No. 22-6657

ORIGINAL

Oct. Term: 2022

IN THE

SUPREME COURT OF THE UNITED STATES

Alex Anderson Jr — PETITIONER

against

Donald John Trump RESPONDENT

The Appellant's petition for a Writ of Certoriari to the United States Court of Appeals For the Eleventh Circuit is Pursuant To Title 28 U.S. Code, Section 1254(1) & 81703; and is interlocutory of Rule 60(b)(1),(3)[" Fraud up upon the Court "]; AND Fed. R. Civ. Pro. Rule 7(b)(1); Motion and Practice via Rule 60(b).

Alex Anderson Jr
(Your Name)

(BAVR) 21-10 Borden Avenue
(Address)

Long Island City, Queens, NY 11101
(City, State, Zip Code)

305-790-1023
(Phone Number)

I.

A.

QUESTION(S) Presented

Q1. Based upon the record of the material facts can the court conclude that via (NYS) §141-A A written proposal for a 1-year contract was made?

Q2. Shouldn't the court conclude 'today' that the Appellee did as a matter of a material fact; agree to the monetary amount for compensation?

Q3. [nothing]

Q4. By the propounderance of evidence of "Appendix F" shouldn't the court conclude that veteran News Journalist Diane Sawyer and ABC News Inc., acted on behalf of the Appellant as process server?

Q5. Based up upon the Facts, issues, and the uncontested portions of the record shouldn't the court conclude 'today' that President Trump did breach the contract agreement by failing to pay the agree to amount of $300,000.00 dollars?

Q6. [nothing]

Q7. Was the U.S. district court's intent at "October 27, 2021 and November 30, 2021" too... defile the United States court of Appeals and the U.S. district court by misrepresentation of a material fact and by the Misrepresentation of material issues "and" law?

Q8. Did the U.S. District court commit fraud by the dismissal of the 86 handwritten §1983 Federal complaint for breach of contract?

Q9. Was the failure of the U.S. district court judge King to disqualify himself to be in violation of the Due Process Clause and EQUAL Protection Clause of the 14th Amendment rights of the United states constitution?

Q10. Wasn't the 11th Circuit's Order on "March 21, 2022" Fraudulent and... because the Order is/ was "intrinsic and extrinsic" of the unconstitutional ruling of the district court at "October 27, 2021" and "November 30, 2021?"

Q11. Wasn't the 11th Circuit's "March 21, 2021" ruling based on Fraud committed by A Court under Coppedge vs. United States, 369 U.S. 438, 445 (1962)?

Q12. [nothing]

vii.

LIST OF PARTIES

☐ All parties appear in the caption of the case on the cover page.

☒ 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:

The decision of the Deft. Donald J. Trump to breach the (NYS) General Obligation §5-701... Sec. 141-A contract.

The decision of the Eleventh Circuit Court of Appeals, entered at "March 21, 2022."

The Judgment of the U.S. District Court entered at "October 27, 2021," "and" at "November 30, 2021.".

Rule 60. Relief from a Judgment or Order

(a) CORRECTIONS BASED ON CLERICAL MISTAKES; OVERSIGHTS AND OMISSIONS. The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice. But after an appeal has been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave.

(b) GROUNDS FOR RELIEF FROM A FINAL JUDGMENT, ORDER, OR PROCEEDING. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

(1) mistake, inadvertence, surprise, or excusable neglect;

(2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);

(3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;

(4) the judgment is void;

(5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or

(6) any other reason that justifies relief.

(c) TIMING AND EFFECT OF THE MOTION.

(1) *Timing.* A motion under Rule 60(b) must be made within a reasonable time—and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the proceeding.

(2) *Effect on Finality.* The motion does not affect the judgment's finality or suspend its operation.

(d) OTHER POWERS TO GRANT RELIEF. This rule does not limit a court's power to:

(1) entertain an independent action to relieve a party from a judgment, order, or proceeding;

(2) grant relief under 28 U.S.C. §1655 to a defendant who was not personally notified of the action; or

(3) set aside a judgment for fraud on the court.

Cir. Aug. 1, 1987; Apr. 30, 2007; eff. Dec. 1, 2007.)

Notes of Advisory Committee on Rules—1937

Note to Subdivision (a). See [former] Equity Rule 72 (Correction of Clerical Mistakes in Orders and Decrees); Mich.Court Rules Ann. (Searl, 1933) Rule 48, §3; 2 Wash.Rev.Stat.Ann. (Remington, 1932) §464(3); Wyo.Rev.Stat.Ann. (Courtright, 1931) §89-2301(3). For an example of a very liberal provision for the correction of clerical errors and for amendment after judgment, see Va.Code Ann. (Michie, 1936) §§6329, 6333.

Note to Subdivision (b). Application to the court under this subdivision does not extend the time for taking an appeal, as distinguished from the motion for new trial. This section is based upon Calif.Code Civ.Proc. (Deering, 1937) §473. See also N.Y.C.P.A. (1937) §108; 2 Minn.Stat. (Mason, 1927) §9283.

For the independent action to relieve against mistake, etc., see Dobie, *Federal Procedure*, pages 760-765, compare 639; and Simkins, *Federal Practice*, ch. CXXI (pp. 820-830) and ch. CXXII (pp. 831-834), compare §214.

Notes of Advisory Committee on Rules—1946 Amendment

Subdivision (a). The amendment incorporates the view expressed in *Perlman v. 322 West Seventy-Second Street Co., Inc.* (C.C.A.2d, 1942) 127 F.(2d) 716; 3 *Moore's Federal Practice* (1938) 3276, and further permits correction after docketing, with leave of the appellate court. Some courts have thought that upon the taking of an appeal the district court lost its power to act. See *Schram v. Safety Investment Co.* (E.D.Mich. 1942) 45 F.Supp. 636; also *Miller v. United States* (C.C.A.7th, 1940) 114 F.(2d) 267.

Subdivision (b). When promulgated, the rules contained a number of provisions, including those found in Rule 60(b), describing the practice by a motion to obtain relief from judgments, and these rules, coupled with the reservation in Rule 60(b) of the right to entertain a new action to relieve a party from a judgment, were generally supposed to cover the field. Since the rules have been in force, decisions have been rendered that the use of bills of review, *coram nobis*, or *audita querela*, to obtain relief from final judgments is still proper, and that various remedies of this kind still exist although they are not mentioned in the rules and the practice is not prescribed in the rules. It is obvious that the rules should be complete in this respect and define the practice with respect to any existing rights or remedies to obtain relief from final judgments. For extended discussion of the old common law writs and equitable remedies, the interpretation of Rule 60, and proposals for change, see Moore and Rogers, *Federal Relief from Civil Judgments* (1946) 55 Yale L.J. 623. See also 3 *Moore's Federal Practice* (1938) 3254 *et seq.*; Commentary, *Effect of Rule 60b on Other Methods of Relief From Judgment* (1941) 4 Fed.Rules Serv. 942, 945; *Wallace v. United States* (C.C.A.2d, 1944) 142 F.(2d) 240, cert. den. (1944) 323 U.S. 712.

