No. 22-7083

IN THE SUPREME COURT OF THE UNITED STATES

RICK SEARCY,

Petitioner,

v.

CENTRAL INTELLIGENCE AGENCY, *et al*

Respondent,

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

PETITION FOR WRIT OF CERTIORARI

RICK SEARCY, Esq.
1130 Bryant Ave., 5C
The Bronx, N.Y. 10459
Thumper221117@gmail.com
Thumper71117@yahoo.com
816-610-3961 or 816-469-1890
Pro se Petitioner

Counsel for the Respondents Jeffrey P. Ray, United States District Attorney, John R. Osgood, Daniel E. James, John Patrick Sullivan, Melanie Probst, Brian T. Goldstein, Ashley N. Garrett, and Mark E. Goodman, Solicitor general of the United States;REPRESENTING: Central Intelligence Agency, National Security Agency, The Department of the Army, The Mormon Church, Stephen k. Griffin, the estate of George Pickett, Nina Pickett, Christopher H. Pickett, James Kennedy, the estate of W. Mitch Elliott, Dorothy S. Elliott, Christy L. Fisher, Werner Moentmann, John Sales, Peter Schloss, and Shawn L. Blair

THIS CASE INVOLVES A MULTITUDE OF ISSUES THAT REVOLVE AROUND THE PETITIONERS' CONSTITUTIONAL RIGHTS BEING VIOLATED BY PUBLIC OFFICIALS OF THE MISSOURI JUDICIAL AND LEGISLATIVE BRANCH RESULTING FROM THEIR SEXUAL RELATIONSHIPS WITH HIS EX-WIFE, WITH THE AID OF FEDERAL COURT JUDGE GREG KAYS AN ACTIVE PARTICIPANT, THE GOVERNMENT'S USE OF PSYCHTRONIC, DIRECTED ENERGY WEAPONS AND THE ABROGATION OF COMMON LAW IMMUNITY

QUESTION PRESENTED IN POINT I

The petitioner did not receive a 'Fair and impartial' proceeding which ultimately lead to 12 b (6) dismissal. Applying the 'de novo standard' of review consistent with the 'plausibility standard' will reveal that the District Courts actions were intentionally erroneous.

The 12 (b) 6 dismissal in this cause of action is completely erroneous. The United States District court erred in dismissing the petitioners' cause of action because it is against the weight of the stated facts and documentary evidence offered in his Title 42 U.S.C. § 1983 civil rights complaint with 'suggestions in support of' and 'Amended Complaint'. Judge Gregory David Kays is a participating pedophile associated with the sex network the petitioner has brought suit against and he was intentionally appointed to mismanage and ultimately dismiss this matter. When the petitioner identified him as such in his 'motion to recuse' him he dismissed the matter altogether due to the graphic nature of the nude photographs of himself attached as proof.

QUESTION PRESENTED IN POINT II

The petitioner did not receive a 'Fair and impartial' proceeding in violation of the Judicial Canon Code of Ethics, Canons 1, 2, 3, 3A,3A (5)

The matter before the court involves a civil rights action being brought against public officials to include multiple judges, prosecuting attorney, attorneys, Mormon Church, and branches of the Federal government to include the Central Intelligence Agency, the National Security Agency, and the Department of the Army. Numerous Constitutional rights of the petitioner herein have been violated as a result of his ex-wife's sexual relationships with members of courts who held sway over him while maintaining jurisdictional proceedings to which he was a participant.

The District Court Judge, ultimately dismissed his Title 42 U.S.C. § 1983, § 1985, § 1986, 'Bivens' action only after the petitioner filed a 'Motion to recuse' him, which was not prompted by any prior 'order' of the court. Instead, it came about as a result of the courts complete refusal to manage the proceedings in accordance with the rules that govern them, and his office. The petitioner attached nude photographs of District Court judge 'Greg Kays' to this petition giving him notice that it is known that he is an active participant in this sex ring that includes other public officials who are violating the petitioners' Constitutional rights, and as such his removal is but a compulsory exercise, as he clearly is not an impartial judge presiding over a 'Fair' hearing.

Judge Greg Kays dismissed this petition and subsequently issues an 'S.O.C.' order commanding the Court Clerk to refuse any more filings of the petitioner. He claims this was done as a result of the petitioner attaching nude exhibits to this petition. Yet, the entire case revolves around this subject matter and the petitioner has attached nude photographs of the Respondents to as many as six different 'Motions' over the course of nine months as evidentiary support pursuant to the Federal Rules of evidence. It did not become an issue until he was personally exposed, and his actions are nothing more than an attempt to conceal his identity and participation in this conspiracy.

The petitioner filed for a 'Writ of Mandamus', 22-1825, in the Eighth Circuit Court of Appeals and attached these same photographs as exhibits. Proof that the Trial court judge is biased and an active participant in this ongoing conspiracy. The Eighth Circuit judge hearing this matter issued an 'S.O.C.' order as well commanding the petitioner to explain his actions, even though they had already been explained previously in his 'Amended Pleading', and in his 'S.O.C. Response' he cited specific F. R. of Evid., and Supreme Court First Amendment 'Free Speech' precedent giving him a legal right to do so.

It's blatantly clear the Eighth Circuit court of appeals motives in these matters are nothing more than an attempt to shield the' District Court judge' and his actions. Somehow pretending to extend 'Legitimacy' to the lower courts 'Show of Cause Order' by mimicking his actions. One thing is absolutely, certain, the petitioner has complied with the rules of the court in all his pleadings including the application of prior Supreme Court precedent. If this were not the case then the trial court judge would have made an issue of it immediately when the 'original complaint' was filed, or for that matter every time after when he attached nude photographs of the respondents as exhibits to his pleadings.

A review of the record will reveal a couple of things; 1) the petitioner is a pro se litigant in name only. 2) his cause of action, in accordance with the law, has stymied an entire army of lawyers to include the United States District Attorney, which is why it wasn't dismissed until nine months after it was filed, and only after the petitioner revealed the identity of the presiding judge and his true intentions in these matters.

The petitioner has filed his 'appellant brief' and his 'reply brief' in the 'Eighth Circuit court of Appeals', as he filed a timely 'Notice of Appeal'. But in lieu of the Eighth Circuit's detailed actions related to his 'Writ' application, the court has inadvertently entered a declaratory statement as to its inability to grant a fair and impartial hearing for there can

be no other reasoning deduced by this type of incriminating behavior. There is nothing discretionary or interpretive about its actions as it pertains to the subject-matter of this suite and its 'S.O.C.' Order.

QUESTION PRESENTED IN POINT III

The 'Doctrine of Prospective Overruling' is necessary to revisit questions of the common law doctrine of 'Immunity' as it relates to the court's application in that it is erroneous and unconstitutional for the following reasons;

The Respondents have put forth a defense of 'Immunity' to include 'Sovereign Immunity', 'Absolute Immunity', and 'Qualified Immunity'. The application of these doctrines has always been erroneous, and with intention. These common law doctrines are the product of corrupt men with malicious ambitions. The Forefathers have told us in repeated court decisions that from the moment this country was formed ambitious men with ill intent sought to manipulate the laws of this country for their own gain. Some even sought to install their own aristocracy.

If common law were applicable in the United States and 'Sovereign Immunity' were applied, it would've had to have been done so correctly. The King's position would be replaced, not by the President or legislative body, but by 'We the People', and as such the government they created could not claim immunity against the 'Sovereign'. And for that matter the public officials which were created to run the government for the benefit of the 'People' could not claim immunity against them either, *per 'Chisholm'*.

The Reconstruction era Congress, with its passage of the Civil Rights act of 1866 and the Anti-Ku Klux act of 1871, effectively abolished 'Immunity' in all its forms, if there was ever any doubt before. Common law is defeasible by statute.

The petitioner will provide a historical analysis that, supported by Congressional speeches and Debates, proves Congress gave the people of this country the right to hold all public officials accountable for their illegal conduct, in a court of law.

The Supremacy Clause prohibits the Supreme Court from applying common law to any proceeding as it is not the law of the land. Common law doctrines violate our most basic principles of 'Due Process' and 'Equal Protection of the Law', and pursuant to the Supremacy Clause cannot take precedent over a Constitutional Amendment, or any legislated law.

QUESTION PRESENTED IN POINT IV

The Respondents are active participants in a global sex-trafficking ring, accusations supported by photographic evidence attached as exhibits to the original civil rights complaint.

The petitioner was born into a region of this country that is exclusively predominated by pedophiles. To better help the court understand this word he will give a definition to support it. This country was inhabited, from the very beginning, by individuals who participated in incestuous relationships with their children. They brought this *le familial*, lifestyle with them from Europe. It always existed in the southern culture and is prevalent in religious institutions such as the Mormons, Catholics, and Scientology.

These pedophiles have built an organization with an infrastructure of criminals, government personnel, and resources, who harass, intimidate, stalk, and murder individuals who have been singled out by them for any number of reasons. In this instance, it is because the petitioner is a heterosexual Christian with morals and values that oppose theirs. He has challenged them in court on multiple occasions as it relates to his children

being molested and raped by a convicted pedophile sanctioned by the courts of the state of Missouri. A pedophile who routinely engages in sexual conduct with the other Respondents of his civil rights action and the petitioner has supported these allegations with photographic evidence to include as many as sixty different pictures from dead attorney, Respondent George Pickett's computer hard drive.

As a result, these people have subjected him to a 'Psy-ops Program' which blacklisted him with government agencies and labeled him a 'Targeted Individual'. This government run program utilizes weaponry known as psychotronic weaponry to include Electromagnetic weaponry, E.L.F. extremely low frequency weapons, U.L.F. ultra-low frequency weapons, ultrasonic weapons, directed energy weapons, microwave weapons, V2K Voice to skull (voice of God) weaponry, and Gang Stalking, a coordinated effort of numerous individuals to stalk and harass an individual.

The Obama administration issued an executive order and commissioned a Bio-ethics committee to investigate these claims and ultimately failed to take any action on its findings. The agencies and their sub-contractors responsible for these horrendous crimes have all had top officials within their organizations publicly come forward and admit their existence and speak out against their use on American citizens.

What were dealing with here is, 'Silent weapons for a silent war'. The Trump administration acknowledged them, and the effects have come to be known as 'Havana Syndrome'. These weapons have been used on U.S. personnel in foreign consultants, and even on agents within the agencies that are utilizing them on American citizens.

An aspect of this 'Program' is known as NSA's Signals Intelligence: (SIGINT) the signals Intelligence mission of the NSA has evolved into a program of decoding EMF waves in the

environment for wirelessly tapping into computers and tracking persons with the electrical currents in their bodies. Signals Intelligence is, based on the fact that everything in the environment with an electric current in it has magnetic flux around it which gives off EMF waves. The NSA/DoD (Dept. of Defense) has developed propriety advanced digital equipment which can remotely analyze all objects whether manmade or organic, that have electrical activity. This government has land-based and space-based technologies that can now isolate a person's individual neural frequencies and can remotely connect to the brain. This link enables synthetic telepathy and manipulates the central nervous system.

