

Appendix A

UNITED STATES COURT OF APPEALS FOR
THE EIGHTH CIRCUIT

No: 25-1620

Joseph Daryll Rued; W.O.R., Minor Child; Scott
Daryll Rued; Leah Jean Rued

Plaintiffs - Appellants

v.

Jaykumar Jayswal, Person and Hennepin County
Human Services CPS Worker; Leslie Karnes, Person
and Scott County Human Services CPS Worker; Anne
Gearity, Person and Participant on Governor's CPS
Task Force; Judy Weigman, Person and Cornerhouse
Interviewer; Nancy Ellen Brasel, Person and
Individual that is a Federal Judicial Officer; Bobby E.
Shepherd, Person and Individual that is a Federal
Judicial Officer; L. Steven Grasz, Person and
Individual that is a Federal Judicial Officer; David R.
Stras, Person that is a State Judicial Officer; Renee
L. Worke, Person that is a State Judicial Officer;
Roger M. Klaphake, Person and Individual that is a
Federal Judicial Officer; Jon Schmidt, Person and
Individual that is a Federal Judicial Officer; Mike
Furnstahl, Person and Individual that is a Federal
Judicial Officer; Charlene W. Hatcher, Person and
Individual that is a Federal Judicial Officer; Richard

A. Stebbins, Person and Individual that is a Federal Judicial Officer; Nelson Lodin Peralta, Person and Individual that is a Federal Judicial Officer; Christian M. Sande, Person and Individual that is a Federal Judicial Officer; Charles Webber, Person and Individual that is a Federal Judicial Officer; Caroline H. Lennon, Person and Individual that is a Federal Judicial Officer; Ryan Kuffel, Person that is an Eden Prairie Police Officer; Julie Swanson, Person that is a Scott County Health and Human Services CPS Supervisor; Suzanne Arnston, Person that is a Scott County Health and Human Services Deputy Director; Hennepin County Human Services and Public Health Department, Person that is a County Agency; Scott County Department of Human Services, Person that is a County Agency; Minnesota Dept. of Human Services, State Agency Overseeing Child Protection; Jamie Pearson, Shakopee Police Officer; Natalie Hudson, Person that is a state judicial officer

Defendants - Appellees

No: 25-1623

Joseph Daryll Rued; W.O.R., a minor child; Leah Jean Rued; Scott Daryll Rued

Plaintiffs - Appellants

v.

Natalie Hudson; Charlene W. Hatcher; Mike
Furnstahl; Nelson Lodin Peralta; Christian M.
Sande; Richard A. Stebbins; Renee L. Worke; Roger
M. Klaphake; Jon Schmidt; Charles Webber

Defendants - Appellees

No: 25-1651

Joseph Daryll Rued; W.O.R., a minor child; Leah
Jean Rued; Scott Daryll Rued

Plaintiffs - Appellants

v.

Natalie Hudson, Person that is also a state judicial
officer; Leonardo Castro, Person that is also a state
judicial officer; Caroline H. Lennon, Person that is
also a state judicial officer; Keith M. Ellison, person
that is also the Minnesota Attorney General;
Alexander Robertson Sloan, person that is also an
Assistant Minnesota Attorney General; Beth
Barbosa, person that is also an attorney and partner
at Gilbert Alden Barbosa; Charlie R. Alden, II, person
that is also an attorney and partner at Gilbert Alden
Barbosa; Gilbert Alden Barbosa, PLLC, person that is
also a law firm; Catrina M. Rued, person that is also
a client of Gilbert Alden Barbosa PLLC; Hennepin
County Clerk of Court, State Agency; Jamie Pearson,
Shakopee Police Officer; Cornerhouse, person that is

also a child welfare agency acting under color of state
law with municipal investigators

Defendants - Appellees

Appeals from U.S. District Court for the District of
Minnesota
(0:24-cv-01763-JRT)
(0:24-cv-02437-JRT)
(0:24-cv-03409-JRT)

JUDGMENT

Before LOKEN, GRUENDER, and KOBES, Circuit
Judges.

The Motion for Stay and Injunction Pending
Appeal is denied.

This court has reviewed the original file of the
United States District Court. It is ordered by the
court that the judgment of the district court is
summarily affirmed. See Eighth Circuit Rule 47A(a).

April 09, 2025

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

Appendix B

UNITED STATES COURT OF APPEALS FOR
THE EIGHTH CIRCUIT

No: 25-1614

Joseph Daryll Rued; W.O.R., a minor child

Petitioners - Appellants

v.

Charlene W. Hatcher; Richard A. Stebbins; Renee L.
Worke; Jon Schmidt; Roger M. Klaphake; Natalie
Hudson; Anne McKeig; Rachel F. Bond; Elise L.
Larson

Respondents - Appellees

Appeal from U.S. District Court for the District of
Minnesota (0:25-cv-00468-JRT)

JUDGMENT

Before LOKEN, GRUENDER, and KOBES, Circuit
Judges.

The Motion for Stay and Injunction Pending Appeal is denied.

This court has reviewed the original file of the United States District Court. It is ordered by the court that the judgment of the district court is summarily affirmed. See Eighth Circuit Rule 47A(a).

April 09, 2025

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

Appendix C

UNITED STATES COURT OF APPEALS FOR
THE EIGHTH CIRCUIT

No: 25-1593

In re: Joseph Daryll Rued; W.O.R., Minor Child; Scott
Daryll Rued; Leah Jean Rued

Petitioners

Appeal from U.S. District Court for the District of
Minnesota (0:24-cv-01763-JRT)

JUDGMENT

Before LOKEN, GRUENDER, and KOBES, Circuit
Judges.

Petition for writ of prohibition has been
considered by the court and is denied. Mandate shall
issue forthwith.

March 31, 2025

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

Appendix D

UNITED STATES COURT OF APPEALS FOR
THE EIGHTH CIRCUIT

No: 25-1594

In re: Joseph Daryll Rued; W.O.R., Minor Child; Scott
Daryll Rued; Leah Jean Rued

Petitioners

Appeal from U.S. District Court for the District of
Minnesota (0:24-cv-02437-JRT)

JUDGMENT

Before LOKEN, GRUENDER, and KOBES, Circuit
Judges.

Petition for writ of prohibition has been
considered by the court and is denied. Mandate shall
issue forthwith.

March 31, 2025

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

Appendix E

**UNITED STATES COURT OF APPEALS FOR
THE EIGHTH CIRCUIT**

No: 25-1597

In re: Joseph Daryll Rued; W.O.R., Minor Child; Scott
Daryll Rued; Leah Jean Rued

Petitioners

Appeal from U.S. District Court for the District of
Minnesota (0:24-cv-03409-JRT)

JUDGMENT

Before LOKEN, GRUENDER, and KOBES, Circuit
Judges.

Petition for writ of prohibition has been
considered by the court and is denied. Mandate shall
issue forthwith.

March 31, 2025

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

Appendix F

UNITED STATES COURT OF APPEALS FOR
THE EIGHTH CIRCUIT

No: 25-1598

In re: Joseph Daryll Rued; W.O.R., Minor Child

Petitioners

Appeal from U.S. District Court for the District of
Minnesota (0:25-cv-00468-JRT)

JUDGMENT

Before LOKEN, GRUENDER, and KOBES, Circuit
Judges.

Petition for writ of prohibition has been
considered by the court and is denied. Mandate shall
issue forthwith.

March 31, 2025

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

Appendix G

UNITED STATES COURT OF APPEALS FOR
THE EIGHTH CIRCUIT

No: 25-1620

Joseph Daryll Rued, et al.

Appellants

v.

Jaykumar Jayswal, Person and Hennepin County
Human Services CPS Worker, et al.

Appellees

No: 25-1623

Joseph Daryll Rued, et al.

Appellants

v.

Natalie Hudson, et al.

Appellees

No: 25-1651

Joseph Daryll Rued, et al.

Appellants

- 12 -

v.

Natalie Hudson, Person that is also a state judicial
officer, et al.

Appellees

Appeal from U.S. District Court for the District of
Minnesota (0:24-cv-01763-JRT)
(0:24-cv-02437-JRT)
(0:24-cv-03409-JRT)

ORDER

The petition for rehearing en banc is denied.
The petition for rehearing by the panel is also denied.

Judge Shepherd, Judge Grasz, and Judge Stras
did not participate in the consideration or decision of
this matter.

May 06, 2025

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

Appendix H

UNITED STATES COURT OF APPEALS FOR
THE EIGHTH CIRCUIT

No: 25-1614

Joseph Daryll Rued and W.O.R., a minor child

Appellants

v.

Charlene W. Hatcher, et al.

Appellees

Appeal from U.S. District Court for the District of
Minnesota (0:25-cv-00468-JRT)

ORDER

The petition for rehearing en banc is denied.
The petition for rehearing by the panel is also denied.

June 04, 2025

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

Appendix I

UNITED STATES COURT OF APPEALS FOR
THE EIGHTH CIRCUIT

No: 25-1593

In re: Joseph Daryll Rued, et al.

Petitioners

No: 25-1594

In re: Joseph Daryll Rued, et al.

Petitioners

No: 25-1597

In re: Joseph Daryll Rued, et al.

Petitioners

No: 25-1598

In re: Joseph Daryll Rued and W.O.R., a minor child

Petitioners

Appeals from U.S. District Court for the District of
Minnesota

(0:24-cv-01763-JRT)

(0:24-cv-02437-JRT)

(0:24-cv-03409-JRT)

(0:25-cv-00468-JRT)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

Judge Shepherd, Judge Grasz and Judge Stras did not participate in the consideration or decision of this matter.

May 14, 2025

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

Appendix J

**UNITED STATES COURT OF APPEALS FOR
THE EIGHTH CIRCUIT**

No: 25-1620

Joseph Daryll Rued, et al.

Appellants

v.

Jaykumar Jayswal, Person and Hennepin County
Human Services CPS Worker, et al.

Appellees

No: 25-1623

Joseph Daryll Rued, et al.

Appellants

v.