The reconstruction of Rule 60(b) has for one of its purposes a clarification of this situation. Two types of procedure to obtain relief from judgments are specified in the rules as it is proposed to amend them. One procedure is by motion in the court and in the action in which the judgment was rendered. The other procedure is by a new or independent action to obtain relief from a judgment, which action may or may not be begun in the court which rendered the judgment. Various rules,

motion is lost by the expiration of the time limits fixed in these rules, the only other procedural remedy is by a new or independent action to set aside a judgment upon those principles which have heretofore been applied in such an action. Where the independent action is resorted to, the limitations of time are those of laches or statutes of limitations. The Committee has endeavored to ascertain all the remedies and types of relief heretofore available by *coram nobis, coram vobis, audita querela*, bill of review, or bill in the nature of a bill of review. See Moore and Rogers, *Federal Relief from Civil Judgments* (1946) 55 Yale L.J. 623, 659–682. It endeavored then to amend the rules to permit, either by motion or by independent action, the granting of various kinds of relief from judgments which were permitted in the federal courts prior to the adoption of these rules, and the amendment concludes with a provision abolishing the use of bills of review and the other common law writs referred to, and requiring the practice to be by motion or by independent action.

To illustrate the operation of the amendment, it will be noted that under Rule 59(b) as it now stands, without amendment, a motion for new trial on the ground of newly discovered evidence is permitted within ten days after the entry of the judgment, or after that time upon leave of the court. It is proposed to amend Rule 59(b) by providing that under that rule a motion for new trial shall be served not later than ten days after the entry of the judgment, whatever the ground be for the motion, whether error by the court or newly discovered evidence. On the other hand, one of the purposes of the bill of review in equity was to afford relief on the ground of newly discovered evidence long after the entry of the judgment. Therefore, to permit relief by a motion similar to that heretofore obtained on bill of review, Rule 60(b) as amended permits an application for relief to be made by motion, on the ground of newly discovered evidence, within one year after judgment. Such a motion under Rule 60(b) does not affect the finality of the judgment, but a motion under Rule 59, made within 10 days, does affect finality and the running of the time for appeal.

If these various amendments, including principally those to Rule 60(b), accomplish the purpose for which they are intended, the federal rules will deal with the practice in every sort of case in which relief from final judgments is asked, and prescribe the practice. With reference to the question whether, as the rules now exist, relief by *coram nobis*, bills of review, and so forth, is permissible, the generally accepted view is that the remedies are still available, although the precise relief obtained in a particular case by use of these ancillary remedies is shrouded in ancient lore and mystery. See *Wallace v. United States* (C.C.A.2d, 1944) 142 F.(2d) 240, cert. den. (1944) 323 U.S. 712; *Fraser v. Doing* (App.D.C. 1942) 130 F.(2d) 617; *Jones v. Watts* (C.C.A.5th, 1944) 142 F.(2d) 575; *Preveden v. Hahn* (S.D.N.Y. 1941) 36 F.Supp. 952; *Cavallo v. Agwilines, Inc.* (S.D.N.Y. 1942) 6 Fed.Rules Serv. 60b.31, Case 2, 2 F.R.D. 526; *McGinn v. United States* (D.Mass. 1942) 6 Fed.Rules Serv. 60b.51, Case 3, 2 F.R.D. 562; *City of Shattuck, Oklahoma ex rel. Versluis v. Oliver* (W.D.Okla. 1945) 8 Fed.Rules Serv. 60b.31, Case 3; Moore and Rogers, *Federal Relief from Civil Judgments* (1946) 55 Yale L.J. 623, 631–653; 3 *Moore's Federal Practice* (1938) 3254 *et seq.*; Commentary, *Effect of Rule 60b on Other Methods of Relief From Judgment, op. cit. supra. Cf. Norris v. Camp* (C.C.A.10th, 1944) 144 F.(2d) 1; *Reed v. South Atlantic Steamship Co. of Delaware* (D.Del. 1942) 6 Fed.Rules Serv. 60b.31, Case 1; *Laughlin v. Berens* (D.D.C. 1945) 8 Fed.Rules Serv. 60b.51, Case 1, 73 W.L.R. 209.

as justice requires.

The qualifying pronoun "his" has been eliminated on the basis that it is too restrictive, and that the subdivision should include the mistake or neglect of others which may be just as material and call just as much for supervisory jurisdiction as where the judgment is taken against the party through *his* mistake, inadvertence, etc.

Fraud, whether intrinsic or extrinsic, misrepresentation, or other misconduct of an adverse party are express grounds for relief by motion under amended subdivision (b). There is no sound reason for their exclusion. The incorporation of fraud and the like within the scope of the rule also removes confusion as to the proper procedure. It has been held that relief from a judgment obtained by extrinsic fraud could be secured by motion within a "reasonable time," which might be after the time stated in the rule had run. *Fiske v. Buder* (C.C.A.8th, 1942) 125 F.(2d) 841; see also inferentially *Bucy v. Nevada Construction Co.* (C.C.A.9th, 1942) 125 F.(2d) 213. On the other hand, it has been suggested that in view of the fact that fraud was omitted from original Rule 60(b) as a ground for relief, an independent action was the only proper remedy. Commentary, *Effect of Rule 60b on Other Methods of Relief From Judgment* (1941) 4 Fed.Rules Serv. 942, 945. The amendment settles this problem by making fraud an express ground for relief by motion; and under the saving clause, fraud may be urged as a basis for relief by independent action insofar as established doctrine permits. See Moore and Rogers, *Federal Relief from Civil Judgments* (1946) 55 Yale L.J. 623, 653–659; 3 *Moore's Federal Practice* (1938) 3267 *et seq.* And the rule expressly does not limit the power of the court, when fraud has been perpetrated upon it, to give relief under the saving clause. As an illustration of this situation, see *Hazel-Atlas Glass Co. v. Hartford Empire Co.* (1944) 322 U.S. 238.

The time limit for relief by motion in the court and in the action in which the judgment was rendered has been enlarged from six months to one year.

It should be noted that Rule 60(b) does not assume to define the substantive law as to the grounds for vacating judgments, but merely prescribes the practice in proceedings to obtain relief.

It should also be noted that under §200(4) of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. [App.] §501 *et seq.* [§520(4)]), a judgment rendered in any action or proceeding governed by the section may be vacated under certain specified circumstances upon proper application to the court.

Notes of Advisory Committee on Rules—1948 Amendment

The amendment substitutes the present statutory reference.

Notes of Advisory Committee on Rules—1987 Amendment

The amendment is technical. No substantive change is intended.

Committee Notes on Rules—2007 Amendment

The language of Rule 60 has been amended as part of the general restyling of the Civil Rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only.

XII.

C.

