affirmation of the District Court dismissal decision resulted from standards not being followed by the District Court and then by the Seventh Circuit. The "accepted and usual course of judicial proceedings" is or should be to follow Rules, legislative laws, and decisional law, not necessarily in that order, and make reasonable decisions to effect justice. The standard of review for a Rule 12(b)(6) dismissal is de novo, viewing the complaint "in the light most favorable to the plaintiff, taking as true all well-pleaded factual allegations and making all possible inferences from those allegations in his or her favor". *Lee v. City of Chicago*, 330 F.3d 456, 459 (7th Cir. 2003). For a Rule 12(b)(1) dismissal, factual findings are reviewed for clear error and legal conclusions are reviewed de novo. *Close v. State of NY*, 125 F. 3d 31 - Court of Appeals, 2nd Circuit 1997. Review of the denial of John's

Motion for Miscellaneous Relief is de novo since the motion asks for relief based on questions of law, which are raised by the Complaint, and alleged additional violations of John's civil rights to be amended to the Complaint. The District Court stated the standard for considering motions for dismissal is to take Complaint allegations as true, stating, "Curry's allegations are presumed true for purposes of this motion. *Berger v. Nat'l Coll. Athletic Ass'n*, 843 F.3d 285, 298 (7th Cir. 2016)." But the District Court failed to do so.

Federal Rules of Civil Procedure, Rule 8(e) provides that "Pleadings must be construed so as to do justice." This means that John's alleged injuries should have been considered by the District Court, and the way John claimed his injuries happened should have been given every possible consideration to determine if the defendants caused John's injuries and if they are civilly or criminally liable. This was not done. An erroneous decision to dismiss a non-frivolous civil rights lawsuit resulted.

After reading the Seventh Circuit half-page "Order", it should be clear that a de novo review was not done and standards were not followed. It is apparent that the Seventh Circuit read the distorted facts and opinions expressed by the District Court, ignored the Complaint and the Plaintiff-Appellant brief, even ignored its own arguments expressed in its Practitioner's Handbook For Appeals (2017 Edition)(Handbook), and blindly affirmed the dismissal.

The Handbook provides, on page 77, argument relevant to this petition as follows:

> "Sometimes the merits of a case can raise a serious question as to federal jurisdiction. The court has stated that a suit which is "utterly frivolous" does not engage the jurisdiction of the federal courts; as a practical matter this means that it is clear beyond any reasonable doubt that a case does not belong in federal court. *Carr v. Tillery*, 591 F.3d 909, 917 (7th Cir. 2010); see also *Crowley Cutlery Co. v. United States*, 849 F.2d 273, 276 (7th Cir. 1988).
>
> The presumption, however, is that the dismissal of even a very weak case should be on the merits rather than because it is too weak to engage federal jurisdiction; to do otherwise would require too much time wasted in distinguishing degrees of weakness. *Carr v. Tillery,* supra. But in *Avila v. Pappas*, 591 F.3d 552 (7th Cir. 2010), the court concluded that the gulf between the claimed wrong and a violation of the federal Constitution was too great and instructed the district court to dismiss for lack of subject matter jurisdiction."

To determine if subject matter jurisdiction existed, the District Court had only to make a determination that the District Court had jurisdiction to hear cases for violations of civil rights brought under 42 U.S.C. §§ 1983, 1985, 1986, and indirectly under 18 U.S.C. § 242 for mandamus to compel a federal agency to act; and the District Court had to make a determination that John's Complaint alleged violations of the Constitution or laws of the United States and that the allegations were not immaterial or wholly insubstantial and frivolous. See *Clark v. Tarrant County, Texas*, 798 F.2d 736 (1986). The *Clark* Court explained:

> "However, in cases where the basis of the federal jurisdiction is also an element of the plaintiff's federal cause of action, the United States Supreme Court has set forth a strict standard for dismissal for lack of subject matter jurisdiction. As the Court explained in *Bell v. Hood*, 327 U.S. 678, 66 S.Ct. 773, 776, 90 L.Ed. 939 (1946):
>
> > "Jurisdiction, therefore, is not defeated as respondents seem to contend, by the possibility that the averments might fail to state a cause of action on which petitioners could actually recover. For it is well settled that the failure to state a proper cause of action calls for a judgment on the merits and not for a dismissal for want of jurisdiction. Whether the complaint states a cause of action on which relief could be

> granted is a question of law and just as issues of fact it must be decided after and not before the court has assumed jurisdiction over the controversy. If the court does later exercise its jurisdiction to determine that the allegations in the complaint do not state a ground for relief, then dismissal of the case would be on the merits, not for want of jurisdiction.... The previously carved out exceptions are that a suit may sometimes be dismissed for want of jurisdiction where the alleged claim under the Constitution or federal statutes clearly appears to be immaterial and made solely for the purpose of obtaining jurisdiction or where such a claim is wholly insubstantial and frivolous."