Its not hard to comprehend and understand the attraction a criminal organization or criminals in general, would have to such a weapon and the ability to read or manipulate another's mind. But as a Christian it couldn't help but be noticed that a weapon such as this could be used for a more sinister implementation. Has anyone ever wondered how an adversary, such as that described in the Book of Revelations, could ever hope to have a chance of defeating the Lord for supremacy of mans soul and the universe when this 'Book' gives a detailed accounting of how he would proceed to go about achieving this? It only seems natural that 'Synthetic telepathy, better known as mind control, aided by psychotronic weaponry would be a means of forcing a population to take what is known as the 'Mark of the Beast'. Because it can't be imagined that a person would ever knowingly or intentionally commit to such an act without some form of deception or extreme coercion. This, of course is somewhat speculative, but it could also be said that certain prophetic events have taken place recently with Jerusalem being recognized as the Capitol of Israel, and the Ukrainian invasion, tend to lend credence to Biblical passages and would give pause to anyone of interest and 'Faith'.

The governments use of psychotronic weapons has never been adequately addressed in a court of law which would make this the first of its kind and ultimately provide an avenue of relief to millions of people being afflicted by this type of torture and harassment. At a minimum it only seems prudent to investigate, to discover the true nature of these events and those responsible.

Its also necessary to point out that this agenda relates to the Second Amendments 'Right to bare Arms' clause, in that it appears, after much investigation, that the individuals responsible for these 'mass shootings' all reported hearing voices, which is accomplished by utilizing synthetic telepathy, or v2k (voice to skull) technology, accompanied by the other forms of torture mentioned, to produce a Manchurian candidate. So, the question becomes, why would anyone in this government want to achieve something like this?

Recently, new legislation has been introduced to curtail an individuals' right to acquire a 'Gun'. This legislation was made possible by the 'Fear' and mass hysteria resulting from being overwhelmed by the latest in a series of 'Mass Shootings'. The first step is the most important one in this agenda, it's the foundation from which further, more restrictive legislation can follow, until the desired outcome is reached, which is to disarm Americans completely.

The Second Amendment's 'Right to bare arms' was framed to give the people of this country a means of defending themselves, not so much against a foreign invader, but against the very government they find themselves being ruled by. The Framers knew the hearts of corrupt men and women, and nothing has changed since their times. The easiest way to set up an oligarchy is to take away a means of defending oneself. And the vehicle for taking away this means is by instilling fear in the populace.

It seems entirely impossible that all these shooters were hearing voices except by artificial means, especially as they relate to a diagnosis of Schizophrenia. And this is what they all have reported.

RELATED PROCEEDINGS

United States Court of Appeals for the Eighth Circuit: Writ of Mandamus

Rick Searcy v. Central Intelligence Agency, et al 22-1825, *ORDER June 16, 2022*

United States district court for the western district of Missouri at Kansas City.

Rick Searcy v. CIA, et al 4:21-cv-00530-DGK, *ORDER April 20, 2022*

United States Court of Appeals for the Eighth Circuit: Appeal

Rick Searcy v. Central Intelligence Agency, et al 22-1873, *ORDER January 4, 2023*

Rick Searcy v. CIA, et al 22-1873 *OPINION December 27, 2022*

TABLE OF CONTENTS

TABLE OF AUTHORITIES

FEDERAL STATUTES

OTHER

I. PETITION FOR WRIT OF CERTIORARI

Rick Searcy petitions the court for a Writ of Certiorari to review the judgment of the United States District Court, Western District of Missouri at Kansas City, in this matter.

II. JUDGMENT BELOW

The district court Judge entered an 'Order' for the Respondents, sustaining the defendants 'Motions to Dismiss' *cm/ecf doc. 47, 48, 49, 51, 52, 56, 57, and 63*, effectively disposing of the cause before the court. On the 26th of April the court issued its 'Judgment',

attached as appendices C. The Eighth Circuit Courts order denying the petitioners application for a 'Writ of Mandamus' *attached as appendices' A dated June 16, 2022,* and their 'Show of cause order' *attached as appendices' B dated June 3, 2022.* Eighth Circuit Court Order and Opinion *see attached as Appendices' D and E, dated January 4, 2023.*

III. JURISDICTION

The Petitioner herein seeks review of the ruling issued in his 'Writ of Mandamus', application 22-1825, denied on June 16, 2022. *See Appendices A&B.* This petition is timely filed pursuant to Supreme Court Rule 13.1. This Court has jurisdiction under 28 U.S.C. § 1254(1).

IV. STATUTORY PROVISIONS INVOLVED

This case involves Title 42 U.S.C. §1983, § 1985, § 1986 "An Act to protect all Persons in the United States in their 'Civil Rights', and furnish the Means of their vindication". (Original Language) as contained in the civil rights act of 1866, containing both penal and civil measures.

V. STATEMENT OF THE PROCEEDINGS

The petitioner has appealed his 'Civil Rights' cause of action to the Eighth Circuit Court of Appeals prior to this he had applied for a "Writ of Mandamus' after his petition for 'Recusal' was denied at the District Court level. The petitioner attached nude photographs of District Court Judge Greg Kays as proof of his involvement in a national sex ring and an active participant in a conspiracy to destroy the petitioner's life. The Eighth Circuit Court of appeals enters a 'Show of Cause' Order directing the petitioner to explain these, and other nude photographs of the Respondents of said suite. This is nothing short of an

attempt to exclude vital evidence that has been produced in compliance with the Fed. R. of Evidence and lend 'legitimacy' to the lower court's actions.

Since that time the petitioner filed a 'Motion for an overlength Brief' pursuant to the 8th Circuit Rule 28A (k), due to the multiple intentional errors committed in dismissing his petition and the lengthy Historical analysis required to abolish common law immunity. This motion was mailed to the courts clerk, via UPS on the 16th of June 2022.

The petitioner called the Pacer personnel to finish setting up his account so he could file his' appellant brief' over the internet on June 27th at 9:40 a.m.. After making this phone call the Eighth Circuit court of appeals entered an order denying his Motion for an overlength brief, unbeknownst to the petitioner herein. He filed his 'Brief' which was subsequently stricken. The timing is curious, isn't it.

The petitioner removed point three, which addresses common law immunity, and resubmitted said brief, which is now compliant with the page count and has been filed. Immediately afterward, he submitted his point three in a 'Reply Brief', which has been stricken twice *sua sponte* by the courts clerk for non-compliance with F.R.A.P. 28 (c) and Briefing Schedule, even though his second submission has a 'Table of Contents' and a 'Table of Authorities'.

The 'Reply Brief' is not limited to addressing only 'subject-matter' contained in the appellees answer to the petitioners 'Appellant Brief', and as such, the briefing schedule should not be a deterrent to an early filing of the matter. The petitioner is quite confident in his knowledge of the argument without a 'Response' from the appellees. And had the court sustained his 'Motion for an overlength brief', as they should have, this conversation wouldn't be necessary.

POINTS RELIED UPON

(I) THE UNITED STATES DISTRICT COURT ERRED IN DISMISSING THE PLAINTIFFS' CAUSE OF ACTION BECAUSE IT IS AGAINST THE WEIGHT OF THE STATED FACTS AND DOCUMENTARY EVIDENCE OFFERED IN HIS TITLE 42 U.S.C. § 1983 CIVIL RIGHTS COMPLAINT WITH 'SUGGESTIONS IN SUPPORT OF' AND AMENDED COMPLAINT, IN THAT IT STANDS IN STARK CONTRADICTION TO ESTABLISHED CASE LAW AS IT RELATES TO A FED. R. OF CIV. P. 12 (b) (6) DISMISSAL. THE PLAINTIFF PLEAD SUFFICIENT FACTS TO STATE A CLAIM THAT WAS MORE THAN "PLAUSABLE ON ITS FACE" INCLUDING CONTENT THAT ALLOWS THE COURT TO DRAW THE REASONABLE INFERENCE THAT THE DEFENDANTS ARE LIABLE FOR THE MISCONDUCT ALLEGED, AND SUPPORTED EVERY ONE OF THESE ALLEGATIONS WITH EVIDENTIARY SUPPORT IN THE FORM OF ATTACHED EXHIBITS CONSISTENT WITH THE FEDERAL RULES OF EVIDENCE.

(II) THE PLAINTIFF'S CONSTITUTIONAL FOURTEENTH AMENTMENT RIGHTS TO 'DUE PROCESS' AND 'EQUAL PROTECTION OF THE LAW' WERE VIOLATED BY GREG KAYS IN THAT HE WAS NOT AN IMPARTIAL JUDGE PRESIDING OVER A FAIR PROCEEDING AS EVIDENCED BY HIS HANDLING OR LACK OF MANAGEMENT OF THE ENTIRE PROCESS, AND HIS CONDUCT IS IN VIOLATION OF THE CODE OF CONDUCT FOR UNITED STATES JUDGES', CANON 1, 2 AND 3

(III) THE DEFENSE OF 'SOVEREIGNTY', 'JUDICIAL IMMUNITY' AND 'QUALIFIED IMMUNITY' WERE RAISED WITH THE RESPONDENTS 12 (b) (6) 'MOTIONS TO DISMISS'. THE UNITED STATES SUPREME COURT HAS SUPER-LEGISLATED

THESE COMMON LAW DOCTRINES INTO EXISTENCE WITHOUT THE AUTHORITY OF THE CONSTITUTION AND IN VIOLATION OF THE FOURTEENTH AMENDMENTS "DUE PROCESS" AND "EQUAL PROTECTION" CLAUSE AND THE 'SUPREMACY CLAUSE', ARTICLE VI, PARA 2. THE SUPREME COURT HAS REFUSED TO APPLY TITLE 42 U.S.C. § 1983, SECTION 1 AND 2, FORMERLY KNOWN AS THE CIVIL RIGHTS ACT OF 1866 AND THE ANTI-KU KLUX ACT OF 1872 BEFORE BEING CODIFIED, AS ORIGINALLY INTENDED BY THE RECONSTRUCTION ERA CONGRESS, EFFECTIVELY ABROGATING COMMON LAW IMMUNITY.