Corporate Disclosure Statement

1. The Deft.-Appellee is former 46th United States President Honorable Donald John Trump.

2. The plt.-Appellant is Alex ESP Anderson a/k/a Alex Anderson Jr., an x-convict who has known the Billionaire Donald Trump from Queens New York, his wife Ivana Marie Trump, his children Donald Trump Jr., Ivanka Trump, and Eric Trump for more or less of Thirty-Eight years.

[Judicial Note: It would suffice to make mention; former U.S. President Donald Trump introduced the Appellant to his wife Ivana Marie Trump and then three (3) children Donald Trump Jr., Ivanka Trump, and Eric Trump over more than 35 years ago during which time that Alex ESP Anderson was living in Manhattan, New York in 1985]. (U.S. District Court, So. District of Fla., Docket No. 1:21-CV-23757-

JLK; Appellant's "Exhibit One" (NYS) proposal under New York State General obligation, Section 5-701(a) contract page's 1-4").

9. After Appellant was released from Prison that is the Federal (BOP) Bureau Of Prison (in "Oct. 2002") upon having served 15 years; Appellant Alex Anderson was Registered with The Republican Party Of Florida "05/07/2008.". Registered No. 116184205.

[Judicial Notice: It would Suffice also to make mention that Appellant Alex Anderson Jr. was illegally detained in the Federal Bureau Of Prisons; For seven (7) consecutive years [see page's 10-17 e.g. Appellant's "Exhibit One" (NYS) contract proposal] within the BOP medical Facilities too include Butner Psychiatric Facility in North Carolina, the Medical Facility in Rochester, Minnosta, and the Federal Medical Center Springfield, Missouri. Moreover during the time of the Appellant's "il-

legal detention." [emphasis and quotation marks furished] "Anderson argued on typed written briefs filed before the United States Supreme Court "pro se" i.e. twice." The Appellant's Constitutional arguments were cognizable of controversial Questions based upon the legal analysis that "he" had been diagnosed by the Federal Bureau of Prisons' Doctor(s) as suffering from Schizophrenia and based wrongfully upon the assumption that "I" had told the Federal Bureau of Prison's Doctor that "I had been born with ESP / Telepathy." On May 15, 1995 the matter(s) of the ESP issues, Fact, Fiction, and First Amendment Rights were docket under Anderson vs. United States, No. 94-8745. The United States Supreme Court "denied" review of the Writ "because the U.S. Supreme Court is not a Court of first instance." Therefore, after a second legal decision, in 1997 I wrote to each member of the United States Senate Judiciary Committee headed by Senator Orrin Hatch and complained that the U.S. Supreme Court's ruling

was unfair. And, that the rule of first instance "as in my case" "... of exceptional circumstance needed to be changed. In 2003 one day while after "Alex ESP Anderson" was back in New York City "I was watching the NBC Nightly News with Tom Brokaw, when he aised a segment of Associate Supreme Court Justice Stephen Brever who addressed the issue of the ESP United States Supreme Court case, and whereby face to face of Television Justice Breyer officially apologized to this phenomena "...declaring that the Supreme Court sometimes makes mistakes!!"

4. At November 12, 2019 Appellant transmitted his proposal for a One (1) year New York State §141-A Contract, to Donald Trump and for compensation of $300,000.00 dollars.

5. Appellant's contract proposal was transmitted by ABC News Inc., and veteran News Journalist Diane Sawyer.

6. In deed as a matter of fact President Trump's Executive Order of June 26, 2020 [Appellant's Exhibit two] was an additional Step "OS" pathway too employ the Appellant base upon the Appellant's "LER's" ["Learning And Employment Records"] profolio. See Complaint paragraph 30.

7. The President's Executive Order of June 26, 2020 insofar mandated that Skills would be the Qualification For Job hiring of others a like that of Δ Alex Anderson, who had a Criminal back-ground and/or history. Paragraph 31. Whereas under Trump's administration plt. and others alike were not over looked regarding gainful employment including Contract Negotiations. See paragraph 32.

RELATED CASES

Mariah Carey (Anderson), et al., Plaintiffs vs. Desiree Perez, et al., Defendants (United States District Court, So. District of Fla.) Case No. 1:20-cv-23696-KMM [Order of 10 September 2020];

Mariah Carey (Anderson), et al., Plaintiffs vs. Desiree Perez, et al., Defendants (United States District Court, Southern District of Florida:) Case No. 1:20-cv-23696-KMM [Reclused Order of 21 October 2020];

Alex Anderson [(and Mariah Carey)] Petitioner[s], vs. UMG Recordings Inc., et al., No. 13-9091; [internal citations- United States Supreme Court]: In Forma Pauperis Status Granted May 19, 2014- Writ of Certiorari Granted May 19, 2014- Also Re-Cited at No. 13-9092 & 13-9091

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https://www.supremecourt.gov › courtorders PDF

(ORDER LIST: 572 US) MONDAY, MAY 19, 2014 CERTIORARI

May 19, 2014 — pauperis **and** the petition for a writ of certiorari are granted. ... **ANDERSON, ALEX V. UMG RECORDINGS, INC.**, ET AL. 13-9092.

https://dockets.justia.com › ... › New York › Eastern District

Anderson v. UMG Recordings, Inc. et al - Justia Dockets

Nov 19, 2012 — 1915(a)(3) that any appeal form this Order would **not** be taken in good faith **and** therefore in forma pauperis status is denied for the purpose ...
Missing: ~~13-9091~~ | Must include: 13-9091

https://caselaw.findlaw.com › us-supreme-court

ORDER LIST 05/19/14 | FindLaw

May 19, 2014 — pauperis **and** the petition for a writ of certiorari are granted. ... 13-9091 **ANDERSON, ALEX V. UMG RECORDINGS, INC.**, ET AL.

https://certpool.com › conferences

May 15, 2014 Conference of the US Supreme Court - The Cert ...

Case Name	Disposition	Current Status	Case Ori...
Aref Nagi v. United States, No. 13-8114	Decided	Decided	Sixth Cir...
Jean Lawler v. United States, No. 13-7557	Decided	Decided	Seventh...
Enrique P. Gomez v. Texas, No. 13-1036 Relisted	BIO Requested	Denied	Texas

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https://www.candyrat.com › artists › no-waymirror

No-Way Mirror - Alex Anderson - CandyRat Records

Video shot **and** edited by Michael Anderson at Makery Coworking, New Milford CT. **Alex Anderson** proudly endorses Pellerin Guitars, Ernie Ball strings, DiMarzio ...
Missing: ~~umg~~ ~~13-9091~~

https://www.candyrat.com › artists › alexanderson

Alex Anderson | CandyRat Records

Modern fingerstyle harp-guitarist **Alex Anderson** was born into a musician family where his father, an accomplished classical **and** steel string guitarist, ...

https://en.wikipedia.org › wiki › Robert_Alexander_An...