Natalie Hudson, et al.

Appellees

No: 25-1651

Joseph Daryll Rued, et al.

Appellants

v.

Natalie Hudson, Person that is also a state judicial
officer, et al.

Appellees

Appeal from U.S. District Court for the District of
Minnesota (0:24-cv-01763-JRT)
(0:24-cv-02437-JRT)
(0:24-cv-03409-JRT)

MANDATE

In accordance with the judgment of April 9,
2025, and pursuant to the provisions of Federal Rule
of Appellate Procedure 41(a), the formal mandate is
hereby issued in the above- styled matter.

May 13, 2025

Clerk, U.S. Court of Appeals, Eighth Circuit

Appendix K

**UNITED STATES COURT OF APPEALS FOR
THE EIGHTH CIRCUIT**

No: 25-1614

Joseph Daryll Rued and W.O.R., a minor child

Appellants

v.

Charlene W. Hatcher

Appellees

Appeal from U.S. District Court for the District of
Minnesota (0:24-cv-00468-JRT)

MANDATE

In accordance with the judgment of April 9, 2025, and pursuant to the provisions of Federal Rule of Appellate Procedure 41(a), the formal mandate is hereby issued in the above- styled matter.

May 13, 2025

Clerk, U.S. Court of Appeals, Eighth Circuit

Appendix L

**UNITED STATES COURT OF APPEALS FOR
THE EIGHTH CIRCUIT**

No: 25-1593

In re: Joseph Daryll Rued, et al.

Petitioners

No: 25-1594

In re: Joseph Daryll Rued, et al.

Petitioners

No: 25-1597

In re: Joseph Daryll Rued, et al.

Petitioners

No: 25-1598

In re: Joseph Daryll Rued and W.O.R., a minor child

Petitioners

Appeals from U.S. District Court for the District of
Minnesota (0:24-cv-01763-JRT)
(0:24-cv-02437-JRT)
(0:24-cv-03409-JRT)

(0:25-cv-00468-JRT)

MANDATE

In accordance with the judgment of March 31, 2025, and pursuant to the provisions of Federal Rule of Appellate Procedure 41(a), the formal mandate is hereby issued in the above- styled matters.

March 31, 2025

Clerk, U.S. Court of Appeals, Eighth Circuit

Appendix M

UNITED STATES DISTRICT COURT DISTRICT OF
MINNESOTA

JOSEPH DARYLL RUED; W.O.R., a minor child;
SCOTT DARYLL RUED; and LEAH JEAN RUED,

Plaintiffs,

v.

JAYKUMAR JAYSWAL, LESLEY KARNES, ANNE
GEARITY, JUDY WEIGMAN, NANCY BRASEL,
BOBBY SHEPHERD, LEANARD STEVEN GRASZ,
DAVID R. STRAS, RENEE L. WORKE, ROGER M.
KLAPHAKE, JON SCHMIDT, MIKE FURNSTAHL,
CHARLENE HATCHER, RICHARD A. STEBBINS,
NELSON L. PERALTA, CHRISTIAN M. SANDE,
CHARLES WEBBER, CARRIE LENNON, RYAN
KUFFEL, JULIE SWANSON, SUZANNE
ARNSTON, HENNEPIN COUNTY HUMAN
SERVICES AND PUBLIC HEALTH DEPARTMENT,
SCOTT COUNTY HEALTH AND HUMAN
SERVICES, MINNESOTA DEPARTMENT OF
HUMAN SERVICES, JAMIE PEARSON, and
NATALIE E. HUDSON,

Defendants.

Civil No. 24-1763 (JRT/TNL)

MEMORANDUM OPINION AND ORDER
DISMISSING FOR LACK OF JURISDICTION

Joseph Daryll Reed, W.O.R., Scott Daryll Rued, and Leah Jean Rued, 9007 Avila Cove, Eden Prairie, MN 55347, pro se Plaintiffs.

Daniel D. Kaczor and David Gorski, HENNEPIN COUNTY ATTORNEY'S OFFICE, 300 South Sixth Street, Suite A2000, Minneapolis, MN 55487, for Defendants Jaykumar Jayswal and Hennepin County Human Services and Public Health Department.

Ashley Marie Ramstad and Susan M. Tindal, IVERSON REUVERS CONDON, 9321 Ensign Avenue South, Bloomington, MN 55438, for Defendants Lesley Karnes, Ryan Kuffel, Julie Swanson, Suzanne Arnston, Scott County Health and Human Services, and Jamie Pearson.

Andrea Pavelka Hoversten and John B. Casserly, GERAGHTY, O'LOUGHLIN, & KENNEY, P.A., 30 East Seventh Street, Suite 2750, Saint Paul, MN 55101, for Defendant Anne Gearity.

Shannon L. Bjorklund, DORSEY & WHITNEY LLP, 50 South Sixth Street, Suite 1500, Minneapolis, MN 55402, for Defendant Judy Weigman.

Gregory G. Brooker, UNITED STATES ATTORNEY'S OFFICE, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415, for Defendants Nancy Brasel, Bobby Shepherd, Leanard Steven Grasz, and David R. Stras.

Alexander Robertson Sloan, MINNESOTA ATTORNEY GENERAL'S OFFICE, 445 Minnesota Street, Suite 1800, Saint Paul, MN 55101, for Defendants Renee L. Worke, Roger M. Klaphake, Jon

Schmidt, Mike Furnstahl, Charlene Hatcher, Richard A. Stebbins, Nelson L. Peralta, Christian M. Sande, Charles Webber, Carrie Lennon, and Natalie E. Hudson.

Mara Sybesma, MINNESOTA ATTORNEY
GENERAL'S OFFICE, 445 Minnesota Street, Suite
1400, Saint Paul, MN 55101, for Defendant
Minnesota Department of Human Services.

Joseph Daryll Rued and Catrina Rued trudged through a contentious divorce and custody dispute in state court. Catrina emerged with sole custody of their child, W.O.R.— a result Joseph has been attempting to overturn ever since. This Court is now one of many that must wade through a cornucopia of motions—twenty-two and counting—stemming from Joseph's dissatisfaction with the state court proceedings. But because only the United States Supreme Court can review final decisions by state courts, this Court lacks jurisdiction to hear this case. Accordingly, the Court will dismiss this action in its entirety with prejudice.

BACKGROUND

I. FACTS

To understand why the Court ultimately lacks jurisdiction, it is important to understand the basics of the state court proceedings that led to this action.

On September 9, 2016, Scott Rued and Leah Rued, who are the parents of Joseph Rued and grandparents of W.O.R., petitioned for third party custody of W.O.R. See Pet. for Custody, In re the

Matter of: Leah Jean Rued and Scott Daryll Rued vs Joseph D. Rued and Catrina M. Rued (“Custody Petition”), No. 27-FA-16-6323 (Minn. Dist. Ct. Sept. 9, 2016).¹

On September 12 and 13, 2016, Hennepin County received a report alleging that W.O.R. had been neglected, abused, and generally mistreated by Catrina Rued and her two other children. See Juvenile Protection Petition for Children in Need of Protection Services (“CHIPS Petition”) at 5–6, In the Matter of the Welfare of the Child of: Catrina Rued and Joseph Rued (“CHIPS-Petition Action”), No. 27-JV-18-5395 (Minn. Dist. Ct. Dec. 6, 2018). The Eden Prairie Police Department investigated those allegations but ultimately determined that there was not enough evidence to make a finding of maltreatment. *Id.* at 6–7.

On September 21, 2016, Catrina and Joseph Rued filed for divorce. See Pet. Dissolution Marriage, In the Marriage of Catrina M. Rued and Joseph D. Rued (“Divorce Action”), No. 27-FA-16-6630 (Minn. Dist. Ct. Sept. 21, 2016). While the divorce proceedings were ongoing, Hennepin County received several additional reports that Catrina and her other children were abusing W.O.R. See CHIPS Petition at 3–5, 8–10. Again, Hennepin County and law enforcement investigated the allegations and

¹ Some, but not all, of the state court proceedings in this matter have been attached as exhibits to the Amended Complaint. However, because the Court may take judicial notice of state court proceedings, it cites directly to the state court dockets for consistency. *Stutzka v. McCarville*, 420 F.3d 757, 760 n.2 (8th Cir. 2005) (citing *United States v. Eagleboy*, 200 F.3d 1137, 1140 (8th Cir. 1999)).

determined there was not enough evidence to make a finding of maltreatment. See *id.* at 2, 8–11.

Gathering all of this evidence, social worker Jaykumar Jayswal prepared and issued a CHIPS petition on behalf of the Hennepin County Human Services and Public Health Department on December 8, 2018. See generally *id.* In his petition, Jayswal determined that,

There have been false accusations made against Ms. Rued and her other children...over the last two years, which have been investigated and never founded. Those allegations are believed to have been made by Mr. Rued and his parents, which has now established a pattern that they are making false allegations and causing [W.O.R.] to think he has been abused when he has not.

Id. at 3. Ultimately, the Petition concluded that W.O.R. was “in need of protection or services” not because of the allegations against Katrina, but because Joseph had “conditioned [W.O.R.] to believe that he is a victim of sexual abuse” and to “develop negative feelings towards Ms. Rued and [W.O.R.’s] siblings, causing serious and lasting mental and emotional damage.” *Id.* at 5, 12. After an agreement by the parties, however, the state court terminated the CHIPS Petition. See Order for CHIPS Adjudication and Protective Supervision at 1, CHIPS-Petition Action (Minn. Dist. Ct. June 12, 2019).²

² Attached at Am. Compl. Ex. 6 at 265–72, May 23, 2024, Docket No. 4.

But the question of custody over W.O.R. remained. In a trial presided over by Defendant Mike Furnstahl, a referee for Hennepin County's Family Court Division, Joseph Rued argued that Jayswal's statements in the CHIPS Petition were perjurious. (Am. Compl. ¶ 2, May 23, 2024, Docket No. 3.) Though he attempted to introduce evidence to prove that perjury, including calling Jayswal and Defendant Ryan Kuffel as witnesses and introducing Jayswal's deposition, referee Furnstahl denied his requests. (Id. ¶ 13.) Eventually, Furnstahl recommended, and Judge Nelson Peralta ruled, that Catrina Rued would have sole physical and legal custody over W.O.R., with Joseph only receiving certain unsupervised parenting time. August 2020 Order at 80, Divorce Action.