(IV) THE UNITED STATES EMPLOYMENT OF PSYCHOTRONIC WEAPONRY ON U.S. CITIZENS WITHOUT THEIR CONSENT

POINT ONE CASE LAW (citations omitted)

Conley v. Gibson; PBGC v. White Consolidated Industries, Inc.; In re Burlington Coat Factory Sec. Lit; Pullman-Standard v. Swint; Ashcroft v. Iqbal; Bell Atl. Corp. v. Twombly; *Shriver v. Tucker, See Huff v. State, See Maradie v. Maradie, Thomas v. Peyser*; *Schad v. Twentieth Century-Fox Corp*; *Prudential Ins. Co. of America v. Goldstein, Summers Coal Co. v. United States*; *Pen-Ken Oil & Gas Corp. v. Warfield Natural Gas Co., Marcum v. United States*; *Atari, Inc. v. North American Philips Consumer Electronics Corp.*; *Lydle v. United States*; *Swanson v. Baker Indus., Inc.*; *Taylor v. Lombard*; *Jack Kahn Music Co. v. Baldwin* Piano & Organ Co.; John R. Thompson Co. v. United States., *Maxwell v. Sumner*; *United States v. Texas Education Agency*; *Constructora Maza, Inc. v. Banco de Ponce*; *In re Sierra Trading Corp.*; *Case v. Morrisette*; *La Grasta v. First Union; SFM Holdings v. Bank of America; Pielage v. McConnell, Tannenbaum v United States; " Pugh v Farmers Home Admin.; Daley v Florida Blue*; *Am. Int'l Specialty Lines Ins. Co. v. Mosaic Fertilizer, LLC,*

I

*After 28 years of conspiracy the appellant's 'Original complaint' cm/ecf 1 is one factual allegation after another, starting with *cm/ecf 1, pg 3-79.*

* Although the appellant did not file a motion for 'Judicial Notice', the court can make such a finding upon its own volition and it does not change the authenticity of the facts as they relate to the 'Original complaint's' allegations concerning his ex-wife's sexual relationships with members of the judicial branch, legislative branch, and numerous attorneys to include the Clinton County Prosecuting Attorney. Relationships which ultimately lead to the appellants Constitutional rights being violated for a time period of 28 years through conspiracy's carried out by said individuals. These conspiracy's include multiple incarcerations which have been proven to have been 'false incarcerations' through multiple court proceedings and appellate review. The petitioner filed a 'Motion to dismiss' criminal charges brought against him by Respondents, Clinton County Prosecuting Attorney Mitch Elliott, aided by Respondent Steve Griffin, with the assistance of Respondents' law firm Fisher, Pickett, and Fisher. The exact wording of this petition read, "the charges should be dismissed due to the defendant's ex-wife's sexual relationships with Clinton County Judge Steven Griffin, Prosecuting Attorney Mitch Elliott, and the Law firm of Fisher, Pickett, and Fisher, *see cm/ecf 1 pg 16-17.* This 'Motion' was sustained, in favor of the petitioner, in Livingston County. *See cm/ecf 1 pg 76 of the appellants original complaint. Cm/ecf 2, pg 20*

*Allegations made by Brandy Jamison in a recorded conversation in which she spoke of having personal knowledge of James Kennedy having sex with her fourteen year old sister until she was eighteen, and participating in sex with minors at George Picketts house known as a 'Flop' house, *cm/ecf 1 pg 23*, she also spoke about Brett Dickerson, a man

related to John Pelzer e661728820518 a convicted sex offender, attempting to persuade her not to speak with the plaintiff, *cm/ecf 1, pg23.*

*Stephen griffin and Mitch Elliott conspired and attempted to have the appellant murdered *cm/ecf 1 pg 9.* Stephen Griffin ordered the plaintiff to see his psychologist to discredit him after he discovered 'Griffins' sexual relationship with his ex-wife, *cm/ecf 1 pg 9.* Allegations against Mitch Elliot's sexual relationship with plaintiff's ex-wife, *cm/ecf 1 pg 9.*

*Respondent George Picket Factual allegations concerning him trying to exchange his computer hard drive for evidence proving that Stephen griffin and Mitch Elliott were engaged in pedophilia activities *cm/ecf 1 pg 11. Cm/ecf 44, pg 23,24*

*Chris Pickett's conspiratorial efforts in murdering Mollie Tibbetts because she was attempting to warn the petitioner about his efforts to murder him and releasing photographs of individuals involved in a sex trafficking ring *cm/ecf 1 pg 8, cm/ecf 2 pg 26. cm/ecf 2 pg 31.*

* James Kennedy, a convicted sex offender MO82945220210701, molested and raped appellants' daughters. The plaintiff was told by his daughter that she changed her story intentionally to have the effect it did after she and her mother were threatened by James Kennedy. A threat, which later will have been proven to be realistic and validated in defendant 'Kennedy's' participation in the murder of Mollie Tibbetts, a student at the University of Iowa. A point further corroborated by the murder of Angela Newsome, a woman found burned to death in her car in Cameron, Mo., on Bob Griffin Road, by Shawn Griffin, nephew of Bob Griffin, Speaker of the House of the State of Missouri. This incident was one of three reported where women were found murdered the same way. The defendants have conspired for the purpose of hindering or obstructing the due course of

justice with an intent to deny the plaintiff equal protection of the laws by threatening and intimidating potential material witnesses, to prevent the plaintiff from lawfully enforcing his rights and to `cover up' the wrongful acts of defendants, *cm/ecf 1 pg 18.*

*James Kennedy raped another woman, and was arrested for exposing himself in public, and being fired from Pepsi cola for sexual harassment *cm/ecf 1 pg 17.* James Kennedy falsely accusing the appellant of a crime for which he was falsely imprisoned *cm/ecf 1 pg 10,16,17.* James Kennedy and Chris Pickett murdered Mollie Tibbetts for her participation in attempting to warn the plaintiff they were trying to murder him *cm/ecf 2 pg 31*

*Allegations against numerous respondents - These attacks have become known as targeted attacks. The individuals perpetuating them are a myriad of hosts that include the NSA National security agency, CIA Central Intelligence agency, FBI Federal Bureau of Investigation, Homeland Security and off shoots of Neighborhood watch programs. The petitioner was placed in this "PSY-OPS Program", by members of a nationwide pedophile network, to include ex-speaker of the house of Missouri Bob Griffin, former Judge Steve Griffin, deceased former attorney George Pickett, Mormon John Sales, Pedophile James Kennedy, and Pedophile Chris Pickett, among others as this is a conspiratorial effort. While conducting his own personal investigation into the improprieties of the defendants he was warned by a man introduced to him by Barry Taylor, a St. Joseph resident, that if he proceeded to look into their activities, he would be subjected to harassment from their pedophile associates within the C.I.A., Central Intelligence Agency, *cm/ecf 2 pg 7. Cm/ecf 1 pg 3-6.*

*Allegations against the C.I.A., N.S.A. pertaining to their use on the plaintiff, the 'Suggestions in support of Title 42 U.S.C. 1983' is basically dedicated to the C.I.A, N.S.A, and Dept of the Army's use of Directed energy weapons, synthetic telepathy, and the programs they've devised to run said programs on the plaintiff and other unsuspecting

American citizens, *cm/ecf 2 pg 6, cm/ecf 44 pg 5*, pic's of the patents into some of the weaponry they employ, *cm/ecf 44, pg 22.*

*Christy Lea Fisher conspiracy participation in which she was disbarred for violating Rules 4-1.1, 4-1.3, 4-1.4 (a), 4-1. 15 (a), 4-1.15 (c), 4-1.15 (d), 4-1.15 (f), 4-1.16 (d), 4-8.1 (a), 4-8.1 (b), and 4-8.4 (c) of the Rules of professional conduct, caught giving an inmate, in a Clinton County holding facility, "fellatio", or in layman's terms a "blow job", while there to discuss his case with him. The plaintiff wrote a letter to Miss Laura Denvir Stith of the Missouri Supreme Court who instructed him to inform the F.B.I. as well, which he in fact did, *cm/ecf 2 pg 20,21.* Christy Lea Fisher, of Fisher, Pickett, and Fisher, accusations of participating in sexual network responsible for plaintiff's false arrest and subsequent incarceration, *cm/ecf 1, pg 16-17.*

*John Sales and Mormon Church allegations. *Cm/ecf 1 pg 4, cm/ecf 44 pg 6,7, 8, cm/ecf 2, pg 15, 16.*

* Respondent Peter w. Schloss and Shawn L. Blair allegations as to their participation in this conspiracy *cm/ecf 1 pg 37-44.*

* Allegations against Werner Moentmann consisting of his participation in said conspiracy to include false imprisonment, having him assaulted while falsely incarcerated, intentionally putting his children in an environment where they were being molested, *cm/ecf 1pg 15, 19-21, cm/ecf 2 pg 16-19, see Searcy v. State, Searcy v. Searcy, and Searcy v. Seedorff, Citations omitted.*

*Respondents, Dorothy Elliott and Nina Pickett, are not only being sued for the estates of the previously mentioned individuals George Pickett and W. Mitch Elliott, but them as well as they were in fact co-conspirators in this ongoing conspiracy, and have actively

coordinated, conspired and been participants in this conspiracy as well. They had firsthand knowledge of all the events listed in the plaintiffs' complaints, and conspired to see them come to fruition, *cm/ecf 44, pg 8.*

*The 'coup de gras' is as follows. The plaintiff attached a statement of exhibits to his 'Original Complaint' entitled Exhibit F, with a detailed accounting of photographic evidence to support his allegations to include, the Respondents use of a Bar known as j.j.'s across the street from the Clinton County courthouse in which the play a swinger's game of putting their car keys into a hat to determine who they are going to have sex with, *cm/ecf 1 pg 6.* These include pictures of Nina Pickett having her shirt raised to expose her breast by her Father, *cm/ecf 1 pg 90*, while her mother sits at the bar with her shirt raised exposing her breast, *cm/ecf 1, pg 116.* Nina Pickets Daughter in law, Chris Picketts wife, nude sitting on a sex toy, *cm/ecf 1, pg 101*, Nina Pickett engaged in lesbian sex, *cm/ecf 1, pg 94.* George Pickett and wife engaged in wife swapping sex, *cm/ecf 1, pg 82*, and at Jamaica's club hedonism with multiple swinger couples, *cm/ecf 1 pg 71-141*, all respondents at the Bar 'J.J.'s' in Plattsburg getting drunk and ready to play their sex games. *Cm/ecf 1 pg 79-141*, all Respondents in the home of George Pickett at his Bar, *cm/ecf 1, pg 79-141*, Nude of photographs of Mollie Tibbetts whom Respondents Chris Picket and James Kennedy murdered, *cm/ecf 1 pg 120-141.*

ARGUMENT

THE UNITED STATES DISTRICT COURT ERRED IN GRANTING THE RESPONDENTS 12 (b) (6) MOTIONS TO DISMISS BECAUSE THE PLAINTIFF'S 'ORIGINAL COMPLAINT' AND HIS 'SUGGESTIONS IN SUPPORT OF' AND HIS 'AMENDED COMPLAINT' CONSIST OF OVERWHELMING FACTUAL ALLEGATIONS THAT WOULD GIVE THIS COURT A REASON FOR PAUSE AND QUESTION THE

MOTIVATION FOR THE DISTRICT COURTS LOGIC AND REASONING. THE CRITERIA FOR LEGAL AND FACTUAL STATEMENTS WAS MET WITH ABSOLUTE CERTAINTY AND SUPPORTED WITH EVIDENTIARY SUPPORT.

PRESERVATION STATEMENT

This point is preserved for appellate review in that the petitioner opposed these 'Motions to Dismiss' with his 'Response to Forthcoming Motions to Dismiss', 'Answer to the U.S. District Attorney's Motion to Dismiss', and 'Supplemental answer to U.S. Motion to dismiss', *cm/ecf 3, 60, 65.* The plaintiff request this court to take notice that the plaintiff filed *cm/ecf doc. 3* entitled 'response to forthcoming Motions to Dismiss' prior to any response from the opposing parties as he was well aware of the argument at the time of filing his complaint.

STANDARD OF REVIEW

A. Applying the "de novo standard" of review to questions of law. A question of law is a legal conclusion made by a judge. In 'de novo' review, a court can apply a fresh analysis to the conclusion, without giving any deference to the lower court's decision.