Robert Alexander Anderson (composer) - Wikipedia

Alex Anderson) (June 6, 1894 – May 30, 1995) was an American composer who was born **and** lived most of his life in Hawaii, writing many popular Hawaiian songs ...

XIX

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(ORDER LIST: 572 US) MONDAY, MAY 19, 2014 CERTIORARI

May 19, 2014 — pauperis and the petition for a writ of certiorari are granted. ... **ANDERSON, ALEX V. UMG RECORDINGS, INC., ET AL.** 13-9092.

https://www.law.cornell.edu › supct › html

US Supreme Court Orders - Legal Information Institute

May 19, 2014 — The judgment is vacated, and the case is remanded to the United States Court of ... 13-9091 **ANDERSON, ALEX V. UMG RECORDINGS, INC., ET AL.**

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May 15, 2014 Conference of the US Supreme Court - The Cert ...

Case Name	Disposition	Current Status	Case Origin
Aref Nagi v. United States, No. 13-8...	Decided	Decided	Sixth Circuit
Jean Lawler v. United States, No. 1...	Decided	Decided	Seventh Circuit
Enrique P. Gomez v. Texas, No. 13...	BIO Requested	Denied	Texas

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UMG Recordings, Inc. v. Kurbanov, No. 19-1124 (4th Cir. 2020)

Plaintiffs, twelve record companies, filed suit against defendant alluging claims for five separate violations of the Copyright Act. Plaintiffs are Delaware ...

Missing: ~~Alex 13-9091~~

https://casetext.com › ... › CD CA › 2015 › June

Umg Recordings, Inc. v. Global Eagle Entm't, Inc. - Casetext

Jun 22, 2015 — Read **Umg Recordings, Inc. v. Global Eagle Entm't, Inc.**, 117 F. Supp. 3d 1092, see flags on bad law, and search Casetext's comprehensive ...

Missing: ~~13-9091~~ | Must include: 13-9091

E.

TABLE OF AUTHORITIES CITED

CASES — PAGE NUMBER

STATUTES AND RULES

OTHER

Cases

Offutt vs. United States, 348 U.S. 11, 14, 75 S.Ct. 11, 13 (1954).

Liteky vs. United States 114 S.Ct. 1147, 1162 (1994).

People of The State of Illinois vs. Fred E. Sterling 357 Ill. 354; 192 N.E. 229 (1934)

Ale F. Moore vs. Stanley F. Stevens, 336 Ill. 316, 168 NE 259 (1929).

In re Village of Willowbrook, 37 Ill. App 2d 392 (1962).

Dusham vs. Dusham, 57 Ill. App 475 (1994) affirmed 162 Ill 589 (1896); Skelly Oil Co. vs. Universal Oil Products Co., 338 Ill. App. 79, 86 N.E. 2d 875, 8834 (1949); Thomas Stasel vs. The America Home Security Corporation 362 Ill. 350; 199 N.E. 798, (1935).

Statutes And Rules [cont...]

Sup. Ct. Rule 14.1 (a) (b) (I) (II) et. seq.

Sup. Ct. Rule 14.5 Sup. Ct. Rule 39.

Sup. Ct. Rule 4.

Sup. Ct. Rule 19.1 Rule 29.

Cases

Estelle vs. Gamble, 429 U.S. 97, 106 (1976).

Haines vs. Kerner, 404 U.S. 519, 520-21 (1972).

Alex Anderson (and Mariah Carey) vs. UMG Recordings, INC., et al, United states Supreme Court No. 13-9092 & No. 13-9091 (May 19, 2014).

Mariah Carey Anderson, et al, Plaintiffs vs. Desiree Perez, et al, Defendants, U.S.Ct. of App., Indix Number 20-13810 (decided: 10/21/2021).

Alex Anderson vs. United States, 514 U.S. 1120, 131 L.Ed.2d 872 (May 15, 1995).

Alex Anderson vs. Lisa Gellery et al., 555 U.S. 1167, 178 L.Ed.2d 580 (Feb. 23, 2009).

Alex Anderson vs. A&M Records, et al United State District Court, So. District of New York (Decided May 22, 1985).

Statutes And Rules

Sup. Ct. Rule 33. and 34.

Other

Section 455(a) of the Judicial Code, 28 U.S.C. §455(a)

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F.

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

[X] For cases from **federal courts:**

The opinion of the United States court of appeals appears at Appendix "C" to the petition and is

[ ] reported at March 21, 2022; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the United States district court appears at Appendix "A" & "B" to the petition and is

[X] reported at Oct. 27, 2021 "and" NOV. 30, 2021; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

[ ] For cases from **state courts:**

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

H.

Jurisdiction

A. Standard Of Review.

Federal Rule OF Civil Procedure 60(b)(3), (4) Motion to Vacate a Judgment FOR Fraud ON Court states that nothing IN Rule 60 Limits a Court's power to set aside a judgment FOR Fraud ON the Court.

The United states Supreme Court has also noted that the Courts have the Inherent Power to vacate Judgments ON basis OF Fraud upon the Court.

The Court generally reviews district Court rulings ON Rule 60 Motions FOR post Judgment relief FOR abuse OF discretion. E.g. Jones vs Ill. Cent RR Co., 617 F. 3d. 843, 850 (6th Cir. 2010). ALSO United States vs. Pauley, 341 F. 3d. 578, 581, (6th Cir. 2003).

Finally under Federal Rule Civil Practice Rule 7(b)(1) the petitioner request by Motion A Court order granting the relief to vacate the Judgment pursuant too Rule 60(b) on the basis OF Fraud committed upon the Court.

I.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

14th Amendment Rights Of Due Process under the United States CONSTITUTION;

14th Amendment Rights OF EQUAL Protection under the United States CONSTITUTION;

8th Amendment Rights OF Prohibitation OF Cruel and Unusal Punishment under the united states constitution

(NYS) 141-A Contract;

New York State General Obligation Law Section(S); §5-701(a); §5-701(b), Subdivison 3(b); §5-701(J), Subdivision 3(b);

New York state Workers' Compensation Reform Legislation (WCL Sec. 141-b)

Article 11- Executive Department, section 2, Clause 1;

1st. Amendment Rights OF Access to the Court Undes the United States Constitution.

Preliminary Statement Of the Matter

1. The Appellant's 1 year (NYS) Section 141-A contract pursuant to General Obligation Law, Section 5-701(a) and New York State Workers' Reform Legislation (WCL Section 141-A) was chiefly based upon the design of a Military Special Forces Operation.

2. Insofar Appellant was to go on his own volition to Miami Florida November 17, 2019 and set up COMMUN-

ications in that State and in that City for the re-election of Donald Trump.

9. Indeed petitioner's (NYS) 141-A contract performance was wore-fully based on Anderson's elite [ESP/ MIND reading] tatent.

4. The terms and conditions of the contract adhered too by the Appel-Lant was that he was to Communi-cate to the Public the good things that President Donald Trump had done but; that the petitioner did not

Speak ON behalF OF Donald Trump.