According to the *Clark* Court:

> "The case should not be dismissed for lack of subject matter jurisdiction unless the alleged claim is immaterial or is wholly insubstantial and frivolous. The questions of subject matter jurisdiction and the merits will normally be considered intertwined where the statute provides both the basis of federal court subject matter jurisdiction and the cause of action. *Sun Valley Gas v. Ernst Enterprises, Inc.*, 711 F.2d 138, 139 (9th Cir.1983)."

As required by application of the *Bell v. Hood* standard, John Curry's Complaint alleged many violations of the Constitution and of U.S. laws. John alleged many violations of Illinois laws, and the U.S. Constitution provides for equal protection of Illinois laws. Included in the facts alleged and Counts, were at least 38 Constitutional rights violations, 19 violations of United States or Illinois statutes, violations of Rules, and other wrongful and/or unlawful acts, including conspiracy, racketeering, extortion, official misconduct, involuntary servitude and cruel and unusual punishment. At the pleading stage of litigation, John's Complaint met requirements of the *Bell* standard. John Curry should have been allowed to prove his allegations at trial.

When all the motions were presented to the District Court on July 19, 2017, Judge Pallmeyer declared, "You can never sue a judge for acts in his or her judicial

capacity. A judge is immune. We judges are –". (Transcript page 4 lines 5-12). This simple declaration that the judge was connected to the Defendants indicated that the impartiality of the District Court was compromised. The statement implied a decision had already been made at that point in time and the Memorandum Opinion and Order was written trying to justify that conviction with distorted facts indicating the Complaint facts were not taken as true in John Curry's favor. Briefing the motions was just a formality. The District Court even argued the *Rooker-Feldman* Doctrine for the Defendants (now Respondents), since it had not been argued for or against in the briefing.

B. *Rooker-Feldman* Should Not Defeat Rights To A Federal Forum

The Seventh Circuit, in affirming a dismissal based on misapplication of the *Rooker-Feldman* Doctrine and Absolute Judicial Immunity Doctrine has essentially decided an important question of federal law that has not been, but should be, settled by this Court and has decided an important federal question in a way that conflicts with relevant decisions of this Court. In *Maine v. Thiboutot*, 448 US 1 - Supreme Court 1980, this Court explained:

> "And this Court has emphasized repeatedly that the right to a federal forum in every case was viewed as a crucial ingredient in the federal remedy afforded by § 1983."

This Court has already recognized that the lower federal courts have misapplied the *Rooker-Feldman* doctrine to override conferred jurisdiction to hear cases stemming from state courts. In *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280 (2005), this Court expressed:

> "Since *Feldman*, this Court has never applied *Rooker–Feldman* to dismiss an action for want of jurisdiction. However, the lower federal courts have variously interpreted the *Rooker–Feldman* doctrine to extend far beyond the contours of the *Rooker and Feldman* cases, overriding Congress' conferral of federal court jurisdiction concurrent with jurisdiction exercised by state courts, and superseding the ordinary application of preclusion law under 28 U.S.C. § 1738."

The *Rooker and Feldman* cases were not even civil rights violation cases, which the District Court has conferred jurisdiction to hear. *Rooker* was a case about a state trial court judgment that was reviewed by the state supreme court and the party wanted those judgments reviewed and voided by a federal court and relief granted. Because the state supreme court provided an "effective and conclusive adjudication" only this Court" could entertain a proceeding to reverse or modify the judgment for errors of that character." *Feldman* was a consolidated case where two people wanted exceptions made to an established rule, so they could sit for a attorney bar exam even though they didn't attend an ABA accredited law school as required. Neither *Rooker* nor *Feldman* petitioners established a vested right.

John Curry filed a Complaint alleging his civil rights were violated and crimes were committed against him; he did not request appellate review by the District Court. The court orders in John Curry's IL trial court case are only evidence of crimes and deprivations of vested civil rights. Detailed facts expressed gave adequate notice to the defendants of what they were being accused of and provided the District Court with enough facts to support claims of conspiracy and other things alleged in the 175 paragraphs including 18 Counts. Stare decisis should not apply.

C. Absolute Judicial Immunity Should Not Defeat Rights To A Federal Forum

Stump v. Sparkman, 435 US 349 - Supreme Court 1978, in which the doctrine of absolute judicial immunity was allegedly solidified, was a case where the judge didn't violate any clearly established laws. However, it was a ridiculous decision the judge made to allow the mother to sterilize her daughter. The case basically established that a young girl, past the age where she can bear children, has no substantive due process rights not to be sterilized like an animal at the request of her mother, who claims the girl is mentally challenged and might get pregnant. After the judge made the decision, the mother lied to the daughter and had her sterilized under the guise of having her appendix removed. The daughter, years later found out what had been done to her and filed a lawsuit for damages.