That custody determination was affirmed by the Minnesota Court of Appeals, and both the Minnesota Supreme Court and the United States Supreme Court denied petitions to hear the case. *Rued v. Rued*, No. A21-0798, 2022 WL 2298992, at *1 (Minn. Ct. App. June 27, 2022), review denied (Sept. 28, 2022), cert. denied, 143 S. Ct. 1082 (2023).

Undeterred, Joseph Rued filed numerous actions in both state and federal court, creating a pattern of behavior state and federal courts alike have described as frivolous. See *Rued v. Rued*, Nos. A23-1444, A23-1467, 2024 WL 1987171, at *2 (Minn. Ct. App. Apr. 29, 2024), review denied (Aug. 6, 2024) (noting Rued has "pursued endless litigation in this matter and the district court has made hundreds of findings that demonstrate [his] arguments have no chance of success"), cert. denied ___ S. Ct. ___, 2025 WL 581638 (2025); *Rued v. Hatcher*, No. 23-2685, 2023 WL 10409535, at *1 (D. Minn. Sept. 7, 2023), *aff'd*, No.

23-3092, 2023 WL 10370349 (8th Cir. Oct. 10, 2023), cert. denied, 144 S. Ct. 2523 (2024) (taking note of state court findings of frivolity and characterizing the suit as one “against every state court judicial officer to come in contact with the custody proceedings”).

Joseph Rued now tries to seek the same relief from this Court. The Court will not list every pending motion in this case, but Defendants all move to dismiss, while Plaintiffs respond with nearly a dozen responsive motions of their own. Magistrate Judge Tony N. Leung issued a report and recommendation (“R&R”) recommending dismissal of this action in its entirety for lack of jurisdiction. (R. & R. at 17, Nov. 6, 2024, Docket No. 225.) Plaintiffs timely objected. (Pls.’ Objs. to R. & R., Nov. 18, 2024, Docket No. 237.)

I. STANDARD OF REVIEW

DISCUSSION

After a magistrate judge files an R&R, a party may “serve and file specific written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b)(2); accord D. Minn. LR 72.2(b)(1). “The objections should specify the portions of the magistrate judge’s report and recommendation to which objections are made and provide a basis for those objections.” *Mayer v. Walvatne*, No. 07-1958, 2008 WL 4527774, at *2 (D. Minn. Sept. 28, 2008). For dispositive motions, the Court reviews de novo a “properly objected to” portion of an R&R. Fed. R. Civ. P. 72(b)(3); accord D. Minn. LR 72.2(b)(3). Sometimes courts review general and conclusory objections for clear error. *Belk v. Purkett*, 15 F.3d 803, 815 (8th Cir. 1994). The Eighth Circuit instructs that clear error is

appropriate when general and conclusory objections “make it difficult for the district court to focus upon the alleged errors if insufficiently directed by the parties.” *Id.* Because Plaintiffs make specific objections, the Court will conduct de novo review.

II. ANALYSIS

Though the factual backdrop of this action is complicated, the law is not.

“The Rooker-Feldman doctrine provides that, with the exception of habeas corpus petitions, lower federal courts lack subject matter jurisdiction over challenges to state court judgments.” *Mosby v. Ligon*, 418 F.3d 927, 931 (8th Cir. 2005) (internal quotation marks and citation omitted).

Here, as another court in this district has noted, “[t]he Rueds do not describe this action as an appeal, but that is what it is.” *Rued v. Hatcher*, 2023 WL 10409535, at *2. Plaintiffs here are dissatisfied with the state court proceedings that awarded Katrina Rued sole legal and physical custody of W.O.R., and they ask this Court to overturn that decision. But the Court lacks the power to do so. See *Bechtold v. City of Rosemount*, 104 F.3d 1062, 1065 (8th Cir. 1997) (noting that “a litigant cannot circumvent Rooker-Feldman by recasting his or her lawsuit as a [42 U.S.C.] § 1983 action.”); Fed. R. Civ. P. 12(h)(3) (“If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.”).

Accordingly, the Court will adopt the Magistrate Judge’s R&R, overrule Plaintiffs’ objections, and

dismiss this action in its entirety for lack of subject matter jurisdiction.

ORDER

Based on the foregoing, and all the files, records, and proceedings herein, IT IS HEREBY ORDERED that:

1. Plaintiffs' Objections [Docket No. 237] to the Report and Recommendation are OVERRULED;
2. The Report and Recommendation [Docket No. 225] is ADOPTED;
3. Defendants' Motions to Dismiss [Docket Nos. 18, 74, 75, 83, 84, 91, 101, and 197] are GRANTED because the Court lacks jurisdiction over the entire action under the Rooker-Feldman doctrine;
4. The Amended Complaint [Docket No. 3] is DISMISSED with prejudice for lack of jurisdiction.
5. All other pending motions in this action [Docket Nos. 47, 59, 108, 114, 117, 124, 128, 150, 192, 207, 213, 215, and 231] are DENIED as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: March 11, 2025
at Minneapolis, Minnesota.

s/JOHN R. TUNHEIM United States District Judge

Appendix N

UNITED STATES DISTRICT COURT DISTRICT OF
MINNESOTA

Joseph Daryll Rued, W.O.R., Scott Daryll Rued, Leah
Jean Rued,

Plaintiff(s),

v.

Jaykumar Jayswal, Lesley Karnes, Anne Gearity,
Judy Weigman, Nancy Brasel, Bobby Shepherd,
Leonard Steven Grasz, David R. Stras, Renee L.
Worke, Roger M. Klaphake, Jon Schmidt, Mike
Furnstahl, Charlene Hatcher, Richard A. Stebbins,
Nelson L. Peralta, Christian M. Sande, Charles
Webber, Carrie Lennon, Ryan Kuffel, Julie Swanson,
Suzanne Arnston, Hennepin County Human Services
and Public Health Department, Scott County Health
and Human Services, Minnesota Department of
Human Services, Jamie Pearson, Natalie E. Hudson,

Defendant(s),

JUDGMENT IN A CIVIL CASE

Case Number: 24-cv-1763 JRT/TNL

Jury Verdict. This action came before the Court
for a trial by jury. The issues have been tried and the
jury has rendered its verdict.

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED THAT:

1. Plaintiffs' Objections [Docket No. 237] to the Report and Recommendation are OVERRULED;
2. The Report and Recommendation [Docket No. 225] is ADOPTED;
3. Defendants' Motions to Dismiss [Docket Nos. 18, 74, 75, 83, 84, 91, 101, and 197] are GRANTED because the Court lacks jurisdiction over the entire action under the Rooker-Feldman doctrine;
4. The Amended Complaint [Docket No. 3] is DISMISSED with prejudice for lack of jurisdiction.
5. All other pending motions in this action [Docket Nos. 47, 59, 108, 114, 117, 124, 128, 150, 192, 207, 213, 215, and 231] are DENIED as moot.

Date: 3/12/2025 s/KATE M. FOGARTY, CLERK

Appendix O

**UNITED STATES DISTRICT COURT DISTRICT
OF MINNESOTA**

Joseph Daryll Rued, W.O.R., Scott Daryll Rued, and
Leah Jean Rued,

Plaintiffs,

v.

Jaykumar Jayswal, Lesley Karnes, Anne Gearity,
Judy Weigman, Nancy Brasel, Bobby Shepherd,
Leonard Steven Grasz, David R. Stras, Renee L.
Worke, Roger M. Klaphake, Jon Schmidt, Mike
Furnstahl, Charlene Hatcher, Richard A. Stebbins,
Nelson L. Peralta, Christian M. Sande, Charles
Webber, Carrie Lennon, Ryan Kuffel, Julie Swanson,
Suzanne Arnston, Hennepin County Human Services
and Public Health Department, Scott County Health
and Human Services, Minnesota Department of
Human Services, Jamie Pearson, and Natalie E.
Hudson,

Case No. 24-CV-1763 (JRT/TNL)

REPORT AND RECOMMENDATION

Defendants.

Joseph Daryll Reed, W.O.R., Scott Daryll Rued, and
Leah Jean Rued, 9007 Avila Cove,

Eden Prairie, MN 55347, *pro se* Plaintiffs.

Daniel D. Kaczor and David Gorski, Hennepin County Attorney's Office, 300 S. 6th St., Suite A2000, Minneapolis, MN 55487, for Defendants Jaykumar Jayswal and Hennepin County Human Services and Public Health Department.

Ashley Marie Ramstad and Susan M. Tindal, Iverson Reuvers Condon, 9321 Ensign Ave. S., Bloomington, MN 55438, for Defendants Lesley Karnes, Ryan Kuffel, Julie Swanson, Suzanne Arnston, Scott County Health and Human Services, and Jamie Pearson.

Andrea Pavelka Hoversten and John B. Casserly, Geraghty, O'Loughlin, & Kenney P.A., 30 E. 7th St., Suite 2750, St. Paul, MN 55101, for Defendant Anne Gearity.

Shannon L. Bjorklund, Dorsey & Whitney LLP, 50 S. 6th St., Suite 1500, Minneapolis, MN 55402, for Defendant Judy Weigman.

Gregory G. Booker, U.S. Attorney's Office, 600 U.S. Courthouse, 300 S. 4th St., Minneapolis, MN 55415, for Defendants Nancy Brasel, Bobby Shepherd, Leonard Steven Grasz, and David R. Stras.

Alexander Robertson Sloan, Minnesota Attorney General's Office, 445 Minnesota St., Ste. 1800, St. Paul, MN 55101, for Defendants Renee L. Worke, Roger M. Klaphake, Jon Schmidt, Mike Furnstahl, Charlene Hatcher, Richard A. Stebbins, Nelson L. Peralta, Christian M. Sande, Charles Webber, Carrie Lennon, and Natalie E. Hudson.