5. Thusly it would Suffice to show For purposes OF the Merits OF the Facts that the Appellant is A United States Army; Viet Nam era Veteran (1972-1975).

6. The petitioner's Qualifications For the Job of assistant campaign Manager was based ON his Military training and background, his educat-ion, and his Life experience.

STATEMENT OF THE CASE

7. The Deft-Appellee in this action is the Honorable Donald John Trump the 45th United States President. And, as a material fact Δ-Appellant has known the Deft-Appellee who is from Qns. New York for approximately "36 years."

8. In February via August 2019 petitioner was in Miami Florida on a business arrangement and; at that time took up Donald Trump's cause for re-election.

9. Thereafter on or about November 12, 2019 Appellant Alex Anderson drafted a New York State consolidated Laws, section 141-b contract under (NYS) workers' compensation Laws and Section 5-701(a) and General Obligation Law in which section 5-701 requires that the 1-yr. State contract be in writting.

10. Indeed Appellant's 1-year contract purposal was in Writing [Appellant's Exhibit ONE

11. Judicial Notice: It would suffice to make Mention at the time that Appellant made

available his Contract proposal Appellant was in New York state and that the proposal was the 3rd or 4th written COMMUNICATION had between the Δ- Appellant and the defendant-Appellee.

12. Appellant's Contract proposal under (NYS) 141-A was facilitated in part by ABC News Journalist Diane Sawyer, ABC News Head-Quaters, 00. W. 07th Street, New York, New York 10023.

13. Moreover inconjunction too the information statement set forth under above paragraph "12" veteran News Journalist Diane Sawyer and veteran News Journalist Katie Couric have acted in behalf of Plt's-Appellant's interest as process server for more than 15 years.

14. On October 22, 2021 petitioner filed in the United States District Court for the Southern District of Florida the ongoing federal com-

plaint pursuant to Title 42 United States Code, Section 1983 and; under Color of a Statute, Ordinance, regulation, Custom, or usage, of any state or territory, or the District of Columbia. [Federal Complaint Jurisdiction page 1, Appendix "D" also at Appendix E].

15. Moreover under and through U.S. Diversity of Citenship petitioner asserted that the trial Court's Jurisdiction was based upon Diversity of Citenship under Title

28 U.S. Code, Section 1332 and inter alia of Section 1603, & under 28 U.S. Code section 1331 to which is the United States District Court's original jurisdiction.

16. Accordingly Appellant's Section 1983 Complaint was brought For Breach of Contract.

17. On October 27, 2021 the U.S. District Court or More specifically Judge James Lawrence King dismissed the Appellant's Section 1983 Complaint

claiming that dismissal was warrant under 28 U.S.Code Section 1915(e)(2)(B)(i) in which by implication permits A district court to dismiss A Federal action at any time if the court determines (i) the case is Frivolous or Malicious; (ii) fails to state A claim ON which relief Can be granted; or (iii) seeks Monetary relief against a defendant who is immune from such relief. Appendix "A," and "B."

10. Judge King also claim that the

"Court's, plaintiff-Appellant's" [emphasis intended] "86 pages handwritten" document [Quotation marks added] is "largely incoherent" [Quotation Marks Supplied] and Judge James Lawrence King says "See Compl. DE 1" [emphasis and Quotation marks included].. Anderson vs. Trump, United States District Court, No. 1:21-CV-23757-JLK page 1; Final Order Of Dismissal, Oct. 27, 2021.

19. Also in Judge King's Order at

October 27, 2021 James Lawrence King says that the petitioner Alex Anderson "fails to advance claims that have merit either in Fact or law." Anderson vs. Trump, Final Order Of Dismissal, Oct. 27, 2021 (page 1).

II.

20. "Around or about November 15, 2019 word in the United States Congress and by way of the American News Media was that President Donald John Trump was going to

be impeached by the United States Congress. And at December 18, 2019 President Donald Trump was impeached (1 Month a weeks and 4 days) Specifically Through February 5, 2020." [Entered at paragraph 14; Anderson vs. Trump, U.S. District Court No. 21-cv-23757 Oct. 27, 2021 (emphasis and Quotation Marks cossectly added)].

21. At November 17, 2019 Appellant was ON the Greyhound Bus Lines IN route to Miami Florida.

22. "[Fast Foward] via by November 25, 2019 the purported Manager of Kimberly Gulfoyle for the Republican Party had not deposit the $300,000.00 dollars into A Corporate Bank account and For Money Management." [Entered at paragraph 15; Anderson vs. Trump, U.S. District Court NO. 21-CV-23757 Oct. 27, 2021 (emphasis and Quotation Marks correctly added)].

23. Whereafter Appellant was within the City of Miami Florida and

inspite of not having been paid pursuant to the conditions and as a part of the terms, and obligations as set forth under the Contract Anderson was actively involved in his official capacity as assistant Campaign Manager for Donald Trump's re-election bid.

24. When Appellant facilitated his NYS Section 141-A contract Δ Anderson Submitted for the job position of Assistant Campaign Manager 150 pages of "LER's"

["Learning And Employment Records"].
(U.S.DIST.Ct. SWORN TO COMPLAINT, p. 87).

25. And indeed at June 26, 2020 President Donald John Trump's Executive Order as a matter of A fact was an additional step "or" pathway too employ Anderson based upon the petitioner's "LER" profolio [Gen. Exhibit Two].

26. The President's Executive Order of June 26, 2020 insofar mandated that skills would be the Qualifications for Job hiring, and;

of others a like that of the Appellant Alex Anderson, who had A Criminal background or history. whereas under Trump's administration plt., and others a Like were not over Looked regarding gainful employment including Contract Negotiations. [Appellant's Exhibit TWO].

REASONS FOR GRANTING THE PETITION

It is perfectly Clear From the Wording and repetition of Anderson's Federal Complaint Filed under Title 42 U.S. Code, Section 1983 that the pro se movant's complaint is exactly the type of Federal Judicial Grievance that the Founding Fathers of our Nation, and the United States Congress intended and had in mind by providing to its Citizens an actionable pathway via the most sacred of rights of its citizens, and via the First Amendment right of access to the court and the absolute rights of their Citizens to File grievances against the United States Government guaranteed under the Constitution of the United States and Laws.

Wherefore on or about at November 12, 2019 the Appellant Alex Anderson, Jr transmitted From New York state to the deft. Appellee the Honorable Former President Donald John Trump A proposal For an agreement, promise or undertaking via Section 141-b (NYS) Workers' compensation Reform Legislature and pursuant to New York State Consolidated Laws Section 5-701. Also whereby insofar

as under section 5-701(a) movant for-filled the prerequisite of the state law, requiring that the undertakings of the 1 year proposal for consideration was to be in writing. In furtherance Appellant's proposal for work as campaign manages for the Appellee Defendant Donald John Trump's re-election bid was transmitted by Anderson's 'process server' veteran ABC News reporter Diane Sawyer. [See hereto the appellee's and the appellant's written contract; Exhibit ONE].