The justification for the *Stump* decision is expressed in the next to the last sentence of the opinion of this Court:

> "The Indiana law vested in Judge Stump the power to entertain and act upon the petition for sterilization. He is, therefore, under the controlling cases, immune from damages liability even if his approval of the petition was in error."

This may be a hard pill for most reasonable people to swallow, but if the law specifically authorizes a judge to entertain and act upon such ridiculousness as sterilizing human beings, then the problem is not with the judge; it's with the law. But, if a judge's authority is clearly restricted or prohibited by state and/or federal law, or if he or she performs criminal acts by making a decision against a law, or if he or she conspires and performs criminal acts for his or her benefit or another's

benefit, a judge should forfeit immunity for intentionally and knowingly violating the law(s). Federal courts have made decisions regarding the forfeiture of immunities, after the merits have been heard.

In John Curry's case, it is alleged among other things that the Respondents, in criminal conspiracy, violated clearly expressed laws, some prohibitive and some for which there was no authority to do what was done, and violated Amendment XIV rights to equal protection of laws and due process along with violations of Amendments VIII and XIII. Absolute judicial immunity has never been adequately tested in a light equal to the illuminating elements of John Curry's case and resulting failures of every protection in place, except this Court, to stop the lawlessness, to provide remedy and justice, and to preserve the rule of law in the United States.

This is a case of national importance because every citizen, who finds himself or herself in court, voluntarily or involuntarily, is a potential victim of illegal court conspiracies, if state judges are allowed to intentionally violate state and federal laws, commit crimes, and deprive citizens of civil rights. Because laws were in place to provide and protect John Curry's rights but in conspiracy were intentionally violated by the Respondents, including two who were appointed to be judges, they should all be allowed to be sued civilly in their individual capacities and also prosecuted as criminals by authorities. One and/or all of the conspirators are responsible for the whole conspiracy under the joint and several liability doctrine, especially those obviously benefiting from the illegal acts. Illinois completely failed

to provide remedy and justice. The lower federal courts have failed to provide remedy and justice. It's now up to this Court.

D. No Absolute Judicial Immunity For Criminal Acts, Conspiracy, And Deprivations of Rights

It is well established and believed by many, nationally and internationally, that no one is above the law in the United States. Judges do not have absolute judicial immunity for criminal acts or participating in a criminal conspiracy. See *United States v. Hastings*, 681 F. 2d 706 - Court of Appeals, 11th Circuit 1982.

> "We are not persuaded that the proposed rule of absolute judicial immunity from federal criminal prosecution is a necessary complement to the Constitution's explicit protections.[17] Indeed, the miniscule increment in judicial independence that might be derived from the proposed rule would be outweighed by the tremendous harm that the rule would cause to another treasured value of our constitutional system: no man in this country is so high that he is above the law. "It is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy." *United States v. Lee*, 106 U.S. 196, 220, 1 S.Ct. 240, 261, 27 L.Ed. 171 (1882). A judge no less than any other man is subject to the processes of the criminal law. *United States v. Isaacs*, 493 F.2d at 1133; see *Dennis v. Sparks*, 449 U.S. 24, 28 n.5, 101 S.Ct. 183, 187 n.5, 66 L.Ed.2d 185 (1980); *Imbler v. Pachtman*, 424 U.S. 409, 429, 96 S.Ct. 984, 994, 47 L.Ed.2d 128 (1976); *O'Shea v. Littleton*, 414 U.S. 488, 503, 94 S.Ct. 669, 679, 38 L.Ed.2d 674 (1974)."

The Operation Greylord investigation and resulting federal cases, such as *United States v. Murphy*, 768 F. 2d 1518 - Court of Appeals, 7th Circuit 1985, prove that the Circuit Court of Cook County, Illinois can and has been used as a criminal enterprise of racketeering. The Seventh Circuit even said so directly in *Murphy*, but this was just one of the Greylord cases. More than 90 persons, including judges, lawyers, deputy sheriffs, policemen, court officials, and a state legislator, were indicted and most eventually were convicted, either by guilty pleas or trials.

Because many parties to family court litigation can't afford to have a court reporter present at the numerous hearings/trials and none are provided by the state, Illinois family courts operate in secrecy, promoting lawlessness and conspiracies. The victimized parties are denied proper appeals to the state reviewing courts, sometimes on the basis of the judge not authorizing the appeal or for not having transcripts. It is futile trying to produce the alternative agreed statement of facts with adverse parties conspiring with judges or to produce a bystanders report of people who are not known to have attended any of the hearings and were most likely not paying attention. But in some cases, such as this one, state court orders provide prima facie evidence of crimes and deprivation of rights.

It took this Court to bring David Lanier, who used his position as a Tennessee judge to sexually assault women in his chambers, to justice, even after the Court of Appeals (Sixth Circuit) set him free. See *United States v. Lanier*, 520 US 259 - Supreme Court 1997. John Curry cannot bring criminal charges against the Respondents as judges or as other citizens. He can only report being a victim of crimes and deprivations of rights and expect a law enforcement agency to investigate and cause indictment and expect a prosecuting authority to prosecute the accused in a criminal court of law.