Mara Sybesma, Minnesota Attorney General's Office,
445 Minnesota St., Suite 1400, St. Paul, MN 55101,
for Defendant Minnesota Department of Human
Services.

This matter is before the Court on numerous motions.
The Court has identified the following pending
materials in this action:

1. Plaintiffs' Second Amended Complaint for a Civil Case [ECF No. 26 ("Complaint")];
2. State Judicial Defendants' Motion to Dismiss Plaintiffs' Amended Complaint [ECF No. 18 ("State Judicial Defendants' Motion")];
3. Plaintiffs' Motion for Consolidation [ECF No. 47 ("Consolidation Motion")];
4. Plaintiffs' Responsive Motion to Deny Persons That Are Also State Judicial Officer Defendants' Motion to Dismiss Plaintiffs' Claims and Contingent Motion for Leave to File Response [ECF No. 59 ("Re- sponse to State Judicial Defendants' Motion")];
5. Defendant Anne Gearity's Motion to Dismiss Plaintiffs' Amended Complaint [ECF No. 74 ("Gearity Motion")];
6. Federal Defendants' Motion to Dismiss [ECF No. 75 ("Federal De-fendants' Motion")];
7. Defendant Judy Weigman's Motion to Dismiss [ECF No. 83 ("Weig-man Motion")];
8. Hennepin County Defendants' Motion to Dismiss [ECF No. 84 ("Hennepin County Defendants' Motion")];
9. the Motion to Dismiss filed by Defendants Lesley Karnes, Julie Swan- son, Suzanne Arnston, Scott County Human Services, Ryan

- Kuffel, and Jamie Pearson [ECF No. 91 (“Scott County Defendants’ Motion”)];
10. State Judicial Defendants’ Motion to Dismiss Plaintiffs’ Second Amended Complaint [ECF No. 101 (“State Judicial Defendants’ Second Motion”)];
 11. Plaintiffs’ Responsive Motion to Deny Persons That Are Also Federal Judicial Officers Motion to Dismiss and Contingent Motion for Leave for Plaintiffs to Provide Response to Identified Elements the Court Is Likely to Consider Related to Defendants’ Request if Briefed by Such Defendants [ECF No. 108 (“Response to Federal Defendants’ Motion”)];
 12. Plaintiffs’ Responsive Motion to Deny Persons That Are Also State Judicial Officer Defendants’ Motion to Dismiss Plaintiffs’ Emergency and Temporary Claims [ECF No. 114 (“Response to State Judicial Defendants’ Second Motion”)];
 13. Plaintiffs’ Motion for Order to Show Cause for Why an Emergency Restraining Order and/or Preliminary Injunction Should Not Issue Against Persons That Are Also State Judicial Officers [ECF No. 117 (“Injunctive-Relief Motion”)];
 14. Plaintiffs’ Responsive Motion to Deny Defendant Gearity’s Unsupported Motion to Dismiss Relevant Claims [ECF No. 124 (“Response to Gearity Motion”)];
 15. Plaintiffs’ Responsive Motion to Deny Defendants Persons Jaykumar Jayswal’s, Hennepin County Human Services and Public Health Department’s, Judy Weigman’s, Lesley Karnes’, Suzanne Arnston’s, Julie Swanson’s, Ryan Kuffel’s, and Scott County

- Health and Human Services' Motions to Dismiss Plaintiffs' Relevant Claims and Captain Pearson's Motion to Dismiss Plaintiffs' Relevant Claims [ECF No. 128 ("Response to Various Defendants' Motions")];
16. Plaintiffs' Motion for Dorsey & Whitney to Acknowledge That Their Client Does Not Consent to Such Firm's Involvement in This Proceeding Given Prior Representation of Such Client [ECF No. 150 ("Prior-Representation Motion")];
 17. Minnesota Department of Children, Youth, and Families and Defendant Minnesota Department of Human Services' Motion for Substitution Pursuant to Fed. R. Civ. 25(c) [ECF No. 192 ("Substitution Motion")];
 18. Defendant Minnesota Department of Human Services' Motion to Dismiss Plaintiffs' Second Amended Complaint [ECF No. 197 ("Minnesota Agency Motion")];
 19. Plaintiffs' Responsive Motion to Deny Minnesota DHS and DCYF's Motion to Dismiss Plaintiffs' Relevant Claims [ECF No. 207 ("Response to Minnesota Agency Motion")];
 20. Plaintiffs' Amended FRCP 11 Motion for Sanctions Against Dorsey & Whitney and Order for Such Firm to Immediately Withdraw from These Cases [ECF No. 213 ("Sanctions Motion")]; and
 21. Plaintiffs' Motion to Disqualify Dorsey & Whitney's Representation of CornerHouse and

Weigman [ECF No. 215 (“Disqualification Motion”)].³

For the following reasons, the Court recommends dismissing this action without prejudice for lack of jurisdiction. Based on that recommendation, the Court further recommends denying most of the pending motions as moot, with one qualifier discussed below.

I. BACKGROUND

A. Relevant State-Court History

This case stems from the contentious divorce and child-custody proceedings between Plaintiff Joseph Rued and his ex-wife, Catrina Rued. A full review of those and all related proceedings lies outside this action’s scope. *Cf.* State Jud. Defs.’ Mem. of Law in Support of Mot. to Dismiss Pls.’ Second Am. Compl. 2 & 3 n.5, ECF No. 103 (“MOL ISO State Judicial Defendants’ Motion”) (listing numerous actions as well as extensive litigation history of underlying

³ Several of Plaintiffs’ filed documents in this action display two case numbers in their captions: the case number for this action and the case number for *Rued v. Hudson*, No. 24-CV-2437 (JRT/TNL). Since these cases have not been consolidated, this double-numbering is technically incorrect. As a result, some of Plaintiffs’ documents in this action appear directed at motions filed by the defendants in No. 24-CV-2437. (Specifically, the Court refers here to ECF Nos. 140 and 178, which both seem to respond to motions to dismiss in the later-filed action.) Because the Court will address No. 24-CV-2437 in a separate report and recommendation, it will not address those documents here.

divorce action).⁴ But certain aspects of one state-court proceeding—*In re Marriage of Catrina M. Rued and Joseph D. Rued*, No. 27-FA-16-6630 (Minn. Dist. Ct.) (the “Divorce Action”)—will provide helpful background for the discussion that follows.

The Divorce Action began in September 2016, and a state district court dissolved the Rueds’ marriage in an order entered in April 2019. *See generally* Permanent Partial Stipulated Findings of Fact, Conclusions of Law, Order for J. and J. and Decree, *Divorce Action* (Minn. Dist. Ct. Apr. 24, 2019).⁵ That order expressly left unaddressed “custody and parenting time issues” over W.O.R., the couple’s minor child. *Id.* at 1.

In December 2018, Hennepin County Child Protective Services issued a “CHIPS petition,” short for “Child in Need of Protection or Services Petition.” *See generally* Juv. Prot. Pet. for Child. in Need of Prot. or Servs., *In re Child of Catrina Rued and Joseph Rued*, No. 27-JV-18-5395 (Minn. Dist. Ct. Dec. 6, 2018) (the “CHIPS-Petition Action”), *attached at* ECF No. 4-6 at 251–64. Signed by Jaykumar Jayswal, a social worker with Hennepin County’s Human Services and Public Health Department, the Petition asserted that certain allegations of child abuse and mistreatment

⁴ Page references to materials filed in this action use the pagination provided by the District’s CM/ECF electronic-filing system.

⁵ 3 It appears that this state-court record does not appear in this federal action’s docket. But courts may take judicial notice of public state-court documents. *See, e.g., Stutzka v. McCarville*, 420 F.3d 757, 760 n. 2 (8th Cir. 2005) (citing *United States v. Eagleboy*, 200 F.3d 1137, 1140 (8th Cir. 1999)); *Smith v. Gordon*, No. 24-CV-2714 (JMB/SGE), 2024 WL 4444731, at *1 n. 1 (D. Minn. Oct. 8, 2024).

made by Joseph Rued and his par-ents were unsubstantiated. *See id.* at 7, 10–11. The Petition was filed following an inves-tigation by Jayswal and Ryan Kuffel, a police officer with the City of Eden Prairie. *See, e.g.*, Compl. 8, 17. The Petition suggested W.O.R. was “in need of protection or services” because his “behavior, condition, or environment [was] such as to be injurious or danger-ous to [W.O.R.] or others”—and the relevant environment here was that of Joseph Rued and his parents. Pet. 5, 14.

The parties reached an agreement in the CHIPS-Petition Action in June 2019, and a state court dismissed the action in August 2019. *See Order for CHIPS Adjudication and Protective Supervision, CHIPS-Petition Action* (Minn. Dist. Ct. June 12, 2019) (“June 2019 Order”), *attached at ECF No. 4-6 at 265–72*; Ct. Notification/Req. for Order 1–2, *CHIPS- Petition Action* (Minn. Dist. Ct. June 12, 2019), *attached at ECF No. 4-6 at 273–74*.

In the Divorce Action, after the CHIPS-Petition Action concluded, a state family court held a multiday trial over several months to address the remaining custody and par-enting issues. *See, e.g.*, Register of Actions, *Divorce Action*; Order 1, *Divorce Action* (Minn. Dist. Ct. Aug. 28, 2020) (“August 2020 Order”). The proceedings were conducted before Defendant Mike Furnstahl, a referee for Hennepin County’s Family Court Division. *See generally, e.g.*, Aug. 2020 Order. During the proceedings, Joseph Rued argued that Jayswal had admitted in a deposition that “the CHIPS Petition’s material claims were per-jurious.” Compl. 13. The Complaint indicates that Joseph Rued sought to introduce evi-

dence of this alleged perjury in the Divorce Action's custody proceedings—specifically, by calling Jayswal and Kuffel as witnesses and submitting Jayswal's deposition as record evidence. *See id.* at 11. Ultimately, neither Jayswal nor Kuffel testified, and Rued was not allowed to introduce Jayswal's deposition as evidence.