B. The question arises whether the lower court correctly applied the facts to a legal analysis. The Supreme Court described a mixed question of law and fact as one in which the facts are established, the law is determined, but the issue involves whether the facts were correctly applied to the law. *Pullman-Standard v. Swint, 456 U.S. 273, n.19 (1982).*

C. Applying the plausibility standard, the plaintiff has plead "factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Ashcroft v. Iqbal, 556 U.S. 662 (2009).*

D. In *Conley v. Gibson*, Id. at 45-6, the Supreme Court stated that the 12(b) (6) motion must not be granted "unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." *Conley v. Gibson, 355 U.S. 41 (1957)*

E. 'Standing' and direct review in the appellate court. The court is responsible for the resolution of civil disputes on the merits, and it is desirable to open the forum as much as possible. This was the original policy of modern pleading. resolution requires a fully developed evidentiary record. Roberts, supra note 9, at 430.t 678 *(citing Twombly, 550 U.S. at 556).*

F. 'Doctrine of Prospective overruling' as *Stare Decisis* is not an "inexorable command." When prior decisions are "unworkable or are badly reasoned," then the Supreme Court may not follow precedent, and this is "particularly true in constitutional cases."

A "statement of a claim" must include legal and factual statements. Consequently, two issues arise in assessing every claim; an issue of legal statement and an issue of factual statement. The Federal Rules abandoned any attempt to distinguish between factual and legal statements. However, the two issues involving Rule 12(b)(6) on the face of a complaint can be distinguished. Since the plaintiff must have "some substantive legal theory" and "information about the facts going beyond pure conjecture," we should consider separately the legal and factual issues. One may argue that the Federal Rules do not require some substantive legal theory and information about the facts going beyond pure conjecture as did code fact pleading. A plaintiff can obtain facts by means of discovery, and discovery ensues after the complaint has been filed. Thus, the Rules require of the pleading that there be "reason to believe that, upon evidence which may be disclosed by discovery, the pleader may be entitled to relief." Standing alone Rule 12(b)(6) does not seem to call for separate factual and legal averments. However, according to the Advisory Committee's 1955

Report, although Rule 12(b)(6) does away with the confusion resulting from attempting to distinguish between fact and cause of action, it requires the pleader to disclose adequate information as to the basis of his claim for relief as distinguished from a "bare averment" that he wants relief and is entitled to it. 5A WRIGHT & MLLER, supra note 3, § 1201, at 67 n.11. ' Therefore, the Federal Rules should be interpreted to require the plaintiff to have both "some substantive legal theory" and "information about the facts going beyond pure conjecture. JAMES ET AL., supra note 18, § 3.6, at 147. " Thus, legal issues and those of "fact" are appropriately examined separately.

In evaluating a Rule 12 (b) (6) motion to dismiss for failure to state a claim, a court may only consider the complaint, exhibits attached to the complaint, matters of public record, and indisputably authentic documents if the complainant's claims are based upon those documents. *See PBGC v. White Consolidated Industries, Inc., 998 F.2d 1192, 1196 (3d Cir. 1993); see also In re Burlington Coat Factory Sec. Lit, 114 F.3d 1410, 1426 (3d Cir. 1997)* (a document forms the basis of a claim when it is "integral to or explicitly relied upon in the complaint" and such a document "may be considered without converting the motion to dismiss into one for summary judgment".

Rule 201 Fed. R. Evid. | Judicial Notice "(b) KINDS OF FACTS THAT MAY BE JUDICIALLY NOTICED. The court may judicially notice a fact that is not subject to reasonable dispute because it: ...(2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned."

Judicial Notice prevents you from having to prove what's already known. *See Shriver v. Tucker, 42 So. 2d 707 (Fla. 1949), See Huff v. State, 495 So. 2d 145, 151 (Fla. 1986), See Maradie v. Maradie, 680 So. 2d 538 (Fla. 1st DCA 1996).*

The last sentence of Rule 52(a) as amended will remove any doubt that findings and conclusions are unnecessary upon decision of a motion, particularly one under Rule 12 or Rule 56, except as provided in amended Rule 41(b). As so holding, *see Thomas v. Peyser (App.D.C. 1941) 118 F.(2d) 369; Schad v. Twentieth Century-Fox Corp. (C.C.A.3d, 1943) 136 F.(2d) 991; Prudential Ins. Co. of America v. Goldstein (E.D.N.Y. 1942) 43 F.Supp. 767; Somers Coal Co. v. United States (N.D.Ohio 1942) 6 Fed.Rules Serv. 52a.1, Case 1; Pen-Ken Oil & Gas Corp. v. Warfield Natural Gas Co. (E.D.Ky. 1942) 5 Fed.Rules Serv. 52a.1, Case 3; also Commentary, Necessity of Findings of Fact (1941) 4 Fed.Rules Serv. 936.* Rule 52(a) has been amended (1) to avoid continued confusion and conflicts among the circuits as to the standard of appellate review of findings of fact by the court, (2) to eliminate the disparity between the standard of review as literally stated in Rule 52(a) and the practice of some courts of appeals, and (3) to promote nationwide uniformity. See Note, Rule 52(a): Appellate Review of Findings of Fact Based on Documentary or Undisputed Evidence, 49 Va. L. Rev. 506, 536 (1963).

Some courts of appeal have stated that when a trial court's findings do not rest on demeanor evidence and evaluation of a witness' credibility, there is no reason to defer to the trial court's findings and the appellate court more readily can find them to be clearly erroneous. *See, e.g., Marcum v. United States, 621 F.2d 142, 144–45 (5th Cir. 1980).* Others go further, holding that appellate review may be had without application of the "clearly erroneous" test since the appellate court is in as good a position as the trial court to review a purely documentary record. *See, e.g., Atari, Inc. v. North American Philips Consumer Electronics Corp., 672 F.2d 607, 614 (7th Cir.), cert. denied, 459 U.S. 880 (1982); Lydle v. United States, 635 F.2d 763, 765 n. 1 (6th Cir. 1981); Swanson v. Baker Indus., Inc., 615 F.2d 479, 483 (8th Cir. 1980); Taylor v. Lombard, 606 F.2d 371, 372 (2d Cir. 1979), cert.*

denied, 445 U.S. 946 (1980); Jack Kahn Music Co. v. Baldwin Piano & Organ Co., 604 F.2d 755, 758 (2d Cir. 1979); John R. Thompson Co. v. United States, 477 F.2d 164, 167 (7th Cir. 1973).

A third group has adopted the view that the "clearly erroneous" rule applies in all nonjury cases even when findings are based solely on documentary evidence or on inferences from undisputed facts. *See, e.g., Maxwell v. Sumner, 673 F.2d 1031, 1036 (9th Cir.), cert. denied, 459 U.S. 976 (1982); United States v. Texas Education Agency, 647 F.2d 504, 506–07 (5th Cir. 1981), cert. denied, 454 U.S. 1143 (1982); Constructora Maza, Inc. v. Banco de Ponce, 616 F.2d 573, 576 (1st Cir. 1980); In re Sierra Trading Corp., 482 F.2d 333, 337 (10th Cir. 1973); Case v. Morrisette, 475 F.2d 1300, 1306–07 (D.C. Cir. 1973).*

The principal argument advanced in favor of a more searching appellate review of findings by the district court based solely on documentary evidence is that the rationale of Rule 52(a) does not apply when the findings do not rest on the trial court's assessment of credibility of the witnesses but on an evaluation of documentary proof and the drawing of inferences from it, thus eliminating the need for any special deference to the trial court's findings.

Per Rule 6 (b) the appellant had 28 days to file his 'Motion for Statement of facts and Conclusions of Law' which was filed 5 days after the court entered its order dismissing this cause of action. The court issued its 'Order' *cm/ecf (81)* dated April 20, 2022, effectively dismissing the appellants' cause of action.

Within the body of this order appear brief, generic recitation of case law which apparently are the courts 'statement of facts and conclusion of law', as to date, the court has not issued a separate document with additional findings related to the appellants' request. *See cm/ecf*

(85), which has only recently been added to the docket sheet. If the court will take notice of the docket sheet the appellant attached to his "amended petition for writ of mandamus' you will find no such entry, and for that matter nothing after docket entry *cm/ecf (80).* The appellant acquired the docket sheet he attached to said petition from attorney John Kurtz, who has access to the cm/ecf system, on the 9th of May 2022. The reason for bringing this to the courts' attention is that in his 'writ petition' he explained that the District Court was refusing to file any of the appellants' pleadings.

Rule 52 (2) For an Interlocutory Injunction. In granting or refusing an interlocutory injunction, the court must similarly state the findings and conclusions that support its action. In the courts order *cm/ecf 81*, you will find no reasoning whatsoever given for denying the appellants application for injunctive relief.

Motions to Dismiss & Judicial Notice - Matters that have been judicially noticed get considered in a Motion to Dismiss (as well as a response to one) *See La Grasta v. First Union, 358 F. 3d 840 (11th Cir. 2004). In this context, items for judicial notice must: (a) be central to the underlying complaint; and (b) be authentic, See SFM Holdings v. Bank of America, 600 F.3d 1334 (11th Cir. 2010)*

A Motion for Judicial Notice/Official Recognition will help you establish relevant facts that cannot be refuted. Thus, it'll save you time at trial. Examples include (agency records, court records, etc.). The appellant has included "statement of exhibits" to his pleadings which contain sufficient documentary evidence to satisfy even the most meticulous examination.

a. Sufficient Facts - "To survive a Rule 12(b)(6) motion to dismiss, a plaintiff must plead sufficient facts to state a claim that is "plausible on its face." *Ashcroft v. Iqbal, 556 U.S.*

662, 678 (2009) (quoting Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)). A plaintiff need not recite "detailed factual allegations," but must provide "more than an unadorned, the-defendant-unlawfully-harmed-me accusation." Id. A pleading that offers "labels and conclusions" or "a formulaic recitation of the elements of a cause of action will not do." Id. *(quoting Twombly, 550 U.S. at 555).- see Ashcroft v. Iqbal, 556 U.S. 662 (2009)*
- see Bell Atl. Corp. v. Twombly, 550 U.S. 544 (2007). "Dismissal is not appropriate unless it is plain that the plaintiff can prove no set of facts that would support the claims in the complaint.- *see Next Century v Ellis, 318 F. 3d 1023 (11th Cir. 2003)*

(b) Assume All Allegations are True - "Likewise, the Court must accept all factual allegations in the complaint as true and construe them in the light most favorable to the plaintiff. *Pielage v. McConnell, 516 F.3d 1282, 1284 (11th Cir. 2008)- (citattion omitted).* But the Court "need not accept factual claims that are internally inconsistent; facts which run counter to facts of which the court can take judicial notice;"-*see Pielage v. McConnell, 516 F.3d 1282, 1284 (11th Cir. 2008)*

(c) Plausibility – a claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw a reasonable inference that the defendant is liable for the misconduct alleged." Id. Source = *CRM Suite Corp v GM Company | USFLMD | 8:20-cv-00762 | 3/10/21.*

(d) Plausibility Standard - "When applying the plausibility standard, a court should undertake a "two-pronged approach.". [*Iqbal* . First, the court should identify, and disregard legal conclusions not entitled to the assumption of truth. Id. Second, the court should identify and assume the truth of well pleaded factual allegations and "determine whether they plausibly give rise to an entitlement to relief." Id. An example of a legal

conclusion is, "the defendant was negligent." An example of a factual allegation is, "the defendant was driving 90 m.p.h. on a road with a speed limit of 45 m.p.h. Source = *Strange-Gaines v Jacksonville | USFLMD | 3:20-cv-00056 | 1/26/21.*

(e) Double-Check for Propriety - "The pleadings of pro se litigants are "liberally construed" and held to a less exacting standard as those complaints drafted by attorneys. *Tannenbaum v United States, 148 F. 3d 1262, 1263 (11th Cir. 1998).* "However, a pro se litigant must still meet minimal pleading standards. *" Pugh v Farmers Home Admin., 846 F. Supp. 60, 61 (MD Fla. 1994).* And the courts are not tasked with drafting or rewriting a complaint to locate a claim. *Peterson v Atlanta House. Auth., 998 F. 2d 904 (11th Cir. 1993)"Source = Daley v Florida Blue | USFLMD | 3:20-cv-00156 | 12/8/20* "[A] motion to dismiss should concern only the complaint's legal sufficiency, and is not a procedure for resolving factual questions or addressing the merits of the case." *Am. Int'l Specialty Lines Ins. Co. v. Mosaic Fertilizer, LLC, 8:09-cv-1264-T-26TGW, 2009 WL 10671157, at *2 (M.D. Fla. Oct. 9, 2009) (Lazzara, J.)."* Professor Moore emphasized in his treatise that pleading need do little more than indicate generally the type of litigation. 2A MOORE & LUCAS, supra note 25, T 8.03, at 8-10. Under this concept, to give "notice," in modern pleading, a plaintiff need only achieve two limited and simple objectives: to identify the matter in dispute, and to initiate the process of its solution. Blaze, supra note 17, at 944.