John Curry reported being a victim of crimes and deprivations of rights to the FBI twice, and reported to state and local law enforcement agencies. None would investigate and cause indictment. Illinois and federal authorities that prosecute crimes were directly contacted, including the Department of Justice, Office of the

U.S. Attorneys. None would cause investigation by law enforcement and then prosecute. Mandamus to compel federal justice system action is under conferred jurisdiction authorized by 28 U.S.C. § 1361 and the District Court should have to hear John Curry's violation of civil rights case at trial.

The FBI declares:

> "U.S. law enforcement officers and other officials like judges, prosecutors, and security guards have been given tremendous power by local, state, and federal government agencies—authority they must have to enforce the law and ensure justice in our country. These powers include the authority to detain and arrest suspects, to search and seize property, to bring criminal charges, to make rulings in court, and to use deadly force in certain situations. Preventing abuse of this authority, however, is equally necessary to the health of our nation's democracy. That's why it's a federal crime for anyone acting under "color of law" to willfully deprive or conspire to deprive a person of a right protected by the Constitution or U.S. law."

Yet the FBI would not act to initiate justice by investigating and recommending prosecution for the criminal deprivations alleged. They were provided with, among other things, evidence of court orders violating the U.S. law, 15 USC 1673 and 750 ILCS 5/510(a) that allegedly protect citizens from unlawful garnishments and unlawful retroactive child support. On June 6, 2017, the FBI "determined" that John Curry had "not alleged specific and credible violations of federal civil rights laws which could be successfully prosecuted and proven beyond a reasonable doubt in a federal court. The FBI is not a prosecutor or a federal court of law. Mandamus is necessary to compel the FBI to do their job investigating what they declare to be federal crimes. On January 6, 2017, the United States Attorney, Northern District of Illinois stated, "Our office will take no action unless requested to do so by the Federal Bureau of Investigation." So it appears that state judges and

connected attorneys, who commit criminal acts of violating laws, are protected by law enforcement and the Department of Justice.

The merits of the case were not reached at trial so it is important to consider that after the Complaint and motion for miscellaneous relief were filed, John Curry was still being victimized in the alleged conspiracy and the District Court did not allow additional allegations to be added as they occurred. Although the Respondents, who were judges, are ultimately responsible for most of the violations/deprivations, they were alleged to be in conspiracy with the other two Respondents. A trial would most likely reveal that Jane Fields, an attorney of more than 30 years, was the conspiracy's ringleader/puppet master or person most responsible for the violations and injuries. The following bullets express most of the main civil and criminal deprivations of rights and crimes alleged in the Complaint and motion and partially continuing to this day. Judges should not have absolute immunity to:

- criminally violate a citizen's Amendment XIV equal protection and/or substantive and/or procedural due process rights to take property from a citizen and destroy him or her;
- order a citizen into involuntary servitude and/or slavery prohibited under Amendment XIII. Also 720 ILCS 5/10-9(b) criminal involuntary servitude should be applicable; 750 ILCS 5/505.1 is not an excuse.
- inflict cruel and unusual punishment on a citizen, violating Amendment VIII rights, especially since punishment is not warranted

for indirect civil contempt and the protections extended to people accused of crimes were not in place if somehow the IL trial court converted the civil contempt trial to criminal contempt, direct or indirect. See *In re Marriage Of O'Malley Ex Rel. Godfrey*, 64 NE 3d 729 - Ill: Appellate Court, 1st Dist., 5th Div. 2016; *In re Marriage of Berto*, 344 Ill.App.3d 705, 712, 279 Ill.Dec. 482, 800 N.E.2d 550 (2003); *In re Marriage of Logston*, 103 Ill.2d 266, 289, 82 Ill.Dec. 633, 469 N.E.2d 167 (1984). Also inflicting excessive fines may be applicable.

- knowingly, intentionally, and continuously over a period of more than two years, violate a prohibitive Act of Congress, 15 U.S.C. § 1673, aimed directly at all judges, states, and state officers or agents prohibiting them from making, executing, or enforcing an order in violation of that law restricting garnishments. John Curry was garnished at rates as high as 97.46% of his net income, as defined by Illinois law 750 ILCS 5 before 7/1/2017.
- knowingly and intentionally violate Illinois law, 750 ILCS 28, which adopts the limits set by 15 U.S.C. § 1673 and provides mandatory criminal punishment as in cases of contempt of court for public offices and others responsible for the fraudulent act of violating 750 ILCS 28/35(c). The act was fraudulent in this case because an Illinois Administrative agency, the Firemen's Annuity and Benefit Fund of Chicago (FABF) was led to believe multiple court orders for

garnishment of John Curry's income were in compliance with Illinois and federal laws, and the orders were not.