On August 28, 2020, an order was entered in the Divorce Action, containing findings of fact and reflecting Referee Furnstahl's recommendations. *See* Aug. 2020 Order 86. The order incorporated by reference Referee Furnstahl's rulings on Joseph Rued's evidentiary submissions. *See id.* at 5. Judge Nelson Peralta also signed the Order, indicating his approval of Referee Furnstahl's findings and recommendations. *See id.* Among other things, the August 2020 Order granted sole custody of W.O.R. to Catrina Rued, with Joseph Rued receiving certain unsupervised parenting time. *See id.* at 80.

On September 25, 2020, Joseph Rued moved “for amended filings and or new trial.” Findings of Fact and Order to Amend Am. Order and Order Relating to Issues Raised at January 7, 2021 Mot. 1, *Divorce Action* (Minn. Dist. Ct. Apr. 16, 2021) (“April 2021 Order”). Referee Furnstahl and Judge Peralta denied this motion in April 2021. *See, e.g., id.* at 87.

In June 2021, Joseph Rued filed an appeal covering several district-court orders, including the August 2020 Order and the April 2021 Order. The Court cannot access the briefing in that appeal, and it is not included in this action's exhibits. But the Minnesota Court of Appeals's decision indicates that one of Rued's appellate arguments was that the district

court had “abused its discretion in various evidentiary rulings, necessitating a new trial.” *Rued v. Rued*, No. A21-0798, 2022 WL 2298992, at *9 (Minn. Ct. App. June 27, 2022), *review denied* (Sept. 28, 2022), *cert. denied*, 143 S. Ct. 1082 (2023). The Court of Appeals rejected that argument. *See id.* at *15–17.

As noted above, Joseph Rued petitioned the Minnesota Supreme Court for further review, but the court denied the petition. The Minnesota Court of Appeals entered judgment in the case on November 17, 2022. *See* J. 1, *Divorce Action*, Nos. A21-0798 and A21-1064 (Minn. Ct. App. Nov. 17, 2022). Rued then petitioned the U.S. Supreme Court for a writ of certiorari, but that request was denied on April 3, 2023.

Beyond these developments in the Divorce Action, Plaintiffs have filed numerous additional actions in state court. This Court will not attempt to list these efforts. Earlier this year, however, the Minnesota Court of Appeals upheld a state district court’s designation of Joseph Rued as a frivolous litigant. Relevant to this case, the Court of Appeals noted that:

- (1) father has pursued endless litigation in this matter and the district court has made hundreds of findings that demonstrate father’s arguments have no chance of success; (2) father repeatedly relitigates issues that are already decided; (3) father acts in bad faith by using litigation to harass mother; (4) the district court has repeatedly awarded mother conduct- and need-based attorney fees,

demonstrating the injury she incurs because of father's endless litigation; (5) the district court identified a dozen instances in which a court has reprimanded or discouraged father from continuing to pursue this litigation, and yet he continues; (6) we can infer that the district court found that sanctions and a security would help filter some of father's frivolous litigation and provide some safeguards for mother, including some assurance of receiving attorney fees; and (7) given the extensive findings and record in this case, it does not appear that any less severe options would provide sufficient protections.

Rued v. Rued, No. A23-1444, 2024 WL 1987171, at *2 (Minn. Ct. App. Apr. 29, 2024), *review denied* (Aug. 6, 2024).

B. Relevant Federal-Court History

Alongside their state-court efforts, Plaintiffs have also filed federal-court actions related to the Divorce Action and other state-court matters. The first of these—*Rued v. Hatcher*, No. 23-CV-2685 (NEB/DJF)—was filed in August 2023. *See generally* Docket, *Rued v. Hatcher*, No. 23-CV-2685 (NEB/DJF) (D. Minn.). In that action, Plaintiffs sued various state-court judges and judicial officers involved in their state-court matters, alleging that state-court custody orders “violate their federal constitutional rights” and requesting that the Court “enjoin the state court judges to vacate [those] orders.” *Rued v. Hatcher*, No. 23-CV-2685 (NEB/DJF), 2023 WL 10409535, at *1 (D. Minn. Sept. 7, 2023), *aff'd*, No. 23-3092, 2023 WL 10370349 (8th Cir. Oct. 10, 2023),

cert. denied, 144 S. Ct. 2523 (2024). U.S. District Judge Nancy Brasel concluded that under the *Rooker–Feldman* doctrine, the Court lacked jurisdiction over No. 23-CV-2685. *See id.* at *1–2.

Plaintiffs appealed, and a panel of the U.S. Court of Appeals for the Eighth Circuit (Judges Bobby Shephard, L. Steven Grasz, and David R. Stras) summarily affirmed Judge Brasel's order. *See Rued*, 2023 WL 10370349, at *1. Plaintiffs petitioned the U.S. Supreme Court for a writ of certiorari, which the Court denied on May 13, 2024.

Since then, Plaintiffs have filed four more actions in federal court. Three (including this one) are still pending;⁶ this action is the first filed of those that remain.

C. The Second Amended Complaint

This action began on May 15, 2024, when the Court received Plaintiffs' original complaint. *See* Docket. On June 10, 2024, Plaintiffs filed a motion to amend along with a proposed Second Amended Complaint. *See id.* This Court granted the motion, making the Second Amended Complaint this action's operative pleading. *See* Order 3 [ECF No. 25].

The Second Amended Complaint names 26 defendants. As noted, Jayswal is a Hennepin County

⁶ In a fourth, U.S. District Judge Jerry W. Blackwell remanded the constituent actions back to the relevant state courts after finding that Joseph Rued was trying to remove cases that he had himself filed in state court. *See* Am. Order Remanding to St. Ct. 2–3, *Rued v. Webber*, No. 24-CV-3662 (JWB/DWF) (D. Minn. Oct. 22, 2024).

social worker involved in the CHIPS Petition related to Joseph Rued, and Kuffel is a police officer who assisted Jayswal in that investigation. Defendants Furnstahl and Peralta served as judicial officers in the Divorce Action, while Judges Brasel, Shepherd, Grasz, and Stras are the federal judges who handled No. 23-CV-2685 and its appeal. The Second Amended Complaint identifies the remaining Defendants as follows and broadly alleges the following conduct:

- Lesley Karnes is a “CPS [Child Protection Services] [w]orker” with Defendant Scott County Health and Human Services. Compl. 2. Plaintiffs allege that she “sustain[ed] conclusions of CPS investiga- tions based upon [the alleged] admitted perjury of [Jayswal].” *Id.* at 12.
- The Complaint identifies Anne Gearity as a “[p]articipant on” a CPS “[t]ask [f]orce.” *Id.* at 2. It alleges that she made “provably false and falsified claims intentioned [*sic*] to be used in custody proceedings and CPS investigations regarding” W.O.R. *Id.* at 6.
- Judy Weigman is an “[i]nterviewer” with CornerHouse, a Minneap- olis-based organization. *Id.* at 2. Plaintiffs allege that she also made “provably false and falsified claims” about W.O.R.’s custody. *Id.* at 6.
- Renee L. Worke, Roger M. Klaphake, Jon Schmidt, Charlene Hatcher, Richard A. Stebbins, Christian Sande, Charles Webber, Carrie Len- non, and Nathalie Hudson are identified as Minnesota judicial offic- ers. *See id.* at 15–19. The Complaint does not specify the matters they have overseen, but the Court presumes that they have all been involved in

various state-court matters brought by Plaintiffs.⁷

- Julie Swanson and Suzanne Arnston are identified as employees of “Scott County Health and Human Services”—Swanson as a “CPS Supervisor” and Arnston as a “Deputy Director.” *See id.* at 17. The Complaint alleges that both Defendants failed to properly supervise Scott County employees involved in the W.O.R. custody dispute. *See id.* at 7. The Complaint also names “Scott County Health and Human Services” as a Defendant, which the Court interprets as referring to Scott County’s Division of Health and Human Services.
- The Complaint claims that the Minnesota Department of Human Services oversees county agencies, including Hennepin County’s Human Services and Public Health Department and Scott County’s Division of Health and Human Services, and that it failed

⁷ Plaintiffs submitted over 1,400 pages of exhibits with their original complaint. *See* Exs. [ECF No. 4]. While perhaps the Court could identify the specific matters each judge handled by poring over this material, or find within it support for other allegations against various Defendants, the Court will not do so. “It is [Plaintiffs’] job—not the Court’s—to craft [their] Complaint.” *Jackson v. FindJodi.com, Inc.*, No. 21-CV-1777 (SRN/LIB), 2021 WL 7542396, at *2 (D. Minn. Nov. 8, 2021), *report and recommendation adopted*, 2022 WL 336832 (D. Minn. Feb. 4, 2022), *aff’d*, No. 22-1652, 2022 WL 4455209 (8th Cir. June 1, 2022); *see also, e.g., Murrin v. Avidigm Capital Grp., Inc.*, No. 07-CV-1295 (PJS/RLE), 2008 WL 11463468, at *10 (D. Minn. Sept. 5, 2008) (declining to search documents for “evidence that might establish a prima facie case” for certain claims (citing cases)).

to properly supervise these agencies in their CPS-related work. *See id.* at 5, 9.