Rule 11 requires that the pleading be "well grounded in fact," Rule 11 might implicitly change the pleading rule. See infra part II-B-6.

The appellant constructed his Civil Rights Complaint with documentary evidence, not only to support his claims with evidentiary proof, but to perfect the appeal he knew was forthcoming from the moment he filed this cause of action.

THE APPELLANT HAS ATTACHED EXHIBITS TO HIS CIVIL RIGHTS COMPLAINT WHICH INCLUDES E-MAILS FROM GEORGE PICKETT ATTEMPTING TO TRADE CHILD PORNOGRAPHIC EVIDENCE IN EXCHANGE FOR HIS COMPUTER HARD DRIVE. Nude photographs of Multiple Respondents engaged in some form of incestuous interaction. Official court records supporting allegations of Sexual relations between the Respondents and his Ex-wife. Screen shots of e-mails from Respondents attorney J.R. Osgood supporting the appellants claims that members of the court, and clerks' office have conspired with said counselor to violate his 'procedural due process' rights, and case law pertaining to the crimes committed against the appellant and his family.

II

Point two Case Law (citations omitted)

Snyder v. Massachusetts, Palko v. Connecticut, Rochin v. California,

The appellant filed a 'Motion to Recuse' District Court judge Greg Kays for magnanimous incompetence. *In disposing of matters promptly, efficiently, and fairly, a judge must demonstrate due regard for the rights of the parties to be heard and to have issues resolved without unnecessary cost or delay. A judge should monitor and supervise cases to reduce or eliminate dilatory practices, avoidable delays, and unnecessary costs. Prompt disposition of the court's business requires a judge to devote adequate time to judicial duties, to be punctual in attending court and expeditious in determining matters under submission, and*

to take reasonable measures to ensure that court personnel, litigants, and their lawyers cooperate with the judge to that end, Canon 3A (5).

The appellant attached nude photographs of the 'District court' judge as proof he is a participating member of the sex network in which the Respondents of this suite are currently maintaining a conspiracy to violate the appellants Constitutional rights, making him an active participant. *See Exhibit attachment cm/ecf 75 and exhibit attachments to S.O.C. order 'Response' cm/ecf 84.*

Greg Kays has lied about numerous things included in his 'Show Cause Order'. In this 'Order' he states that the appellant has grown increasingly more demanding with court staff and has voiced his displeasure with court staff in various filings. The plaintiff, as a matter of law, has a right to voice his concern for their staff violating the rules that govern these offices. The appellant also attached exhibits in support of these violations, and allegations he has made. His use of the word demanding is completely inaccurate as the appropriate sentence should read that the appellant has increasingly asserted that his staff conduct themselves in a professional manner and abide by the guidelines which govern their office. But this would be difficult as they were caught violating the law and the oaths of their office. The 'District Courts' conduct is in violation of *Canon 3A (4). See cm/ecf 75, Motion for Recusal*

Greg Kays entered a Rule 16 Notice on August 18, 2021, which states Rule 26 conference due by 9/20/21. Proposed scheduling order due by 10/4/21. (a) Purposes of a Pretrial Conference. In any action, the court may order the attorneys and any unrepresented parties to appear for one or more pretrial conferences for such purposes as:(1) expediting disposition of the action;(2) establishing early and continuing control so that the case will not be protracted because of lack of management;(3) discouraging wasteful pretrial

activities;(4) improving the quality of the trial through more thorough preparation; and (5) facilitating settlement.

Scheduling Order. Except in categories of actions exempted by local rule, the district judge—or a magistrate judge when authorized by local rule—must issue a scheduling order:(A) after receiving the parties' report under Rule 26 (f); or (B) after consulting with the parties' attorneys and any unrepresented parties at a scheduling conference.

Time to Issue. The judge must issue the scheduling order as soon as practicable, but unless the judge finds good cause for delay, the judge must issue it within the earlier of 90 days after any defendant has been served with the complaint or 60 days after any defendant has appeared.

Greg Kays enters this Rule 16 Notice 26 days after the appellant filed his complaint. He did not enter an order for a pre-trial conference or issue a 'Scheduling order'. So, what exactly is it that he is attempting to do since he hasn't complied with any of the rules or the time frame for which to do so? The appellant entered his 'Motion for Discovery' which should have satisfied the Respondents curiosity as to what he intends to produce at trial. A 'motion' which the clerk's office refused to file. It was only after the appellant asserted his legal right to do so, and after the clerk allegedly spoke with the head clerk, that he was allowed to file said petition. The 'District Courts' conduct is in violation of *Canon 3A (5). See cm/ecf 19.*

It's clear that Greg Kays was intentionally mismanaging this proceeding and refusing to comply with any of the courts' rules. "Due process of law requires that the proceedings shall be fair, but fairness is a relative, not an absolute concept. . . . What is fair in one set of

circumstances may be an act of tyranny in others.", *Snyder v. Massachusetts, 291 U.S. 97 (1934).*

The plaintiff served the Kansas City, Mo. Federal Bureau of Investigation with a 'Subpoena'. The copy of the subpoena and process server's affidavit were taken to the Federal Court Clerks' office by the plaintiff and should have been entered on the docket as item number *cm/ecf (5)* but instead has disappeared and copies of all his affidavits have been stolen from his storage unit.

The plaintiff pointed out that the clerks' office had been caught filing three different pleadings titled number *cm/ecf (69), (71), and (72),* other than the pleadings which were delivered to their office by the appellant, which were memorandums with a detailed accounting of the crimes that had taken place in Clay county Missouri. These memorandums were for United States District attorney Teresa Moore. *See cm/ecf (75), 'Motion for recusal' and attached exhibits.*

When he attempted to obtain copies of these documents to support his suspicions he was told, by order of Greg Kays, he could not get them without submitting a request to the court, which is completely inconsistent and in opposition to the rules that govern their office. Four days later he was given said copies, which is apparently the time frame they needed to obtain the original copies the appellant had filed. The plaintiff also offered, as evidence, screen shots of emails in which Respondents Attorney Osgood sent me these documents attached to an e-mail. He did not do this out of the kindness of his heart, he was clearly an accomplice. Furthermore, the next morning the plaintiff was notified that he was no longer able to receive cm/ecf notifications from the clerk's office, *cm/ecf 75.* Please take notice of docket entry *cm/ecf (73)* and its modification.

Greg Kays states in his 'Order granting motions to dismiss and dismissing Remaining Claims' that Respondent Christy Lea Fisher was not properly served pursuant to Fed. R. Civ. P. 4 (m). This is another example of the magnanimous incompetence or calculated intentional efforts to thwart the appellants cause of action in that she was 'served' and the summons was returned to the court with the attached affidavit of the Aristocrat process server who served her. Please see Docket sheet entry's *cm/ecf (40 – 43)*, and notice that for some unknown reason the clerk's office has decided not to include the names of the individuals served. *See attached exhibit of Appellants Brief in the Eighth Circuit Court of Appeals for Christy Fisher affidavit of service.*

While going through the latest docket sheet received on May 18, 2022, the appellant noticed docket entry *cm/ecf (76)* is missing altogether. You will also notice that docket entry *cm/ecf (83)* is entered after docket entry *cm/ecf (84),* and according to *cm/ecf (83)* it was entered on April 22, 2022. So, if this is true how is it possible when docket entry *cm/ecf (84)* was entered on April 26, 2022?

Greg Kays claims that Respondent James Kennedy was not served either. The appellant returned the Aristocrat process servers affidavit which clearly states that James Kennedy's wife refused service as she was spotted through the living room window cleaning and when she saw the process 'server' she retreated to the back of the house refusing to answer the door. Case law states that he was served in accordance with the law. See appellants 'Motion for partial Summary Judgment', docket entry *cm/ecf (66).*

In 'Order', *cm/ecf 79*, the trial court claims Christy Fisher was not served. Not only was she served but the affidavit was returned to the clerks' office which, again, was not filed. *See attached affidavit in the appendix.*

Judge Greg Kays issues an 'Order' dismissing the United States District Attorneys' 'Motion to dismiss for failure to state a claim" and 'Lack of Jurisdiction', *see docket entry cm/ecf (79).* Then dismissed this cause of action altogether, *see docket entry cm/ecf (81).* His 'complete dismissal' definitely appears to be nothing short of retaliatory.

Trial court judge Greg Kays states his right to issue writs pursuant to 28 U.S.C. 1651 (a) in a 'Show of Cause order', see docket entry *cm/ecf (78).* One that was issued without being prompted by any litigant involved. This 'Order' came about after the appellant filed a 'Motion to Recuse', see docket entry *cm/ecf (77).* In his 'S.O.C.' order he orders the clerks to refuse filing any petitions from the appellant, even though he has done nothing to warrant this type of behavior. The question is, is he claiming his 'S.O.C.' is a 'Writ', or vice versa.

Greg Kays issues his show of cause order *cm/ecf 78*, stating that the plaintiff's filing of pornographic photographs as attached exhibits has now become an issue, nine months after the original complaint was filed. This is a calculated act meant to divert 'ones' attention from the fact that the photographs are of him. The plaintiff has attached many exhibits of pornographic photographs to his pleadings to include *cm/ecf 1, cm/ecf 19, cm/ecf 69, 71, &72.* The plaintiff has complied with the Fed. R. of Evid., in doing so, *see appellants 'Response' to S.O.C. order issued by the Eighth Circuit court of Appeals 22-1825.*

If this were indeed a violation of the law or the rules of the 'court' it would have been raised immediately (emphasis added). Instead, it did not become an issue until his conduct was exposed in these proceedings by attaching Nude photographs of him to this pleading, and as such he has improperly utilized the authority of his office to attempt to conceal his participation in this conspiracy and in dismissing this cause of action altogether. Furthermore, the Eighth Circuit court of appeals has done the same by issuing an exact

S.O.C. order in attempt to provide 'Legitimacy' to the district court judges actions when the appellant filed for a 'Writ of Mandamus' *22-1825.*

The appellant has filed multiple pleadings detailing the inappropriate and illegal conduct of the Clerks' office, *see docket entry cm/ecf (54) (67) (69) (71) (72) & (75).* Instead of conducting an internal investigation with the aid of the United States District Attorneys' Office, the judge directs his hostility at the appellant for unspecified reasons. This behavior gives the appearance of impropriety and leads one to question his motivation. Due to the nature of the lawsuit and the 'Public officials' and government agencies involved it's hard to believe that he is not conspiring with them to shield them from public exposure and liability for their crimes.