- Participate in an illegal theft/extortion conspiracy to steal $56,190.00 and more, in violation of Illinois law sections, 750 ILCS 5/510(a) and 735 ILCS 5/2-1303, which should be a crime of official misconduct under Illinois criminal law 720 ILCS 5/33-3 and crime of theft under 720 ILCS 5/16-1. Extortion under color of official right, a federal crime under 18 U.S.C. § 1951, should also be applicable.
- Awarding attorney's fees (more than $18,000.00 paid by John Curry to Jane Fields) for performing criminal acts, committing fraud, and helping deprive a citizen of civil rights.
- criminally misuse the court as a criminal enterprise of racketeering benefiting a third party, Lawyers Trust Fund of Illinois, and for extortion, and for seizing and holding thousands of dollars of a party's funds for more than a year, for no expressed reason until the theft was accomplished. The Respondents should face racketeering charges under 18 U.S.C. § 1962.
- abrogate a citizen's privilege provided by Illinois law, 40 ILCS 5/6-125, to retire from a dangerous job of firefighting, when that citizen's life was endangered by unfitness for duty, violating substantive due process rights, and use it as an additional excuse to commit crimes and deprive the citizen of civil rights.

- Suppress/ignore a civil rights violation petition filed twice in the IL trial court, violating a citizen's procedural due process rights to have said petition recognized, answered, heard, and if necessary appealed. John Curry's "Respondent's Petition for Punishment, For Prosecution, And For Other Just and Proper Relief" was filed in the IL trial court on 2/6/2017 and 2/8/2017 and was attached as Exhibit B to the District Court motion for miscellaneous relief.
- Violate a citizen's procedural due process rights to protect himself by ordering the party not to file any motions or pleadings without the judges permission. By doing so, Gregory Ahern placed himself in a position of counsel and additionally showed his improper alignment with the Jane Fields, Constance Curry, and Mark Lopez conspiracy.
- Intentionally neglect a duty established by legislative and case law to protect the best interests of children, choosing to criminally conspire with others to deprive a citizen of civil rights and property without due process. Destroying a loving parent cannot be in a child's best interest.

An Illinois judge, who is required by judicial cannon, Illinois Supreme Court Rule 62 A. to "respect and comply with the law and should conduct himself or herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." should not have immunity to do such things as alleged herein and in the Complaint.

E. Lawlessness Results From Failure To Enforce A Citizen's Civil Rights

The U.S. Secretary of Labor, as authorized by 15 U.S.C. § 1676, provides inadequate enforcement of the prohibitive act of Congress, 15 U.S.C. § 1673. It is the opinion of the Secretary of Labor that citizens can file private lawsuits to enforce their rights under this federal law. Although 15 U.S.C. § 1676 establishes a duty of the Secretary of Labor to enforce the subchapter, it does not make the Secretary the sole enforcer. This is implied by the Secretary's opinion expressed in a response to John Curry's request for enforcement after the District Court asserted the Secretary's enforcement authority. It is attached to this petition in Appendix C.

State reviewing courts provide limited enforcement of the CCPA by routinely reversing orders violating the CCPA but fail to provide justice for the criminal act of violating that law. 15 U.S.C. § 1673 expresses no penalty for violating that section but Illinois law, 750 ILCS 28/50(b) indirectly makes violation of the provisions of 15 U.S.C. § 1673 a criminal offense with mandatory punishment as in cases of contempt of court. If state courts do not enforce the Illinois law, a federal court should, in complaints under the 14th Amendment and 18 USC 242, enforce the laws in every way possible including providing restitution to the victims.

In *Marbury v. Madison*, 5 US 137 - Supreme Court 1803, this Court had the following opinion about a vested legal right:

> "The government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal right."

Federal civil rights violation statutes, 42 USC 1983, 1985, and 1986, allow federal and state courts to provide remedies for deprivations of civil rights. 18 USC 242 and 241 allow federal courts to provide justice for deprivations of civil rights and crimes.

The question raised by the District Court, about whether a civil cause of action is impliedly created by a statutory enactment, is dealt with in the Restatement (Second) of Torts § 286 to 288. Secs. 286 and 287, which are applicable here and provide as follows:

> "Sec. 286. Violations Creating Civil Liability.
> "The violation of a legislative enactment by doing a prohibited act, or by failing to do a required act, makes the actor liable for an invasion of an interest of another if:
> "(a) the intent of the enactment is exclusively or in part to protect an interest of the other as an individual; and
> "(b) the interest invaded is one which the enactment is intended to protect; and
> "(c) where the enactment is intended to protect an interest from a particular hazard, the invasion of the interests results from that hazard; and,
> "(d) the violation is a legal cause of the invasion, and the other has not so conducted himself as to disable himself from maintaining an action."
>
> "Sec. 287. Effect of Provision for Penalty.
> "The existence in a legislative enactment of a provision for the imposition of a penalty for doing a prohibited act or failing to do a required act is immaterial in determining whether the actor is subject to liability for an invasion of the interest of another; * * *."