The duly record of the petitioner's 86 pages, hand written complaint affirmat-ively demonstsates that after the offer for work and compensation in the → amount of $300,000.00 dollars for services rendered the defendant Appellee Donald Jolsn Trump provided six (6) satisfactory confirmations in consideration for section 5-701(a) and (WCL sec. 141-b.) subdivision that; a confirmation in writing sufficient to indicate that a contract had been made, between the parties and sufficient

against the sender. (Id. Judge James Lawrence King's U.S. District Court Sworn to complaint paragraph's 23; 24; & 26).

In a prime facie showing of evidence and evidencing yet another example of the Constructive receipt of A confirmation under General obligation section 5-701...; by letter to Ivanka Trump delivered by Appellant's 'process server' Anderson sought to arrange to have the President's daughter personally involved in the business of his contract account with her Father as Assistant Campaign Manager too which included National Security matters and issues. And whereby the confirmation up on the President's daughters constructed receipt Post(ed) by Ivanka was the identical confirmation to which the 45th President had perviously posted. See King's

U.S. District Court SWORN to complaint, Number 21-cv-23757 paragraphy's 33; 34; & 35.

Moreover in addition to the six (6) CONFIRMATIONS provided by the defendant the Honorable Former President Donald John Trump made available other factors necessary to do equality and justice between the Appellant and the Appellee. Indeed too additionally establish that an agreement had been promised up on the understakings of the November 12, 2019 proposal and sufficient of a written confirmation, at June 26, 2020 the Appellee in the signing of President Trump's Executive Order which coincided with a meeting of his American Workforce Policy Advisory Board, the Former President evidenced the material fact sufficient of a written disposition, that the November 12, 2019 purposal for $300,000.00 dollars compensation for the work understakings had did conclude, and an agreement had been reach and sufficient of a writted conformation under (NYS) section 5-701(a) of contracts, proposals, and agreements by means of the subseq-

Quent or the prior written proposal, and that the Appellee the Honorable Former President Donald Trump had agreed to be bound by his terms. Appellant Alex Anderson's SWORN to United States District Court Complaint, October 22, 2020. See also the signing ceremony at the White House wherein Donald J. Trump and others administration officials said the Order would create a more merit-based system and opportunities for Americans who had perviously been excluded from the work force. N.Y. Post, June 27, 2020... By Ebony BOWDEN. [Appellant's Exhibit TWO].

Honorable Judge James Lawrence King in his purported Final Order of Dismissal October 27, 2021 and; Order denying Motion for Leave to Appeal in IFP status, fail in like at NOV. 30, 2021 to ascertain whether "A party who seeks appellate review of an issue does so in good faith if the issue is not frivolous from an objective standard. See Coppedge v. United States

369 U.S. 438, 445 (1962). AN IFP application is Frivolous ("If it is without arguable merit either in Law or Fact.") Napier v. Preslicka, 314 F.3d 528, 531 (11th Circuit 2002)."

Now notwithstanding of consolidated laws under General Obligation Section 5-701(b) and Subdiv 3(b) in which the petitioner concedes was not carried out by the Appellee Donald J. Trump and accordingly by the FIFTH business day. However by the material fact that the Appellant Alex Anderson's November 12, 2019 proposal in Fact had been in part Facilitated that is "transmitted" by A veteran News media representative. [Judicial Notice: Appendix F, ABC News, Diane Sawyer Records, reporting page's 1 via 55]; and, by the material Fact that the Appellant was Negotiating an agreement, promise or undertakings For work and compensation For services in the amount of $300,000.00 thousand dollars, and; also directly with a sitting United states President [ ], based upon the material facts indeed the Appellee's Six (6) considerations For

Confirmation under General Obligation Law, Section 5-701(a) Subdivison 3(b) were by the material issues Legally Sufficient to confer Appellant's (NYS) 141-A agreement under New York state General Obligation law; Section 5-701 and also Sufficient against the Defendant/ Appellee.

III.

A Judge is an officer of the Court; as well as are all attorneys. A State Judge is a state judicial officer, paid by the state to act impartially and lawfully. A Federal Judge is a Federal officer, paid by the Federal Government to act impartially and lawfully. State and Federal attorneys fall into the same general category and must meet the same requirements. A Judge is not the Court. People vs. Zajic, 88 Ill. App. 3d 477, 410 N.E.2d 626 (1980).

"Fraud upon the court" has been defined by the 7th. Circuit Court of Appeals to "embrace that species of Fraud which does, or attempts to, defile the court itself, or is a Fraud perpetrated by officers of the Court so that the judicial machinery can not perform in the usual manner its impartial task of adjudging cases that are presented for adjudication." Kenner vs.

C.I.R., 387 F.2d 689 (1968); 7 Moore's Federal Practice, 2d ed., p. 512. The 7th Circuit Further stated "a decision produced by Fraud upon the court is not in essence a decision at all, and never becomes Final.".

"Fraud upon the court" makes void the orders and judgments of that court.

It is also clear and well-settled Illinois LAW that any attempt to commit "Fraud upon the court" vitiates the entire proceeding. The People of the state OF Illinois vs. Fred E. Sterling, 357 Ill. 354; 192 N.E. 229 (1934) ("The Maxim that Fraud Vitiates every transaction into which it enters applies to judgments as well as to contracts and other transactions."); Allen F. Moore vs. Stanley F. Sievers, 336 Ill. 316, 168 N.E. 259 (1929) ("The Maxim that Fraud vitiates every transaction into which it enters..."). IN re Village OF Willowbrook, 37 Ill. App. 2d 2d 393 (1962) ("it is axiomatic that Fraud vitiates everything"); Dunham vs. Dunham 57 Ill App. 475 (1894), affirmed 162 Ill 589 (1896); Skelly Oil CO. vs. Universal Oil Products CO., 338 Ill App. 79, 86 N.E.2d 875, 883-4 (1949); thomas Stasel vs. the American HOME Security Corporation, 362 Ill 350; 199 N.E. 798 (1935).

Courts have repeatedly held that positive proof of the partiality of a judge is not a requirement, only the appearance of partiality. Liljeberg vs. Health Services ASQUISITON Corp., 486 U.S. 847, 108 S.Ct. 2194 (1988) (what matters is not the reality OF bias or prejudice but its appearance); United states vs. Balistieri, 779

F.2d 1191 (7th Cir. 1985) (Section 455(a) "is directed against the appearance of partiality, whether or not the judge is actually biased.") ("Section 455(a) of the Judicial Code, 28 U.S.C. § 455(a), is not intended to protect litigants from actual bias in their judge but rather to promote public confidence in the impartiality of the judicial process.")