Trial court judge Greg Kays issues an 'Order restricting the appellants' ability to file in the clerks' office'. In this 'Order' Greg Kays makes inappropriate statements to the effect that the appellant is embarrassing/humiliating the Respondents by filing pornographic pictures of the respondents with some of his petitions. The 'District Courts' conduct is in violation of *Canon 3A (3).*

This is an inaccurate accounting of the situation altogether. (a) it is necessary to attach these photos as evidence to support his allegations(b) it was necessary to attach these photos for appellate review (c) he knows his statement to be a complete untruth. These people aren't embarrassed by these pictures. They document their sexual exploits, to them this is the attraction to the lifestyle they have chosen. They are angry because these photographs are proof of their criminal conspiracy's carried out against the appellant and his family.

The code of conduct for United States judges', *Canon 1*: A Judge Should Uphold the Integrity and Independence of the Judiciary', *Canon 2*, says: "A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." *Canon 3* says: "A judge should be patient, dignified, respectful, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in the official capacity." Canon 3A.

They argue that a fair trial is "implicit in the concept of ordered liberty," *see Palko v. Connecticut, 302 U.S. 319, 325, 58 S.Ct. 149, 152, 82 L.Ed.2d 188 (1937),* and that a judicial conspiracy to deprive litigants of their liberty "shocks the conscience," *see Rochin v. California, 342 U.S. 165, 172, 72 S.Ct. 205, 209, 96 L.Ed.2d 183 (1952). In Collins, supra, 743 at 250*, we stated that an allegation of a biased tribunal was clearly a procedural due process complaint. *In Shelton, supra, 754 F.2d at 1258-59*, we treated an allegation of a biased fact-finder as a procedural due process complaint. If you're afraid to offend, you can't be honest – Thomas Payne

Typically, by Rule the petitioner herein would be required to obtain a stay of the Federal Court mandate, from the last court of decision within seven calendar days of the entry of judgment, FRAP 41 (b), but in this particular scenario Greg Kays rendered that an impossible feat as he Barred the petitioner from filing any pleadings in Federal Court after he filed his 'Motion to Recuse' with attached nude photographs of said presiding judge as evidence of his conspiratorial contributions.

Conclusion: The District Court Judge failed to maintain a fair and impartial proceeding as he has become an active participant in the conspiracy being had in which he intentionally mismanaged said proceedings at every opportunity, including ultimately dismissing the appellants' cause of action.

III

POINT THREE CASE LAW (citations omitted)

Alden v. Maine, J. Souter dissenting opinion, Alden v. Maine, majority decision, Chisholm v. Georgia, Randall v. Brigham, Bradley v. Fisher, McCulloch v. Maryland, Juilliard v. Greenman, Perry v. U.S., Yick Wo v. Hopkins

The citizens of the United States did not exchange one monarchy for another. But this is exactly what has taken place. You can use qualifying terms such as 'democracy' to describe any government, but the truth is when the Supreme Court applied principles of common law 'Immunity' in their reasoning, it became far more restrictive than any aristocracy in history, and this came a hundred years after the original Supreme Court's absence from being able to defend themselves and their intentions.

Research by Victorian historians showed that the original Magna Carta of 1215 charter had concerned the medieval relationship between the monarch and the barons, rather than the rights of ordinary people.

Thomas Jefferson, on the non-Christian origins of the Common Law, "for we know that the common law is that system of law which was introduced by the Saxons, on their settlement in England, and altered, from time to time, by proper legislative authority, from that, to the date of the Magna Charta, which terminates the period of the common law, or lex non scripta, and commences that of the statute law, or lex scripta". The Writings of Thomas Jefferson, Thomas Jefferson Memorial Association of the United States, published 1904, pages 90-91.

Jefferson studied under George Wythe, with whom he had formed a close bond while in college. (Jefferson later came to strongly dislike the commentaries of Sir William

Blackstone, insisting that American law was being degraded by the increasing use of that work, at the expense of Coke, in the training of lawyers.)

Jefferson wrote in his Autobiography (1821), a "system by which every fibre would be eradicated of antient or future aristocracy; and a foundation laid for a government truly republican. '*Chisholm*' embodies this completely, *cm/ecf 60 pg 6-15, 30-35*

The principles embodied in the Constitution were built on Christian Ideology of 'Natural rights' derived from God. The Forefathers were 'Christians', who built this nation on the belief in 'God' and his commandments. The Common Law doctrine of 'Immunity' is an aristocracy principle that defiles principles such as 'Equality' and 'Due Process'.

Nowhere was the interaction between the law and ideology more saliant than in seventeenth century England, when supporters and opponents of the Stuart monarchy attempted to monopolize legitimacy by laying claim to venerated legal sources and principles such as 'the king can do no wrong'. A measure of the maxim's prominence was its evocation in the central political event of the century- the trial and execution of Charles Stuart in January 1649. In answer to the charges brought against him, the King cited the maxim as proof of his immunity from legal process and punishment, arguing that it rendered him unaccountable to any earthly authority, *cm/ecf 65, pg 19,20.*

If the King of England could be tried in a court of law and executed as a result of his crimes, then there can be no doubt whatsoever that sovereign Immunity was never recognized or enforced by the English system of Jurisprudence, at least not in a legitimate sense.

Common Law did not exist in the United States of America according to Blackstone, "And therefore the common law of England, as such, has no allowance or authority there; they

being no part of the mother-country, but distinct, though dependent, dominions." Section IV, Vol. 1, Blackstone's Commentaries on the Law of England. This perception fueled the American Revolution, *cm/ecf 65 pg 11*

Blackstone, Commentaries *239. 2. U.S. CONST. amend. X. 3. The Constitution provides that: U.S. CONST. art. I, § 6, cl. I. This is the only place in the Constitution referring to privilege (or immunity), and it is for Legislators, *cm/ecf 65 pg 11*

Are then, it may be asked, the subjects of England totally destitute of remedy, in case the crown should invade their rights, either by private injuries, or public oppressions? To this we may answer, that the law has provided a remedy in both cases And first as to private injuries: if any person has, in point of property, a just demand upon the king, he must petition him in his court of chancery, where his chancellor will administer right as a matter of grace, though not upon compulsion.(q)4 And this is entirely consonant to what is laid down by the writers on natural law. "A subject," says Puffendorf,(r) "so long as he continues a subject, hath no way to oblige his prince to give him his due, when he refuses it; though no wise prince will ever refuse to stand to a lawful contract. And if the prince gives the subject leave to enter an action against him, upon such contract, in his own courts, the action itself proceeds rather upon natural equity than upon the municipal laws." For the end of such action is not to compel the prince to observe the contract, but to persuade him. And, as to personal wrongs, it is well observed by Mr. Locke,(s) "the harm which the sovereign can do in his own person not being likely to happen often, nor to extend itself far; nor being able by his single strength to subvert the laws, nor oppress the body of the people, (should any prince have so much weakness and ill nature as to endeavor to do it,) the inconveniency therefore of some particular mischiefs that may happen sometimes, when a heady prince comes to the throne, are well recompensed by the peace of the public and

security of the government, Blackstone's commentaries It's better that ten guilty men escape than one innocent suffer. Blackstone, *cm/ecf 65 pg 6-11*

So, there is much irony in the Court's profession that it grounds its opinion on a deeply rooted historical tradition of sovereign immunity, when the Court abandons a principle nearly as inveterate, and much closer to the hearts of the Framers: that where there is a right, there must be a remedy, *Alden v. Maine (J Souter, dissenting opinion), cm/ecf pg 19.*

That where a statute creates a right and provides a special remedy, that remedy is exclusive, *Wilder Manufacturing Co. v. Corn Products Co., 236 U.S. 165, 174, 175, 35 Sup. Ct. 398, 59 L. Ed 520, Ann Cas. 1916A, 118; Arnson v. Murphy, 109 U.S. 238, 3 Sup. Ct. 184, 27 L. Ed. 920; Barnet V. National Bank, 98 U.S. 555, 558, 25 L. Ed. 212; Farmers & Mechanics' National Bank v. Dearing, 91 U.S. 29, 35, 23 L. Ed. 196.* Still the fact that the right and the remedy are thus intertwined might not, if the provision stood alone, require us to hold that, *cm/ecf 60, pg 5,6.*

Chief Justice Jay took a less vehement tone in his opinion, but he, too, denied the applicability of the doctrine of sovereign immunity to the States. He explained the doctrine as an incident of European feudalism and said that by contrast, "[n]o such ideas obtain here," *Alden v. Maine (J. Souter dissenting opinion)*, quoting the *Chisholm* decision, *cm/ecf 65 pg16.*

All sovereignty is based on the Maxim: "The King can do no wrong". This is a myth which has been perpetuated by the Supreme Court of this nation. That this 'phrase' could be made relevant to a political republican form of government from political arrangements as diverse as a King centered government, in which the king exercised complete autonomy and enormous discretionary authority, and a crowned republic, in which the 'crowns' role is

merely ceremonial (emphasis strongly added), well illustrates the extent to which the law can be shaped by ideological predilections.

It was a, well known position [that the King is sovereign and no court can have jurisdiction over him] is only a branch of a much more extensive principle, on which a plan of systematic despotism has been lately formed in England, and prosecuted with unwearied assiduity and care; laws derived from the pure source of equality and justice must be founded on the CONSENT of those, whose obedience they require. The sovereign, when traced to his source, must be found in the man. *Alden v. Maine, (J. Souter dissenting opinion, quoting Chisholm), cm/ecf 60 pg 6-7.*

I-A. The American Colonies did not enjoy sovereign immunity, that being a privilege understood in English law to be reserved for the Crown alone; "antecedent to the Declaration of Independence, none of the colonies were, or pretended to be, sovereign states," 1 J. Story, Commentaries on the Constitution § 207, p. 149 (5th ed. 1891). Several colonial charters, including those of Massachusetts, Connecticut, Rhode Island, and Georgia, expressly specified that the corporate body established thereunder could sue and be sued, *Alden v. Maine J. Souter, dissenting opinion*)

The King is dead. God save the King, *cm/ecf 3 pg 7-17.* Common law doctrines are defeasible by statute, and this is exactly what took place when the Reconstruction Era Congress convened to debate the Civil Rights Act of 1865. They provided the citizens of this country with a 'Remedy' to enforce a 'Right'. During these debates they spoke of 'Natural rights' derived from God, and they explained that in their own belief and understanding of the Constitution they did not possess a legal right to pass or enforce this legislation, the constitution as it stood did not provide a means of enforcement. This was Rectified by drafting and ratifying the Fourteenth Amendment.