The Respondents invaded John's many protected interests so there should be a civil cause of action created for every violation that could be alleged and proven. Criminal activities substantiated, should incur criminal liabilities to be investigated and prosecuted by proper authorities.

The District Court chose to include its opinion on the Illinois Appellate Court decision in its ruling. John Curry was not given notice that his state appeals were to

be considered in considering the motions to dismiss. The District Court is not a reviewing court, did not have access to the petition for rehearing and the state Record on Appeal, and did not consider John's petition for leave to appeal to the Illinois Supreme Court. The Illinois Appellate Court and the Illinois Supreme Court shirked their responsibilities to stop the lawlessness civilly and criminally depriving John Curry of civil rights causing injuries. The Illinois Appellate Court decision was really suspect, that judges were inappropriately protecting judges and connected attorneys, because they claimed jurisdiction over one part the December 17, 2015 order and not over the part about Mark Lopez violating federal prohibitive law and Jane Fields preceding him in violation of the CCPA, even though they were informed that the order form she used actually warned against the violation of U.S. and state law. The Illinois Appellate Court ignored the fabrication of debt in violation of legislative and case laws, even though they went back to look at the July 22, 2015 theft order for their own purposes. Also, they claimed lack of jurisdiction based on the one part of the order not being a final order, yet some Illinois Appellate Court Divisions consider modification of support orders final orders, as John Curry expressed in his petition for rehearing. The Illinois Appellate Court is in the building next to building with Jane Fields' office and she was able to obtain a copy of their decision before the time they declared it would be released. Unless this Court decides to review the higher Illinois courts' mishandling of the crimes and deprivations of rights that occurred, the decisions in those appeals/attempts to appeal should be irrelevant to this matter.

On November 10, 2015, John Curry filed an administrative review lawsuit to stop the fraudulent illegal garnishments of his income. The FABF informed John Curry that it was within his rights to file such a case since they were required to comply with the court order they received. The lawsuit was authorized under 40 ILCS 6-222 and was prompted by a withholding limits warning on the actual court order that Jane Fields submitted to the FABF on 9/22/2015. The warning stated:

> "Withholding Limits: You may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (CCPA) (15 U.S.C. 1673(b)); or 2) the amounts allowed by the State or Tribe of the employee/obligor's principal place of employment (see REMITTANCE INFORMATION). Disposable income is the net income left after making mandatory deductions such as: State, Federal, local taxes; Social Security taxes, statutory pension contributions; and Medicare taxes. The Federal limit is 50% of the disposable income if the obligor is supporting another family and 60% of the disposable income if the obligor is not supporting another family. However, those limits increase 5% - to 55% and 65% - if the arrears are greater than 12 weeks. If permitted by the State or Tribe, you may deduct a fee for administrative costs. The combined support amount and fee may not exceed the limit indicated in this section."

John Curry's net income was basically known to Mark Lopez and Jane Fields at the time the 9/22/2015 order was submitted to the FABF so Jane Fields knew it would cause a garnishment beyond the limits of the federal and state laws. Instead of stopping the fraud and illegal garnishments, Judge Thomas R. Allen dismissed the action, with prejudice, stating that John Curry's procedural avenue for relief was to appeal Mark Lopez's decision on the garnishment claimed to be unlawful. Judge Allen was legally incorrect according to the purpose of administrative review actions. Whether he chose to aid the illegal conspiracy and needed to be added as a

Defendant in the civil rights lawsuit, would need to be decided on when the merits of the Complaint are heard.

John Curry even filed three petitions for substitution of judge for cause, two against Mark Lopez and one against Gregory Ahern. They were all denied, and for the one against Mark Lopez, Gregory Ahern sanctioned John Curry improperly, benefiting Jane Fields and violating Illinois Supreme Court Rule 137(d) that requires the reasons to be expressed in writing. No reasons were written. Judge Jeanne Cleveland Bernstein, who is married to another judge who was one of the only two judges Jane Fields was on record for contributing to his election campaign, denied the other two petitions for substitution, one after John Curry observed Judge Bernstein huddling with Jane Fields in the hall outside the courtroom before the denial. This does not promote confidence in the judiciary, that a citizen cannot get away from criminally inclined judges and criminally inclined lawyers who are personally connected with several judges. The petition for substitution of judge for cause against Gregory Ahern was denied even though he was a Defendant in a federal lawsuit where John Curry was the plaintiff accusing him of crimes and deprivations of rights in conspiracy, and Gregory Ahern had refused to disqualify himself from presiding over the IL trial court case as required by Illinois Supreme Court Rule 63 C. (1). In relevant part the Rule provides: "A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned,..."