- Finally, the Complaint identifies Jamie Pearson as a police officer with the City of Shakopee. *See id.* at 10. Plaintiffs allege that Pearson “failed to make mandatory reports regarding her knowledge . . . of falsified CPS investigations.” *Id.*

For relief, Plaintiffs seek compensatory and punitive damages for Defendants’ alleged “[c]onstitutionally prohibited acts.” *See id.* at 12. They also request various forms of declaratory relief. Relevant declarations sought include findings that Defendants’ actions—e.g., relying on allegedly perjurious CPS investigations and misapplying caselaw doctrines in Plaintiffs’ prior state and federal cases—are unconstitutional. *See id.* at 12–14. Plaintiffs also request a declaration that various government agencies involved in CPS investigations failed to train or supervise their employees properly. *See id.* at 13.⁸

As the Introduction indicates, this action has involved extensive motion practice. Key here are Defendants’ motions to dismiss; all named Defendants have now filed such motions. *See generally* Introduction *supra*. Three of these motions argue that the Court lacks jurisdiction over this matter under the *Rooker–Feldman* doctrine. *See, e.g.,*

⁸ Plaintiffs also seek a declaration that certain Congressional amendments to 42 U.S.C. § 1983 related to judicial immunity are unconstitutional. *See* Compl. 13. Because the Court is deciding this case based on the *Rooker–Feldman* doctrine, it need not—so does not—address judicial-immunity arguments or Plaintiffs’ claims about § 1983’s constitutionality.

ECF No. 92 at 20–22; ECF No. 96 at 14–17; ECF No. 103 at 7–8.⁹ Plaintiffs have responded to each motion and addressed *Rooker–Feldman*. See, e.g., ECF No. 130 at 36–37; ECF No. 132 at 7–10; cf. ECF No. 142 at 1–2 (declining to provide further jurisdictional argument given prior submissions). The Court concludes that the *Rooker–Feldman* issue is fully briefed and ready for resolution.¹⁰

II. ANALYSIS

The *Rooker–Feldman* doctrine establishes a jurisdictional rule preventing federal district courts from acting as appellate reviewers of state-court judgments. See, e.g., *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462, 486 (1983) (“[U.S. district courts] do not have jurisdiction...over challenges to state court decisions in particular cases arising out of judicial proceedings even if those challenges allege that the state court’s action was unconstitutional.”); *Meyer v. Haeg*, No. 15-CV-2564 (SRN/HB), 2016 WL 11491390, at *21 (D. Minn. June 27, 2016) (“Generally, state appellate courts review state-court decisions, with

⁹ Some Defendants’ motions to dismiss do not invoke the *Rooker–Feldman* doctrine. But the Court can still consider the doctrine for those Defendants: it pertains to the Court’s jurisdiction over this action, and courts are obligated to address jurisdictional questions *sua sponte*. See, e.g., *Thigulla v. Jaddou*, 94 F.4th 770, 773 (8th Cir. 2024) (quoting *Fort Bend Cnty. v. Davis*, 587 U.S. 541, 548 (2019)); *InterRad Med., Inc. v. Aquilant Ltd.*, No. 23-CV-3709 (ECT/DTS), 2024 WL 913343, at *3 (D. Minn. Mar. 4, 2024) (citing *Fort Bend Cnty.*).

¹⁰ Defendants of course raise numerous other arguments in their motions (e.g., arguments about various immunities; and about Plaintiffs’ failures to state certain claims). Because the impact of *Rooker–Feldman* here “covers the field,” the Court need not—and so does not—address these other arguments.

any subsequent federal review limited to the [U.S.] Supreme Court under 28 U.S.C. § 1257.”), *report and recommendation adopted*, 2016 WL 4153611 (D. Minn. Aug. 5, 2016), *order amended and superseded*, 2016 WL 8671831 (D. Minn. Dec. 9, 2016). The doctrine applies to “cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments.” *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005); *see also, e.g., Parker-Law Firm v. Travelers Indem. Co.*, 985 F.3d 579, 583 (8th Cir. 2021) (quoting *Exxon Mobil Corp.*). The doctrine aims to preserve the U.S. Supreme Court’s exclusive appellate jurisdiction over state-court decisions. *See, e.g., Exxon Mobil Corp.*, 544 U.S. at 291 (citing authorities); *see also* 28 U.S.C. § 1257 (“Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari....”).

If litigants could bypass *Rooker–Feldman* by challenging a state-court judgment under a different label, the doctrine would be toothless. Thus, “[t]he doctrine precludes district courts from obtaining jurisdiction both over the rare case styled as a direct appeal...as well as more common claims which are ‘inextricably intertwined’ with state court decisions.” *Simes v. Huckabee*, 354 F.3d 823, 827 (8th Cir. 2004) (citing *Rooker* and quoting *Feldman*); *see also, e.g., Leekley-Winslow v. Minnesota*, No. 19-CV-2071 (NEB/HB), 2020 WL 2100856, at *2 (D. Minn. Mar. 30, 2020) (citing authorities, including *Simes*), *report and recommendation adopted*, 2020 WL 2097620 (D.

Minn. May 1, 2020). Conversely, if a plaintiff asserts “independent claims arising from conduct in underlying state proceedings,” then *Rooker–Feldman* generally does not bar jurisdiction. *Hageman v. Barton*, 817 F.3d 611, 614 (8th Cir. 2016) (citing cases); see also, e.g., *Fuller v. Madson*, No. 23-CV-3467 (JWB/LIB), 2023 WL 9375355, at *3 (D. Minn. Dec. 13, 2023) (quoting *Hageman*), report and recommendation adopted, 2024 WL 249681 (D. Minn. Jan. 23, 2024).

The key question, then, is how to differentiate between claims that are inextricably intertwined with state-court decisions and those that are independent. Claims are “inextricably intertwined” if they are so closely related to a prior state-court judgment that a federal ruling would effectively overturn the state decision. Put differently, a claim is inextricably intertwined with a state-court ruling if it “can succeed only to the extent the state court wrongly decided the issues before it.” *Scheffler v. City of Blaine*, 821 F. App’x 653, 655 (8th Cir. 2020) (quoting *Robins v. Ritchie*, 631 F.3d 919, 925 (8th Cir. 2011)); see also, e.g., *Henderson v. Minnesota*, No. 19-CV-0135 (MJD/ECW), 2019 WL 8109670, at *9 (D. Minn. Dec. 30, 2019) (making same point (quoting *Dodson v. Univ. of Ark. for Med. Scis.*, 601 F.3d 750, 757 (8th Cir. 2010)), report and recommendation adopted, 2020 WL 980129 (D. Minn. Feb. 28, 2020), *aff’d*, No. 20-1680, 2020 WL 5793111 (8th Cir. Aug. 12, 2020). Additionally, courts assess the source of a plaintiff’s alleged injury when applying *Rooker–Feldman*. As the Supreme Court highlighted in *Exxon Mobil*, *Rooker–Feldman* applies when a plaintiff complains of “injuries caused by state-court judgments.” 544 U.S. at 284 (emphasis added); see

also, e.g., Banks v. Slay, 789 F.3d 919, 922 (8th Cir. 2015) (quoting *Exxon Mobil Corp.*).

These standards, and review of the relief the Complaint seeks, plainly show that *Rooker-Feldman* strips this Court of jurisdiction here. To be sure, Plaintiffs do not pose the challenge here as a direct appeal of any state-court decisions (in the Divorce Action or otherwise). But there is simply no plausible way to construe Plaintiffs' battery of relief requests in this action without seeing them as a full-bore challenge to (1) the custody-related aspects of the Divorce Action and/or (2) the numerous state- and federal-court decisions that themselves refuse to revisit or overrule the Divorce Action's final result. The Court certainly understands Plaintiffs' frustration: ultimately, they vehemently disagree with evidentiary rulings by Referee Furnstahl that arguably led to a custody outcome that they find abhorrent. Critically, however, Plaintiffs were able to challenge those rulings in the Divorce Action itself and simply failed to prevail. And then, of course, they have repeatedly tried—but failed—to persuade other state- and federal-court judges that the Minnesota Court of Appeals's judgment in the Divorce Action does not tie other tribunals' hands (either because of preclusion principles or jurisdictional consequences). This action is just another manifestation of Plaintiffs' long-running attempt to undercut the Divorce Action's determination concerning W.O.R.'s custody. Its claims are plainly inextricably intertwined with that proceeding's ruling.

Plaintiffs offer several arguments for why *Rooker-Feldman* does not apply, but none succeed. First, they argue that this action presents "independent claims"

that bypass the *Rooker-Feldman* bar. Specifically, they assert that their “primary claim, *which all of Plaintiffs’ claims fundamentally relate to*, is that [Defendant] Jayswal fraudulently concluded CPS investigations regarding W.O.R. in an under-oath [CHIPS petition] utilized to deprive Plaintiffs’ protected rights.” ECF No. 130 at 36–37 (emphasis in original); *see also, e.g.*, ECF No. 132 at 8 (using same language). But the only way this claim can succeed is if Plaintiffs show that the Divorce Action improperly refused to consider the Jayswal-related evidence that Joseph Rued wanted to introduce there. So this “primary claim” is not at all independent of the Divorce Action.

Second, Plaintiffs contend that *Rooker-Feldman* does not apply because (1) the doctrine applies only when state-court proceedings are complete, and (2) they still have custody-related challenges pending in Minnesota state court. *See* ECF No. 130 at 37; ECF No. 132 at 8–9. The Supreme Court indeed limits *Rooker-Feldman* to cases where plaintiffs complain about “state-court judgments rendered before the district court proceedings commenced.” *Exxon Mobil Corp.*, 544 U.S. at 284. The problem with Plaintiffs’ argument, however, is that the Minnesota Court of Appeals’s entered judgment in the Divorce Action on November 17, 2022—well before this action began. Therefore, Plaintiffs are indeed challenging a state-court judgment entered before this action started.

Plaintiffs’ apparent counterargument is that some of the collateral actions they have filed in state court remain ongoing. In other words, they suggest a sort of tolling principle: for *Rooker-Feldman* to apply, the district-court proceeding must arise not just after

entry of the judgment being challenged, but also after courts entertain any related collateral challenges to the judgment. Plaintiffs cite no authority for this tolling principle, and this Court is aware of none. Indeed, this case illustrates the obvious practical problem such a rule would create: under it, one could sidestep *Rooker–Feldman* simply by filing repeated new cases, as Plaintiffs have done.