The Reconstruction Amendment Debates edited by Alfred Avins. The Congressional debates on the Civil Rights Act of 1865 tell us that originally the right to sue a public official acting 'under color of law' was contained in this act. After much deliberation, and at the end of the debates it was determined that the criminal sanctions, codified as Section one of Title 42 U.S.C. § 1983 Section 1, would be sufficient to halt the illegal conduct of these public officials. During these debates Lyman Trumbull and John Bingham spoke of the conduct it sought to prevent. When they spoke of the judicial acts, they gave examples of functions a judge would normally perform within their jurisdiction. They also spoke of Prosecuting Attorneys in the same manner. In their estimation the actions of these officials were subject to their 'Motives' and 'Intentions', *cm/ecf 3 pg 17, 1-56* historical analysis. Lyman Trumbull specifically stated that if a public official acts with malicious intent then he is to be held accountable in a court of law.

A judge generally has Immunity from civil damages if he or she had jurisdiction over the subject matter in issue, *Stump v. Sparkman, 435 U.S. 349 (1978).* They also stated that if a judge acts Maliciously or corruptly, then a citizen has the right to hold them accountable for their actions in a court of law. Furthermore, they go on to say that the litigant is entitled to monetary damages. It was said that if the criminal sanctions fail to meet their objective, then they will revive the second section known as, The Anti-Ku Klux act of 1872 codified as Title 42 § 1983 Section 2, to relieve them of their financial assets. Their intentions were to strip a corrupt judge, and Public Official, of everything they could, *cm/ecf 3 pg 30-40.*

Judicial immunity was first recognized by the U.S. Supreme Court in *Randall v. Brigham, 74 U.S. (7 Wall.) 523, 19 L. Ed. 285 (1868).* In *'Randall'* the Court held that an attorney who had been banned from the 'practice of law' by a judge could not sue the judge

over the disbarment. In its opinion, the Court stated that a judge was not liable for judicial acts unless they were done "maliciously or corruptly."

Take notice of the language in the 'Randall' decision in which the court proclaims the 'Malicious or corrupt' standard. This definition has always been prevalent and is, in and of itself, a part of the common law as it was known, written, and practiced. You will also notice that it mirrors the definition given by the Reconstruction Era Congress, concerning the ability to bring a suit against a judge, in the dissenting opinion in *Bradley v. Fisher, 80 U.S. 335 (1871). But I dissent from the rule laid down by the majority of the Court that a judge is exempt from liability in a case like the present, where it is alleged not only that his proceeding was in excess of jurisdiction, but that he acted maliciously and corruptly. If he did so, he is, in my opinion, subject to suit the same as a private person would be under like circumstances, cm/ecf 3 pg 17.*

Every court decision concerning these issues to date has been erroneously applied and done so intentionally. The Reconstruction era Congress did not recognize the Supreme Court or their decisions. They openly repudiated them with vehement disdain in their debates and speeches. And they labeled them as the confederate loyalist they were, or at least the Majority. They knew, and history tells us that this court was openly violating the oath of their office in not defending and supporting the Constitution. They were instead defending and super-legislating their own personal beliefs. *See, cm/ecf 3, cm/ecf 60, cm/ecf 65 for Appellants historical research as it relates to this subject-matter, cm/ecf 3, pg 5-6, 17-56.*

History tells us that when the insurrection states were allowed to re-enter the government and participate in the legislative process that they immediately began to try and disassemble everything this Congress had created to include all civil rights laws and

Constitutional Amendments. Their secret weapon was the United States Supreme Court. The south didn't need to win on the battlefield, they used the courts to do their bidding, *cm/ecf 3 pg 20*

It is also worth noting that this decision was delivered in 1871, by a Supreme Court the Reconstruction era Congress viewed as corrupt. In the case of, *Ex parte McCardle*, which was brought early in 1868, the Court heard arguments in March, just before the impeachment trial of President Johnson got under way. In that highly charged atmosphere Congress passed, as a rider to a bill regarding appeals in customs and revenue cases, a measure removing the Court's jurisdiction in the McCardle case. That, for practical purposes, killed all prospects of a judicial overthrow of the Reconstruction Acts. But this measure was short lived because after the states formerly in rebellion were admitted back into the union the legislative body became democratic by majority and the assault on the "Reconstruction acts" continued, but by way of Court decisions. But this rider bill is proof that the 'House of Representatives', viewed the Supreme Court of the United States as treasonous enemies aligned with the cause of the southern states currently in rebellion. Therefore, reason dictates one cannot reasonably review any of their decisions on the "Civil Rights Acts" with legitimacy as their motives were of a discriminatory nature tainted with the need to place their southern loyalist counterparts out of harms' way by extending them a doctrine, as a means of protection, for their crimes, *cm/ecf ,3 pg 18-23.*

"in every government on earth is some trace of human weakness, some germ of corruption and degeneracy, which cunning will discover, and wickedness insensibly open, cultivate and improve." [Thomas Jefferson: notes on Virginia Q.XIV, 1782, ME 2:207], *cm/ecf 60, pg 3.*

In the 'Bradley' decision the court committed an act of super-legislation by effectively removing the 'Malicious and corrupt' standard from the common-law doctrine as it was known, to render a decision inconsistent with previous applicability.

The Supreme Court of the United States are not 'Super-Legislators'. The founding fathers established this Republican form of government with three branches. The Supreme Court has established itself as a Fourth Branch of 'Super-Legislators'. The courts 'original' duties were to decide questions of constitutionality only as prescribed by the Constitution, *cm/ecf 3 pg 34-35, 44.*

The Supreme Court is not the Final Arbiter when it comes to review of the law. It is not even the exclusive entity with the power to interpret the Constitution.
Madison wrote in Federalist 49, "The several departments being perfectly co-ordinate by the terms of their common commission, none of them, it is evident, can pretend to an exclusive or superior right of settling the boundaries between their respective powers." Thomas Jefferson further noted in a letter to William Jarvis, "to consider judges as the ultimate arbiters of all constitutional questions...would place us under the despotism of an oligarchy."

Court Opinions Are Not Supreme Law. Article VI of the Constitution describes what qualifies as the law of the land.

The Marshall courts use of 'Judicial review' should have been used to first determine the Constitutionality of the doctrine of 'Immunity'. It clearly violates the superior Constitutional Amendment of 'Due Process' and 'Equal Protection'. Today we have many laws which are on our books which violate 'Due Process' and 'Equal protection of the law',

and our courts ignore them and allow them to exist. Most of which relate to the courts and their 'Rules', and who they will, and will not, allow to enter their hallowed halls.

The 'Respondents' in the appellants suite are not entitled to any form of 'sovereignty' as this concept is a common law doctrine which was grounded in myth from the very beginning of its existence. It has always been a repugnant ideology, commandeered by the wealthy and privileged to exalt themselves and oppress everyone else. Historians have also told us that this immunity was originally dispersed as a 'class' immunity and had nothing to do with an individuals' profession, *cm/ecf 3 pg1-56.*

Juilliard v. Greenman, 110 U.S. 421 (1884), "There is no such thing as a power of inherent sovereignty in the government of the United States...In this Country sovereignty resides in the people, and Congress can exercise no power which they have not, by their Constitution entrusted to it. All else is withheld". *cm/ecf 60 pg 15.*

Perry v. U.S., 294 U.S. 330 (1935), "In the United States, sovereignty resides in the people... The Congress cannot invoke sovereign power of the people to override their will as thus declared." *Yick Wo v. Hopkins, 118 U.S. 356 (1886),* sovereignty itself remains with the people." *cm/ecf 60 pg 15-16*

Chisholm v. Georgia, (citation omitted), tells us that it is the citizens of this nation who are the sovereign and not the government that was created by them. *See cm/ecf 3, 60, & 65.*

There can be only one sovereign entity, it is impossible for any government agency and its civil servants to claim it is 'Sovereign' and superior to the citizens of this nation, especially when a remedy has been created, by law, to enforce a right.

The application of 'Sovereign Immunity' violates the Ninth Amendment to the Constitution's 'enumerated rights', clause which confers the right of sovereignty on the

'people' and of the individual states of the United States of America. It violates the Tenth Amendment. " The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people". Including 'Sovereignty', *cm/ecf 60 pg 4*

If, as the courts have stated, the doctrine of immunity is applicable to law in the United States then they would be required to apply it as it is understood. In this instance, since it is the citizens of the United States, 'We the People' who are the sovereign, it is impossible for the state governments and the Federal government to use a defense of 'Sovereign Immunity' in any situation except where provisions have been made as they pertain to legislated law as granted to the legislative branch by express permission of the people. 'The People' are subject to a plethora of laws, per their consent, however, they have never given consent to become the subordinate to the state or federal government.

Alden v. Maine, (Citation omitted) II-A. . . . "In America, the powers of sovereignty are divided between the government of the Union, and those of the States. They are each sovereign, with respect to the objects committed to it, and neither sovereign with respect to the objects committed to the other." *McCulloch v. Maryland (1819).* In this instance the sovereignty belongs to the people, as the governments 'created by the people for the people' they can never be subordinate to the very objects of their creation. Id

The words 'Sovereign Immunity' do not appear in any Constitutional Amendment, not the Tenth Amendment, nor the Eleventh Amendment. If our Congress had any intentions of doing so it would have happened after the 'Chisholm' decision was rendered by the court, since this concept was discussed at length by the very man predominately responsible for drafting the Constitution, Justice James Wilson. It was even acknowledged in the

dissenting opinion of Justice Iredell. A correct application of the Chisholm decision is necessary, *cm/ecf 60, pg 77,*

Nor can the Court make good on its claim that the enactment of the 11th Amendment retrospectively reestablished the view that had already been established at the time of the framing (though eluding the perception of all but one Member of the Supreme Court), and hence "acted . . . to restore the original constitutional design." There was nothing "established" about the position espoused by Georgia in the effort to repudiate its debts, and the Court's implausible suggestion to the contrary merely echoes the brio of its remark in Seminole tribe that *Chisholm* was "contrary to the well-understood meaning of the Constitution." [Citing Principality of Monaco v. Mississippi (1934).] The fact that Chisholm was no conceptual aberration is apparent from the ratification debates and the several state requests to rewrite Article III. There was no received view either of the role this sovereign immunity would play in the circumstances of the case or of a conceptual foundation for immunity doctrine at odds with Chisholm's reading of Article III. As an author on whom the Court relies, has it, "there was no unanimity among the Framers that immunity would exist," D. Currie, The Constitution in the Supreme Court: The First Century 19 (1985). *Alden v. Maine, J. Souter dissenting opinion*

The Court, citing *Hans v. Louisiana (1890),* says that the 11th Amendment "overruled" Chisholm, but the animadversion is beside the point. The significance of *Chisholm* is its indication that in 1788 and 1791 it was not generally assumed (indeed, hardly assumed at all) that a State's sovereign immunity from suit in its own courts was an inherent, and not merely a common-law, advantage. On the contrary, the testimony of five eminent legal minds of the day confirmed that virtually everyone who understood immunity to be legitimate saw it as a common-law prerogative (from which it follows that it was

subject to abrogation by Congress as to a matter within Congress's Article I authority). *Alden v. Maine (J. Souter, dissenting opinion)*

The Eleventh amendment did nothing more than remove the federal courts jurisdiction from hearing that subject-matter initially. If there was ever a time when the term 'Sovereign Immunity' would have been utilized, it was after the *Chisholm* decision was rendered. Yet, our legislative body chose not to, and they did so intentionally because it was not their intent.