A federal forum is not only necessary to provide remedy and justice for John Curry, but to keep the Judiciary, the court system on three levels of Illinois and on two federal levels, and our whole system of government in the United States and Illinois from being brought further into disrepute. Hundreds of millions of citizens are potential victims of illegal court conspiracies; especially those who choose to marry and/or reproduce intentionally or unintentionally. Outcries on social media indicate that similar or more extreme lawlessness is running rampant in family courts across the U.S, including cries of what is being called legalized kidnapping of children by states to obtain federal funds from Social Security monies under the Adoption and Safe Families Act (ASFA).

Amendment XIV says each citizen has rights to equal protection of the laws and due process of law before being deprived of life, liberty, or property. State family courts, charged with protecting the best interests of children and the rights of the parties, are notorious for being secret dens of torture and deprivations of civil rights, yet very little is being done to correct this national problem. A U.S. Supreme Court opinion; in this matter will send a clear message that using a court for complete lawlessness to destroy a citizen and steal money will not be tolerated.

F. On the Distortion of Facts in the District Court Opinion

The story, as told by the Seventh Circuit, jumps from 2005, when Constance Curry filed for divorce against John Curry, to 2017, when the Complaint was filed, in two sentences and comes up with only, "essentially alleging a conspiracy among his (now) ex-wife, her attorney, and two state-court judges who decided that he

must pay his ex-wife an amount of child support that Curry considers unlawful and wants invalidated." Had the Seventh Circuit actually considered all the facts alleged in the Complaint de novo, and not the distorted summary of the District Court, they would have recognized that John Curry was not trying to evade paying child support. The story was not about child support until the illegal conspiracy made it about child support when they chose to destroy John Curry and enrich themselves by violating laws.

For more than eight years, John Curry paid the amount of child support that was agreed to by the Curry's and ordered by the IL trial court in November 2006 and again in June 2007, when the divorce occurred. In December of 2014, John Curry reopened the state case to save his children from abuse and neglect. To keep him from accomplishing this goal, a law-violating conspiracy developed to steal his money and destroy him. A year and a half later, he ended up homeless and destitute and unable to provide a home to protect his children and for them to enjoy; so the conspiracy succeeded. If all well-pleaded facts are to be taken as true, an illegal conspiracy violated John Curry's civil rights and injured him severely. A trial is necessary to either prove or disprove the Complaint allegations.

The merits of the case have not been heard; so any statements contrary to what is to be taken as true, show that the standards have not been followed and brings federal courts into disrepute by protecting those, who have been accused of criminal acts. The Illinois Attorney General defending those accused of criminal acts is contrary to their declaration that "The job of the Attorney General is to:

Advocate on behalf of all of the people of Illinois; Legislate with members of the General Assembly for new laws; and Litigate to ensure state laws are followed and respected." The Illinois appellate and supreme courts shirking responsibilities brings those authorities into disrepute. Also, having to fight so hard to have the merits of the Complaint heard compromises the prosecution of the case and allows the Respondents time and opportunity to destroy or fabricate evidence.

Illinois law, 750 ILCS 5, Illinois Marriage and Dissolution of Marriage Act expressed in Section 602 that the best interest of the children is to be protected. It even tried to protect children's rights not to be violently attacked by a parent and a parent's rights not to have their children attacked by the other parent. Illinois decisional law provides guidance for judges and protections for John and others. See *In re Marriage of Iqbal and Khan*, 2014 IL App (2d) 131306 (2014), which explains:

> "Among the Act's purposes identified by the General Assembly are mitigating potential harm to children caused by the process of dissolving a marriage and making "reasonable provision for spouses and minor children during and after litigation." 750 ILCS 5/102(4), (5) (West 2012). A court must determine custody in accordance with the best interests of the child (750 ILCS 5/602(a) (West 2012)), and must ensure that the child is supported in accordance with guidelines established by the legislature, or else explain why departure from those guidelines is in the best interests of the child (750 ILCS 5/505(a)(2) (West 2012)). Any postdecree modification of child support, custody, or visitation likewise must serve the best interests of the children. Blisset, 123 Ill.2d at 168, 121 Ill.Dec. 931, 526 N.E.2d 125."

The District Court summarized what happened from 2007 until 2014 as:

> "For the next several years, the Currys resolved disagreements concerning their children and finances informally. The accord broke down, however, in late 2014, when text messages from Plaintiff's son generated concerns about Ms. Curry's behavior, and Plaintiff petitioned the Circuit Court of Cook County to award him custody of both children. (Id. ¶¶ 18, 19, 21.) The case was assigned to Defendant Lopez. (Id. ¶ 22.)"

These statements downplay the physical attack that was the final straw compelling John Curry to file for a modification of custody of his two children. Constance Curry had attacked the Curry's 15 year old son physically by hitting, kicking, and scratching, to the point that he considered defending himself with extreme violence. He asked his father, John Curry, to come get him. The petition for modification of custody included accumulated allegations of abuse and neglect of both children. The IL trial court case, at that point, was not about money. The Illinois trial court had the responsibility to determine custody in the best interests of the children.