Finally, Plaintiffs argue that *Rooker–Feldman* does not apply because their claims about Defendants’ unconstitutional conduct are somehow “unreached.” See, e.g., ECF No. 130 at 36; ECF No. 7. Respectfully, this is incorrect. Plaintiffs had an opportunity to persuade Minnesota’s courts—including its appellate courts—of their bedrock claim that certain evidence about Jayswal’s alleged conduct should have been handled differently in the Divorce Action. They failed to do so. The refusal of other courts to overturn the Divorce Action’s outcome due to jurisdictional or preclusion principles does not mean Plaintiffs’ claims went unaddressed; it means that they were considered and the arguments were found insufficient.

In conclusion, the Court finds that *Rooker–Feldman* applies here and that none of Plaintiffs’ arguments to the contrary are convincing. The Court therefore recommends dismissing this action in its entirety. Since the Court is recommending dismissal on jurisdictional grounds, the Court also recommends denying all pending motions in this action, with one exception: the Court recommends granting the three aforementioned motions to dismiss to the extent they rely on *Rooker–Feldman*.

III. RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that:

1. This action be **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction.
2. The following motions be **GRANTED** to the extent that they seek this action's dismissal based on the *Rooker-Feldman* doctrine: (a) the Hennepin County Defendants' Motion to Dismiss [ECF No. 84]; (b) the Motion to Dismiss filed by Defendants Lesley Karnes, Julie Swanson, Suzanne Arnston, Scott County Human Services, Ryan Kuffel, and Jamie Pearson [ECF No. 91]; and (c) State Judicial Defendants' Motion to Dismiss Plaintiffs' Second Amended Complaint [ECF No. 101].
3. All other pending motions in this action—specifically, ECF Nos. 18, 47, 59, 74, 75, 83, 108, 114, 117, 124, 128, 150, 192, 197, 207, 213, and 215—be **DENIED** as moot.

Dated: November 6, 2024 *s/ Tony N. Leung*

Tony N. Leung
United States Magistrate Judge

Rued v. Jayswal,
Case No. 24-CV-1763 (JRT/TNL)

NOTICE

Filing Objections: This Report and Recommendation are not orders or judgments of the District Court and are, therefore, not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).

Appendix P

**UNITED STATES DISTRICT COURT OF
MINNESOTA**

JOSEPH DARYLL RUED; W.O.R., a minor child;
SCOTT DARYLL RUED; and LEAH JEAN RUED,

Plaintiffs,

v.

NATALIE E. HUDSON, CHARLENE W. HATCHER,
MIKE FURNSTAHL, NELSON L. PERALTA,
CHRISTIAN M. SANDE, RICHARD A. STEBBINS,
RENEE L. WORKE, ROGER KLAPHAKE, JON
SCHMIDT, and CHARLES WEBBER,

Defendants.

**ORDER DISMISSING FOR LACK OF
JURISDICTION**

Joseph Daryll Reed, W.O.R., Scott Daryll Rued, and
Leah Jean Rued, 9007 Avila Cove, Eden Prairie, MN
55347, pro se Plaintiffs.

Alexander Robertson Sloan, MINNESOTA
ATTORNEY GENERAL'S OFFICE, 445 Minnesota
Street, Suite 1800, Saint Paul, MN 55101, for
Defendants.

This is the second of four orders the Court issues
simultaneously addressing the same underlying set of

facts.¹¹ Plaintiffs here bring this action to overturn a Minnesota state court custody award. But as the Court explains in detail in its companion order in *Rued v. Jayswal*, No. 24-1763 (D. Minn.), the Court lacks jurisdiction to hear this case under the Rooker-Feldman doctrine. Accordingly, the Court will adopt the report and recommendation of Magistrate Judge Tony N. Leung, overrule the Plaintiffs' objections, and dismiss this action in its entirety with prejudice.

ORDER

Based on the foregoing, and all the files, records, and proceedings herein, IT IS

HEREBY ORDERED that

1. Plaintiffs' Objection to the Magistrate Judge's Report and Recommendation [Docket No. 105] is OVERRULED.
2. The Magistrate Judge's Report and Recommendation [Docket No. 104] is ADOPTED.
3. The Complaint [Docket No. 1] is DISMISSED with prejudice for lack of jurisdiction.
4. Defendants' Motion to Dismiss [Docket No. 28] is GRANTED.
5. All other pending motions in this action [Docket Nos. 2, 3, 18, 40, and 44] are DENIED as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

¹¹ The other cases are *Rued v. Jayswal*, No. 24-1763 (D. Minn.), *Rued v. Hudson*, No. 24- 3409 (D. Minn.), and *Rued v. Hatcher*, No. 25-468 (D. Minn.).

DATED: March 11, 2025
at Minneapolis, Minnesota.

s/JOHN R. TUNHEIM United States District Judge

Appendix Q

UNITED STATES DISTRICT COURT

District of Minnesota

Joseph Daryll Rued, W.O.R.,
Scott Daryll Rued, Leah Jean Rued,

Plaintiffs,

v.

Natalie E. Hudson, Charlene W. Hatcher, Mike
Furnstahl, Nelson L. Peralta, Christian M. Sande,
Richard A. Stebbins, Renee L. Worke, Roger
Klaphake, Jon Schmidt, Charles Webber,

Defendants.

JUDGMENT IN A CIVIL CASE

Case Number: 24-cv-2437 (JRT/TNL)

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED THAT:

1. Plaintiffs' Objection to the Magistrate Judge's Report and Recommendation [Docket No. 105] is **OVERRULED**.
2. The Magistrate Judge's Report and Recommendation [Docket No. 104] is **ADOPTED**.
3. The Complaint [Docket No. 1] is **DISMISSED** with prejudice for lack of jurisdiction.
4. Defendants' Motion to Dismiss [Docket No. 28] is **GRANTED**.
5. 5. All other pending motions in this action [Docket Nos. 2, 3, 18, 40, and 44] are **DENIED as moot**.

Date: 3/12/2025 s/KATE M. FOGARTY, CLERK

Appendix R

**UNITED STATES DISTRICT COURT DISTRICT
OF MINNESOTA**

Joseph Daryll Rued, W.O.R., Scott Daryll Rued, and
Leah Jean Rued,

Plaintiffs,

v.

Natalie E. Hudson, Charlene W. Hatcher, Mike
Furnstahl, Nelson L. Peralta, Chris- tian M. Sande,
Richard A. Stebbins, Renee L. Worke, Roger
Klaphake, Jon Schmidt, and Charles Webber,

Defendants.

Case No. 24-cv-2437 (JRT/TNL)

REPORT AND RECOMMENDATION

Joseph Daryll Reed, W.O.R., Scott Daryll Rued, and
Leah Jean Rued, 9007 Avila Cove,

Eden Prairie, MN 55347, *pro se*.

Alexander Robertson Sloan, Minnesota Attorney
General's Office, 445 Minnesota St., Ste. 1800, St.
Paul, MN 55101, for Defendants Natalie E. Hudson,
Charlene W. Hatcher, Mike Furnstahl, Nelson L.
Peralta, Christian M. Sande, Richard A. Stebbins,

Renee L. Worke, Roger Klaphake, Jon Schmidt, and Charles Webber.

This matter comes before the Court based on the following filings:

1. The Complaint for a Civil Case filed by Plaintiffs Joseph Daryl Rued, W.O.R., Scott Daryll Rued, and Leah Jean Rued [ECF No. 1 ("Complaint")];
2. Plaintiffs' Motion for Emergency Temporary Restraining Order and Preliminary Injunction [ECF No. 2 ("TRO/PI Motion")];
3. Plaintiffs' Motion for Leave to Deposit Monies in the Court Registry as Security for Plaintiffs' Motion for Emergency Temporary Restraining Order and Preliminary Injunction [ECF No. 3 ("Deposit Motion")];
4. Plaintiffs' Motion for Consolidation [ECF No. 18 ("Consolidation Motion")];
5. The Motion to Dismiss Plaintiffs' Complaint filed by Defendants Natalie E. Hudson, Charlene W. Hatcher, Mike Furnstahl, Nelson L. Peralta, Christian M. Sande, Richard A. Stebbins, Renee L. Worke, Roger Klaphake, Jon Schmidt, and Charles Webber [ECF No. 28 ("Motion to Dismiss")];
6. Plaintiffs' Responsive Motion to Deny Persons That Are Also State Judicial Officers Defendants' Motion to Dismiss Plaintiffs' Emergency and Temporary Claims [ECF No. 40 ("Response")]; and
7. Plaintiffs' Motion for Order to Show Cause for Why an Emergency Restraining Order and/or Preliminary Injunction Should Not Issue Against Persons That Are Also State Judicial

Officer Defendants [ECF No. 44 (“Show-Cause Motion”)].

For the following reasons, the Court recommends dismissing this action without prejudice for lack of jurisdiction. Given that recommendation, the Court also recommends denying the motions listed above as moot.

I. BACKGROUND

A. State-Court Proceedings

This case arises from a prolonged custody dispute between Plaintiff Joseph Rued and his ex-wife, Catrina Rued. As part of this dispute, the Minnesota Court of Appeals recently upheld a state district court’s order designating Rued as a “frivolous litigant.” *See Rued v. Rued*, No. A23-1444, 2024 WL 1987171, at *2 (Minn. Ct. App. Apr. 29, 2024), review denied (Aug. 6, 2024). The Court of Appeals’ decision provides a representative summary of the tone of the state-court proceedings:

[T]he district court did not abuse its discretion when it imposed sanctions against father [Joseph Rued], including a security and preconditions, pursuant to its frivolous-litigant determination. The factors are supported by its conclusions and the record: (1) father has pursued endless litigation in this matter and the district court has made hundreds of findings that demonstrate father’s arguments have no chance of success; (2) father repeatedly relitigates issues that are already decided; (3) father acts in bad faith by using litigation to

harass mother; (4) the district court has repeatedly awarded mother conduct- and need-based attorney fees, demonstrating the injury she incurs because of father's endless litigation; (5) the district court identified a dozen instances in which a court has reprimanded or discouraged father from continuing to pursue this litigation, and yet he continues; (6) we can infer that the district court found that sanctions and a security would help filter some of father's frivolous litigation and provide some safeguards for mother, including some assurance of receiving attorney fees; and (7) given the extensive findings and record in this case, it does not appear that any less severe options would provide sufficient protections.