The Supreme Court has ruled and has reaffirmed the principle that "justice must satisfy the appearance of justice", Levine vs. United States, 362 U.S. 610, 80 S.Ct. 1038 (1960), citing Offutt vs. United States, 348 U.S. 11, 14, 75 S.Ct. 11, 13, (1954). A judge receiving a bribe from an interested party over which he is presiding, does not give the appearance of justice.

In Furtherance A judge has a legal duty to disqualify himself even if there is no motion asking for his disqualification. The Seventh Circuit Court of Appeals Further stated that "We think that this Language [455(a)] imposes a duty on the judge to act Sua Sponte, even if no motion or Affidavit is filed." Ballistrient, at 1202.

Should a judge not disqualify himself, then the judge is violation of the Due Process clause of the U.S. Constitution. United States vs. Sciuto, 521 F.2d 842, 845 (7th Cir. 1960) ("The right to a

tribunal free from bias or prejudice is based, not on section 144, but on the Due Process Clause).

If an Appellant is A NON-represented Litigants and should the court not follow the law as to non-represented Litigants then the judge has expressed an "appearance of partiality" and under the law, it would seem that he/she has disqualified him/herself.

The Supreme Court has held that if a judge wars against the Constitution, or if he acts without jurisdiction, he has engaged in treason to the Constitution. If a judge acts after he has been automatically disqualified by law, then he is acting without jurisdiction, and that suggest that he is then engaging in Criminal acts of treason, and may be engaged in extortion and the interference with interstate commerce.

IV.

Judge Kings initial order entered at October 27, 2021 amply would suggest based on the wording and the repetition

and his findings of fact and conclusions of law that "plaintiff's complaint is 86 pages, handwritten, and largely incoherent" ["context original of Judge James Lawrence King's Order and Memorandum entered October 27, 2021"] "and would edify evidentially that in specific judge King's Order and Memorandum on its face was bais and prejudice and; following from the mouth of James Lawrence King his fact findings did automatically disqualify by law the fraudulent Memorandum and Order and also not just necessarily on the bases of section 455(a) but on the bases of Due Process and the Due Process clause of the 14th Amendment of the United States Constitution."

Whereas in echo the memorandum and Order of the court at October 27, 2021 presumably determines judge Kings state of mind and following about from the mouth of judge King himself. And, by this court's own comparison of the petitioner's at instance writ and filing under Supreme Court Rule 13.1; Rule 14, Rule 60(b)(3)&(4); and 28 U.S.C. §1254(1) & §1983.

Moreover based wholly on the wording and the repetition judge King's ultimate intent whereby was to defile the court of the United States 11th Circuit court of Appeals and; on March 21, 2022 this in fact did occur.

Thusly the Appellant would show that judge King referred to the Order and Memorandum of October 27, 2021 as being the "Final Order of dismissal" and therefor suggesting to an objective observer reasonable questions about judge Kings partially.

Indeed judge King's motivation... moreover is/was based obviously on the material fact that the petitioner's property was of the stated value of three Hundred thousand [$300,000.00] Dollars.

And in like clearly as it concerns by implication the implied assistance [ ] offered "and" provided by veteran ABC News journalist Diane Sawyer [Judicial Notice: Appendix "F"] reasonable questions of bias, prejudice, partiality, and automatic disqualification of Federal Judge James

Lawrence King under the circumstances of this case emerges.

Insofar as evidently by the comparison of the memorandum of the Final Order of October 27 2021 and the Movant Petitioner's brief herein filed ex. rel Rule 60; 28 U.S.code, §1254(1).. ex seq. the Movant's approximately 40 pages; handwritten brief is clearly not largely incoherent. And based wholly upon the information statement and case herein it should be by the preponderance of the weight of the evidence as a duly matter of law e.g. "Fraud was commited by Judge James King." And if the pro se litigate had in fact filed an Appeal with the Eleventh Judicial Circuit Court of Appeals, whereafter which time of the judge's illegitimate Order and Memorandum, and at November 30, 2021; insofar as accordingly based today on the duly record of the U.S. Supreme Court's review; and at the time of the district court's order denying Appellant's motion for leave to Appeal IN IFP status; it was absolutely clear that the district court of judge James

Lawrence King was warning against the Constitution and acting without jurisdiction and engaged in Treason."

V.

Protected class "George Floyd" Type [Headnote IVX complaint, para 86] the pro se Petitioner Under the advice of his Attorney unconditionally withdraws his assertion.

Contacts via the E.E.O.C., U.S. Department of Labor, & the U.S. Dept. of Commerce [Headnote XIIIG Complaint, para. 83, 84, & 85 U.S. District Court, Verified Complaint, page 87].

VI.

Conclusion

As it pertains to the movant's preformance under (NYS) section 141-A. of General obligation Section 5-701... Of Deft., Appellee Donald Trump and Appellant's $300,000.00 Thousand Dollars New York state agreement For Workers; Compensation.

Headnote XII paragraph 77 via 82. After Mr. Joe Biden was declared to be the 46 United

States President and because Appellant had not been paid by Donald Trump and in effect of the cancellation practices of a culture Appellant wrote to Vice President Kamala Harris explaining his position that is because of his job and work ethic. whereas Alex ESP Anderson as a re-election tool sought to deny Joe Biden black voters and votes.

To conclude, our united states Supreme Court has held pervously that "a party who seeks appellate review of an issue does so in good faith if the issue is not frivolous from an objective standard." See Coppedge vs. United States 369 U.S. 438, 445 (1962). And indeed an IFP application is frivolous only if it is without arguable merit either in Law or fact. Napier vs. Preslicka, 314 F.3d 528, 531 (11th. Circuit 2002.

"Fraud On The Court By An Officer Of The Court" And "Disqualification Of Judges, State and Federal"

http://www.ballew.com/bob/htm/fotc.htm

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1. Who is an "officer of the court"?

A judge is an officer of the court, as well as are all attorneys. A state judge is a state judicial officer, paid by the State to act impartially and lawfully. A federal judge is a federal judicial officer, paid by the federal government to act impartially and lawfully. State and federal attorneys fall into the same general category and must meet the same requirements. *A judge is not the court.* People v. Zajic, 88 Ill.App.3d 477, 410 N.E.2d 626 (1980).

2. What is "fraud on the court"?

Whenever any officer of the court commits fraud during a proceeding in the court, he/she is engaged in "fraud upon the court". In Bulloch v. United States, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated "Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. ... It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function — thus where the impartial functions of the court have been directly corrupted."

"Fraud upon the court" has been defined by the 7th Circuit Court of Appeals to "embrace that species of fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery can not perform in the usual manner its impartial task of adjudging cases that are presented for adjudication." Kenner v. C.I.R., 387 F.3d 689 (1968); 7 Moore's Federal Practice, 2d ed., p. 512, ¶ 60.23. The 7th Circuit further stated "a decision produced by fraud upon the court is not in essence a decision at all, and never becomes final."

3. What effect does an act of "fraud upon the court" have upon the court proceeding?

"Fraud upon the court" makes void the orders and judgments of that court.