The allegations of abuse and neglect were never investigated; no attorney for the children was appointed for more than a year and a half, until too late. Mark Lopez did not interview the children. What happened was Constance Curry retained Jane Fields as her attorney and the alleged criminal conspiracy to destroy John Curry and steal his money began and ultimately involved 2 judges. Conspiracy can be evidenced circumstantially according to Illinois case law. At the pleading stage, the Complaint needed only to allege facts of the conspiracy, overt criminal acts, and deprivations of civil rights that are to be proven at trial.

John Curry was denied a federal forum to prove his allegations. Since John Curry alleged all mentioned herein and more, it was to be determined at trial whether the judges forfeited their absolute judicial immunity and therefore can be sued in their individual capacity in federal court. If their immunity is upheld, they could still be required to serve as witnesses as the other 2 conspirators are held

responsible for the whole illegal conspiracy. The lower federal courts have basically provided the 2 Respondents who are not judges with derivative immunity or an improper pass by claiming, without any justification that the District Court has no jurisdiction to hear the civil rights case brought against Constance Curry and Jane Fields for participating and benefiting from the criminal acts, civil and criminal deprivations, conspiracy, and/or neglect to prevent. The Seventh Circuit and the District Court avoided the issues, of whether John Curry's civil rights had been violated or whether the Respondents, in conspiracy, had committed the alleged crimes, by claiming not to have jurisdiction.

In re Parentage of I.I., 2016 IL App (1st) 160071 (2016), the Illinois Appellate Court explains that a child support amount cannot be retroactively modified for the time before a modification petition has been filed:

" 63 Under section 510(a) of the Marriage Act, "the provisions of any judgment respecting maintenance or support may be modified only as to installments accruing subsequent to due notice by the moving party of the filing of the motion for modification." 750 ILCS 5/510(a) (West 2014). Thus, under the plain language of the statute, the filing of the motion for modification is the earliest date to which the modification applies. See In re Marriage of Pettifer, 304 Ill.App.3d 326, 328, 237 Ill.Dec. 525, 709 N.E.2d 994 (1999) ("A plain reading of section 510(a) dictates that a retroactive modification is limited to only those installments that date back to the filing date of the petition for modification and, thus, insures that the respondent is put on notice prior to the court ordering him to pay increased support."); In re Marriage of Henry, 156 Ill.2d 541, 544, 190 Ill.Dec. 773, 622 N.E.2d 803 (1993) ("Dissolution of marriage and collateral matters such as child support are entirely statutory in origin and nature [citation], and, in light of the legislature's clear pronouncement * * * [in section 510(a)], a trial court has no authority to retroactively modify a child support order * * *.")."

Since Mark Lopez had "no authority" to retroactivity modify the child support amount John Curry had paid, in compliance with court orders until Constance filed

for modification in February of 2015, Mark Lopez knowingly and intentionally made Jane Fields and Keith L. Spence, John's ineffective attorney, from 2/2015 – 4/2016, accessories or accomplices to violation of law and theft/extortion and then Lopez violated laws and committed the crimes on July 22, 2015. Testimony at trial could make Jane Fields partially responsible, because she instigated the violation of the applicable laws and benefited. And Constance Curry was the primary beneficiary of the crimes and deprivations of John Curry's rights.

After Mark Lopez set the stage, then Jane Fields started knowingly violating 15 U.S.C. § 1673 and 750 ILCS 28/35(c). Mark Lopez joined in on knowingly causing unlawfully excessive garnishments, and Constance Curry and Jane Fields continuously benefited. It should noted that had arrearage not been fabricated, the maximum garnishment percentage allowed against John would have been even lower under 15 U.S.C. § 1673(b). Mark Lopez and Jane Fields started the extortion and racketeering schemes. When the case was reassigned to Gregory Ahern in February of 2017, he and Jane Fields continued the racketeering/extortion scheme and also inflicted involuntary servitude and slavery and additionally made new orders continuing the violations of the CCPA and 750 ILCS 28, after the Complaint was filed. Only since the June 13, 2018 modification, due to the emancipation of one of the Curry children, has the garnishment rate been less than that allowed by state and federal laws. However, Gregory Ahern is now forcing John Curry to pay support based on income that John Curry has not had since his August of 2015 retirement. Additional criminal violations of law and deprivations of civil rights should be

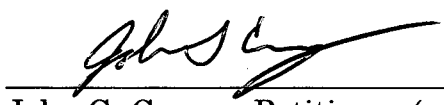
amended to the Complaint before all four Respondents face trial to determine their liabilities for John Curry's injuries and for the federal court to provide remedy and justice.

It is understood that the court system is adversarial. However, laws must be followed and the civil rights of citizens must be preserved, in all proceedings, to preserve the rule of law in the United States.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



John G. Curry – Petitioner (pro se)

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