In sum, then, in '*Chisholm*' two Justices (Jay and Wilson), both of whom had been present at the Constitutional Convention, took a position suggesting that States should not enjoy sovereign immunity (however conceived) even in their own courts; one (Cushing) was essentially silent on the issue of sovereign immunity in state court; one (Blair) took a cautious position affirming the pragmatic view that sovereign immunity was a continuing common law doctrine and that States would permit suit against themselves as of right; and one (Iredell) expressly thought that state sovereign immunity at common-law rightly belonged to the sovereign States. Not a single Justice suggested that sovereign immunity was an inherent and indefeasible right of statehood, and neither counsel for Georgia before the Circuit Court, nor Justice Iredell seems even to have conceived the possibility that the new 10th Amendment produced the equivalent of such a doctrine. This dearth of support makes it very implausible for today's Court to argue that a substantial (let alone a dominant) body of thought at the time of the framing understood sovereign immunity to be an inherent right of statehood, adopted or confirmed by the 10th Amendment. *Alden v. Maine. (J. Souter dissenting opinion)*

The truth is the Majority of the Framers did not subscribe to this belief. Even James Madison's views were erroneously applied in the majority opinion of '*Alden v. Maine*'.

While Madison might have believed that nonconsenting states could not be dragged into federal court for failing to honor contract provisions, he certainly believed that they could be brought into federal court for violations of federal law or constitutional guarantees. Whether one examines his comments during the ratification debates or his writings in the Federalist Papers, one sees that Madison was not the staunch states sovereignty advocate that the Alden Court majority makes him out to be.

The Federalist No. 44, at 228 (James Madison) "sober people of America are weary of the fluctuating policy which has directed the public councils."242 Indeed, Madison suggested that Americans "have seen with regret and with indignation, that sudden changes, and legislative interferences, in cases affecting personal rights, become jobs in the hands of enterprising and influential speculators; and snares to the more industrious and less informed part of the community." [243] Thus, states might violate the very important rights that had been safeguarded by the Constitution. If the federal courts were not to have jurisdiction over state violations of federal guarantees, there would be a right without a remedy.

It should not be surprising, then, to realize that although much post-Chisholm discussion was disapproving (as the States saw their escape from debt cut off), the decision had champions "every bit as vigorous in defending their interpretation of the Constitution as were those partisans on the other side of the issue." Marcus & Wexler, Suits Against States: Diversity of Opinion In The 1790s, 1993 J. Sup.Ct. Hist. 73, 83; see, e.g., 5 Documentary History of the Supreme Court, at 251–52, 252–53, 262–64, 268–69 (newspaper articles supporting holding in Chisholm); 5 Documentary History, at 616 (statement of a Committee of Delaware Senate in support of holding in Chisholm). The federal citizen-state diversity

jurisdiction was settled by the 11th Amendment; Article III was not "restored." . . . *Alden v. Maine.*

The Agency's, the appellant has brought suit against, are departments of our government which is a 'Corporation', a 'Foreign Corporation' at that, and a corporation which can sue and be sued, and according to law are not capable of being declared immune, *see cm/ecf 60, pg 15-26, 78. See Appellants 'Answer' and 'Amended Answer to U.S. District Attorney's Motion to Dismiss'.*

The Federal Torts Claims Act, while it grants limited waiver, is unconstitutional for the following reason; It discriminates in that it gives the government the right to determine who they will allow to bring 'suite' against them. Once they have allowed even one litigant the right to sue them, they must afford this right to every prospective litigant in accordance with the Fourteenth Amendments 'Equal Protection of the law', clause, *cm/ecf 60 pg 3.*

For some 45 years it was thought that the code of Hammurabi was the oldest collection of laws. In recent years, however, several much older collections of law have been found. From Nippur comes the code of Lipit-Ishtar, published in 1948. It was written in Sumerian one or two centuries before the code of Hammurabi but is very similar to it and even contains a number of laws identical with the latter. In the same year, 1948, there was published another code, which had been discovered in Harmal near Baghdad, the Code of King Bilalama of Eshnunna, who ruled some 300 years before Hammurabi. This Code is clearly a forerunner of the laws of LipitIshtar and Hammurabi, in 1954 a law code older than any of the three was published, that of UrNammu, one that contained laws far more humane than any of the others known thus far. This shows that the closer a document of this nature is related to the original source, which was divine, the more it reveals the character of the real lawgiver-GOD. In whatever code of laws, they may be embodied, all right principle's reflect

the justice and mercy of the Author of right and truth, SDA-BC. It also must be remembered that common law is derived from these codes and surely must conform to the principles embodied in said codes. After all these are clearly older than the authors commonly quoted by English and American sources considered to be the experts of this subject matter. The Code of Hammurabi is a well-preserved Babylonian law code, dating back to about 1772 B.C.. It is one of the oldest deciphered writings of significant length in the world, The sixth Babylonian King, Hammurabi, enacted the code, and partial copies exist on a human-sized stone stele and various clay tablets. The code consists of 282 laws including a provision which imposes obligations on an official; this provision establishes that a judge who reaches an incorrect decision is to be fined and removed from the Bench permanently. It must also be remembered that the colonies under English rule had their Governors and Judges appointed by the monarchy, and these individuals were despised by the colonist as they did not trust them or the position of authority they maintained. The colonist, post-revolutionary war, demanded the laws of the land to be written as opposed to the unwritten laws which their oppressors utilized to suppress them. Therefore, it would be asinine to suggest any form of common law would be acceptable to them any time after achieving their independence, *see Mark A. Stoler, Ph. D., the University of Vermont.*

This court should observe and implement the 'Lesser Magistrate Doctrine', and read *cm/ecf 3, 60, and 65* in their entirety as it is necessary in undoing 156 years of corrupt application of law.

Swift v. Tyson (1842) overruled *Erie v. Tompkins (1938)* and with it nearly a century of case law, and that to right a long-standing wrong was more important than precedent. It's necessary for the Supreme Court to adhere to the ***'Doctrine of Prospective overruling'***, to navigate this ships course in the direction it was supposed to be headed.

POINT THREE ARGUMENT

Common law had not existed in England since the signing of the Magna Carta in 1215, let alone in the American Colonies were it never existed. The incorporation of common law, by way of our courts, is but an act of corruption undermining Constitutional Authority. The Forefathers and Framers of the Constitution frequently spoke of corrupt individuals attempting to seize control of this country from the very moment of its conception. Common law is proof they succeeded. There are no provisions in the Tenth, or Eleventh Amendments related to 'Sovereignty, nor are there any provisions for the Federal government to possess this status as well. Chisholm is the controlling precedent in these matters. Furthermore, the Supremacy Clause renders common law inapplicable in a Republican form of government which legislates law for compliance.

IV

POINT IV CASE LAW

American Civil Liberties Union v. N.S.A., case 1:13-cv-09198, Southern District of New York, see cm/ecf 2, pg 3

Departments of the United States Government and their agents and or subcontractors have implemented and maintain a 'Program' which utilizes criminal derelict behavior to attack citizens of this country, on a daily basis, for a multitude of reasons. The 'acronym' departments have done so without the consent of the citizens and without legal authorization of the Congressional Body.

These agencies are eliminating people both discriminately and indiscriminately. They are creating 'Manchurian Candidates' to instill fear and paranoia in the American people by 'arming them' and sending them out into the world with 'marching orders' to wreak havoc

in any form possible, to include, 'mass shootings'. *See cm/ecf 1, pg 40-79, cm/ecf 2, pg 2-15, pg 23-28.*

They use 'Torture' and 'Harassment' as tools to indoctrinate them in viol. of 18 US.C. §1111 (c) 1, 6

These agencies are using Psychotronic weaponry to include; Directed energy weapons, Electromagnetic weaponry, E.L.F. extremely low frequency weapons, U.L.F. ultra-low frequency weapons, ultrasonic weapons, directed energy weapons, microwave weapons, V2K Voice to skull (voice of God) weaponry,

synthetic telepathy, an evolved MK-Ultra program which was banned by the White House in the early 70's, and NSA Signals Intelligence: (SIGINT), Gang Stalking, and Harassment. Our government has been busy.

The government usage of these weapons is a direct violation of the Aeronautics and Space Act of 1958, The Eighth Amendments 'Cruel and Unusual punishment' clause, and numerous resulting 'Liberty' interest violations, U.S.C. violations, 'treatise' and 'acts' violations.... *Cm/ecf 1, pg 25-37*

The government, and their agents, utilize this 'Program' to attack citizens for numerous reasons. One of which is to harass/punish/murder 'whistleblowers, in violation of 18 U.S.C. §1111. Another is to exact revenge on individuals, such as the petitioner, for exposing their involvement in a national sex ring, in which religions such as the 'Mormon' church are active participants. *See cm/ecf 2, pg 15-17.*

Respondents, Chris Pickett and James Kennedy, active participants in this sex trafficking ring murdered 'Mollie Tibbetts' *cm/ecf 2, pg 26-31*, and Blacklisted, also known as red lined, the petitioner herein, see *cm/ecf 2, pg 32,33.*

The petitioner has identified numerous high-ranking officials within these government agencies who have come forward and exposed them for utilizing these weapons on American citizens, *cm/ecf 2, pg 2-15, 23-26. Also see American Civil Liberties Union v. N.S.A., case 1:13-cv-09198, Southern District of New York, plaintiff Annette B. Shiner, information review officer for the litigation info. Review off., C.I.A., cm/ecf 60, pg 2-3*

By instilling fear and paranoia in the citizens of this country these agencies have created an environment in which legislation has been introduced to curtail the availability of weapons to its citizens. It's clear this has been done as an initial phase which will eventually lead to more restrictive legislation which ultimately leads to a 'Ban' on all weaponry in the United States, effectively removing a citizen's ability to defend itself, against a foreign invader, and the very government we find implementing this type of program. History tells us that a government acting in this manner is typically attempting to install its own oligarchy government, which was the reasoning of the Forefathers in framing the Constitutions Second Amendment 'Right to bare arms'.

Conclusion: The implementation of this program against American Citizens and the petitioner herein has a multitude of violations to include the Eighth Amendment Right to be free from 'Cruel and Unusual' punishment. It's clear investigations and Congressional hearings need to be had to determine the governments participation in constructing 'Manchurian Candidates' from U.S citizens utilizing psychotronic weaponry and its participation with organized crime in its implementation.

CONCLUSION

Wherefore, a humble petitioner in the eyes of GOD, confidently and respectfully request this court to grant this 'Writ' to overturn the District Courts erroneous application of law and remand with instructions that the Respondents are not entitled to any type of

immunity, whether in their 'Individual Capacity' or 'Official Capacity', as it has been erroneously applied in our system of jurisprudence.

Submitted by,

/S/ Rick Searcy

816-610-3961 or 816-469-1890

Thumper221117@gmail.com or thumper71117@yahoo.com