It is also clear and well-settled Illinois law that any attempt to commit "fraud upon the court" vitiates the entire proceeding. The People of the State of Illinois v. Fred E. Sterling, 357 Ill. 354; 192 N.E. 229 (1934) ("The maxim that fraud vitiates every transaction into which it enters applies to judgments as well as to contracts and other transactions."); Allen F. Moore v. Stanley F. Sievers, 336 Ill. 316; 168 N.E. 259 (1929) ("The maxim that fraud vitiates every transaction into which it enters ..."); In re Village of Willowbrook, 37 Ill.App.2d 393 (1962) ("It is axiomatic that fraud vitiates everything."); Dunham v. Dunham, 57 Ill.App. 475 (1894), affirmed 162 Ill. 589 (1896); Skelly Oil Co. v. Universal Oil Products Co., 338 Ill.App. 79, 86 N.E.2d 875, 883-4 (1949); Thomas Stasel v. The American Home Security Corporation, 362 Ill. 350; 199 N.E. 798 (1935).

Under Illinois and Federal law, when any officer of the court has committed "fraud upon the court", the orders and judgment of that court are void, of no legal force or effect.

4. What causes the "Disqualification of Judges?"

Federal law requires the automatic disqualification of a Federal judge under certain circumstances.

In 1994, the U.S. Supreme Court held that "Disqualification is required if an objective observer would entertain reasonable questions about the judge's impartiality. If a judge's attitude or state of mind leads a detached observer to conclude that a fair and impartial hearing is unlikely, the judge must be disqualified." [Emphasis added]. Liteky v. U.S., 114 S.Ct. 1147, 1162 (1994).

Courts have repeatedly held that positive proof of the partiality of a judge is not a requirement, only the appearance of partiality. Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847, 108 S.Ct. 2194 (1988) (what matters is not the reality of bias or prejudice but its appearance); United States v. Balistrieri, 779 F.2d 1191 (7th Cir. 1985) (Section 455(a) "is directed against the appearance of partiality, whether or not the judge is actually biased.") ("Section 455(a) of the Judicial Code, 28 U.S.C. §455(a), is not intended to protect litigants from actual bias in their judge but rather to promote public confidence in the impartiality of the judicial process.").

That Court also stated that Section 455(a) "requires a judge to recuse himself in any proceeding in which her impartiality might reasonably be questioned." Taylor v. O'Grady, 888 F.2d 1189 (7th Cir. 1989). In Pfizer Inc. v. Lord, 456 F.2d 532 (8th Cir. 1972), the Court stated that "It is important that the litigant not only actually receive justice, but that he believes that he has received justice."

The Supreme Court has ruled and has reaffirmed the principle that "justice must satisfy the appearance of justice", Levine v. United States, 362 U.S. 610, 80 S.Ct. 1038 (1960), citing Offutt v. United States, 348 U.S. 11, 14, 75 S.Ct. 11, 13 (1954). A judge receiving a bribe from an interested party over which he is presiding, does not give the appearance of justice.

"Recusal under Section 455 is self-executing; a party need not file affidavits in support of recusal and the judge is obligated to recuse herself sua sponte under the stated circumstances." Taylor v. O'Grady, 888 F.2d 1189 (7th Cir. 1989).

Further, the judge has a legal duty to disqualify himself even if there is no motion asking for his disqualification. The Seventh Circuit Court of Appeals further stated that "We think that this language [455(a)] imposes a duty on the judge to act sua sponte, even if no motion or affidavit is filed." Balistrieri, at 1202.

Judges do not have discretion not to disqualify themselves. By law, they are bound to follow the law. Should a judge not disqualify himself as required by law, then the judge has given another example of his "appearance of partiality" which, possibly, further disqualifies the judge. Should another judge not accept the disqualification of the judge, then the second judge has evidenced an "appearance of partiality" and has possibly disqualified himself/herself. None of the orders issued by any judge who has been disqualified by law would appear to be valid. It would appear that they are void as a matter of law, and are of no legal force or effect.

Should a judge not disqualify himself, then the judge is violation of the Due Process Clause of the U.S. Constitution. United States v. Sciuto, 521 F.2d 842, 845 (7th Cir. 1996) ("The right to a tribunal free from bias or prejudice is based, not on section 144, but on the Due Process Clause.").

Should a judge issue any order after he has been disqualified by law, and if the party has been denied of any of his / her property, then the judge may have been engaged in the Federal Crime of "interference with interstate commerce". The judge has acted in the judge's personal capacity and not in the judge's judicial capacity. It has been said that this judge, acting in this manner, has no more lawful authority than someone's next-door neighbor (provided that he is not a judge). However some judges may not follow the law.

If you were a non-represented litigant, and should the court not follow the law as to non-represented litigants, then the judge has expressed an "appearance of partiality" and, under the law, it would seem that he/she has disqualified him/herself.

However, since not all judges keep up to date in the law, and since not all judges follow the law, it is possible that a judge may not know the ruling of the U.S. Supreme Court and the other courts on this subject. Notice that it states "disqualification is required" and that a judge "must be disqualified" under certain circumstances.

The Supreme Court has also held that if a judge wars against the Constitution, or if he acts without jurisdiction, he has engaged in treason to the Constitution. If a judge acts after he has been automatically disqualified by law, then he is acting without jurisdiction, and that suggest that he is then engaging in criminal acts of treason, and may be engaged in extortion and the interference with interstate commerce.

Courts have repeatedly ruled that judges have no immunity for their criminal acts. Since both treason and the interference with interstate commerce are criminal acts, no judge has immunity to engage in such acts.

The pro se Appellant respectfully request the Court to grant Alex Anderson's Motion to proceed in Forma Pauperis status, Disqualify Judge James L. King's conclusion and ruling of October 27, 2021. The Petitioner also respectfully prays that the Judgment is vacated and the case is remanded to the United States Eleventh Circuit Court of Appeals or/and in the alternative the United States District Court For the Southern District of Florida and that the Appellee Former President Donald John Trump is Ordered to entes his appearance, and defend to the Federal §1983 Complaint and breach of contract cause of action.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Oly Anderson Jr.

Date: June 10-21, 2022

MEMORANDUM

TO: The Messager Center
ABC News Headquaters
66 W. 67th Street
New York, NY 10023

RE: Package For ABC News
Jounalist Diane Sawyer
ABC News Headquaters
66 W. 67th Street
New York, NY 10023

DATE: (MON.) January 23, 2023

Dear Messager C+C.

Please accept For ABC News Jounalist Diane Sawyer the foregoing package of Legal documents de-Livered "Today" by Alex Anderson. IF you have any concerns Alex Anderson can be reached at (BAVR) 21-10 Bosden Ave., LIC., New York 11101.

Received by: Jack. Smith
Name of EMPLOYee

Date: 1-23-23 456-7700
Telephone No.

cc: ABC News INC.
File #1