Id. at *2.

Unsurprisingly, given his lack of state-court success in state court, Joseph Rued (with his parents, Scott Daryll Rued and Leah Jean Rued) has repeatedly sought federal court intervention in the state-court matters. Currently, Plaintiffs have three pending federal cases, with this being the second filed.¹² All three

¹² The other cases are *Rued v. Jayswal*, No. 24-CV-1763 (JRT/TNL) (D. Minn.); and *Rued v. Hudson*, No. 24-CV-3409 (JRT/TNL) (D. Minn.). Last year, Plaintiffs filed another case, *Rued v. Hatcher*, No. 23-CV-2685 (NEB/DJF) (D. Minn.), which U.S. District Judge Nancy Brasel dismissed without prejudice for lack of jurisdiction under *Rooker-Feldman* abstention. Plaintiffs appealed, but the U.S. Court of Appeals for the Eighth Circuit summarily affirmed Judge Brasel's dismissal. See *Rued v. Hatcher*, No. 23-CV-2685 (NEB/DJF), 2023 WL 10409535, at *1 (D. Minn. Sept. 7, 2023), *aff'd*, No. 23-3092, 2023 WL

are before this Court, and this action presents a relatively straightforward set of defendants. The Court will therefore address this case first.

B. Complaint

The Complaint is filed by Joseph Rued and his parents, with W.O.R. (a minor child) identified as a fourth plaintiff. *See* Compl. 1. The eleven Defendants are all Minnesota state-court judges or referees involved in Joseph Rued's various state-court proceedings. *See id.* at 2, 6 (referring to all Defendants except Webber as "state judicial officer[s]"); Pls.' Mem. of Law in Supp. of Pls.' Resp. Mot. to Deny Persons That Are Also State Judicial Officer Defs.' Mot to Dismiss Pls.' Emergency and Temporary Equitable Claims 3–6 (discussing Defendants' roles in various proceedings and describing Webber as "Scott County district court judge" [ECF No. 41 ("Pls.' Mem.")]). Plaintiffs sue each Defendant in his or her individual capacity. *See* Compl. 12.

The Complaint primarily argues that the state-court proceedings regarding Joseph Rued's custody of W.O.R. have violated his constitutional rights. *See, e.g., id.* at 12–17. It alleges that W.O.R. disclosed instances of abuse and neglect while in his mother's care, prompting Joseph Rued and others to report concerns to Hennepin County Child Protection Services ("CPS"). *See id.* at 8. This led to an investigation and a Child in Need of Protection or Services petition ("CHIPS Petition") against Joseph

Rued. *See id.* at 8–9. The CHIPS Petition claimed that Rued’s reports of abuse were false. *See id.* at 8. Plaintiffs assert that evidence has since shown that the CHIPS Petition contained materially false claims and accusations against Joseph Rued. *See id.* at 8–9.

Plaintiffs argue that during the “initial custody trial” regarding W.O.R., the relevant judge failed to consider properly evidence that undermined the CHIPS Petition. *See id.* Subsequent custody proceedings followed, and Plaintiffs argue that the judicial officers involved consistently disregarded certain evidence and improperly limited Joseph Rued’s ability to call witnesses. *See id.* at 9–10. Plaintiffs claim that these actions violated the due process guarantees of U.S. Constitution’s Fourteenth Amendment. *See, e.g., id.* at 12.

For relief, Plaintiffs ask this Court to provide injunctive relief preventing Defendants from enforcing any orders based on the alleged perjury from the CPS investigations. *See id.* at 19. They also seek several forms of declaratory relief. First, they ask for a declaration that certain statutory limits on suing judicial officers (discussed further below) are unconstitutional. *See id.* at 20. Second, they seek a declaration that the U.S. Constitution’s Fifth Amendment “contains due process and equal protection provisions, binding upon federal government action and not materially different from requirements upon state actors under [the Fourteenth Amendment]....” *Id.* at 21. Third, Plaintiffs request a declaration that (among other things) their “federal claims include liberty interests.” *Id.*

II. ANALYSIS

Defendants raise three arguments: that “the Court lacks subject matter jurisdiction under the *Rooker-Feldman* doctrine,” that “Defendants are protected by judicial immunity,” and that the Complaint fails to state a claim. Defs.’ Mem. in Supp. of Mot. to Dismiss Pls.’ Compl. 7 [ECF No. 30 (“Dismissal Memorandum”)]. This Court concludes that it can resolve this matter on separate jurisdictional grounds without addressing these three arguments.

A. Injunctive-Relief Claim

The Court will begin by addressing Plaintiffs’ injunctive-relief claim. At the outset, the request (in the Complaint’s Paragraph 21) is unclear. Plaintiffs seek “an emergency temporary restraining order and preliminary injunction” against Defendants. Compl. 19. Plaintiffs describe the requested injunction in two ways: as an order “against Defendants sustaining orders relying on the admitted perjury of Hennepin County CPS investigations,” and as an order “to cause Defendants to cease fundamental reliance upon the admitted perjury of Hennepin County CPS investigations.” *Id.*

Now, the general purpose of temporary restraining orders (“TROs”) and preliminary injunctions is to keep relevant conditions in place during litigation. *See, e.g.,* Mary Kay Kane, 11A Federal Practice and Procedure § 2947 (3d ed., updated through June 2024) (“[A] preliminary injunction is an injunction that is issued to protect plaintiff from irreparable injury and to preserve the court’s power to render a meaningful decision after a trial on the merits.”); *id.* §

2951 (explaining that TROs aim “to preserve the status quo until there is an opportunity to hold a hearing on [an] application for a preliminary injunction”). Critically, Plaintiffs here do not seek to maintain existing conditions until *this action* concludes. Instead, they want the Court in this action to impose injunctive relief until the resolution of a *different* case—specifically, No. 24-CV-1763 (JMB/TNL). *See* Compl. 19–20. Perhaps unsurprisingly, Plaintiffs have made the same request in No. 24-CV-1763 itself. *See* Pls.’ Mem. of Law Supporting Mot. for Order to Show Cause Why an Emergency Restraining Order and/or Prelim. Inj. Should Not Issue Against Persons That Are Also State Judicial Officer Defs. 8–10, 27, *Rued v. Jayswal*, No. 24-CV-1763 (JRT/TNL) (D. Minn. July 30, 2024).¹³

As a result, Plaintiffs’ request for a TRO or preliminary injunction in this case duplicates their similar request in No. 24-CV-1763. “The Supreme Court has identified a general policy that duplicative litigation in federal courts should be avoided.” *Missouri ex rel. Nixon v. Prudential Health Care Plan, Inc.*, 259 F.3d 949, 952 (8th Cir. 2001) (citing *Colo. River Water Conservation Dist. v. United States*, 424 U.S. 800, 817 (1976)); *see also, e.g., Scarlett v. White*, No. 16-CV-2925 (JRT/LIB), 2017 WL 1011450,

¹³ Plaintiffs’ Consolidation Motion requests that the Court consolidate this case with No. 24-CV-1763. Since filing the Consolidation Motion on July 10, 2024, Plaintiffs have repeatedly submitted materials in No. 24-CV-1763 that include other cases’ identification numbers in the captions, prompting the Clerk of Court to file these materials in multiple cases. Consequently, the document referenced here also appears on this action’s docket as ECF No. 45.

at *3 (D. Minn. Feb. 22, 2017) (citing *Blakely v. Schlumberger Tech. Group*, 648 F.3d 921, 932 (8th Cir. 2011)), *report and recommendation adopted*, 2017 WL 1011431 (D. Minn. Mar. 14, 2017). When duplicative litigation arises, a court may choose to decline jurisdiction. *See Nixon*, 259 F.3d at 952; *Wash. Cattlemen's Ass'n v. United States Env't Prot. Agency*, No. 15-CV- 3058 (DWF/LIB), 2016 WL 6645765, at *4 (D. Minn. Nov. 8, 2016) (discussing *Nixon*).

In line with these principles, the Court recommends declining to exercise jurisdiction over Plaintiffs' injunctive-relief request in this case.

B. Declaratory-Relief Claims

1. First Declaratory-Relief Claim

The Court will now address Plaintiffs' three requests for declaratory relief. First, Plaintiffs seek a declaration that an amendment to 42 U.S.C. § 1983—specifically, an amendment giving judicial officers' immunity from certain injunctive-relief claims—is unconstitutional. *See* Compl. 20.

This request also echoes relief sought in No. 24-CV-1763. In that case, Plaintiffs' Second Amended Complaint [ECF No. 26 in No. 24-CV-1763] likewise challenges the constitutionality of amended § 1983, as outlined in that document's Paragraphs 13 and 14. Thus, Plaintiffs' relief sought in this action against duplicates relief sought in No. 24-CV- 1763. Given the principles against duplicative litigation discussed earlier, the Court recommends declining to exercise

jurisdiction over Plaintiffs' first declaratory-relief claim in this action.

2. Second Declaratory-Relief Claim

The Court finds the purpose of Plaintiffs' second declaratory-relief claim unclear. Even if this case still addressed Plaintiffs' injunctive-relief and first declaratory-relief requests—though under the Court's recommendation, it does not—it is not apparent why the Court would need to determine the scope of the due-process and equal-protection clauses of the Fifth and Fourteenth Amendments.

Therefore, Plaintiffs' second request for declaratory relief essentially seeks an advisory opinion. *See, e.g., United Pub. Workers of Am. (C.I.O.) v. Mitchell*, 330 U.S. 75, 89 (1947) (noting that litigants sought “advisory opinions” by asking about “broad claims of rights” under various constitutional amendments); *United States v. Fruehauf*, 365 U.S. 146, 157 (1961) (describing advisory opinions as “advance expressions of legal judgment upon issues which remain unfocused because they are not pressed before the Court with that clear concreteness provided when a question emerges precisely framed and necessary for decision”).

Federal law clearly establishes that courts lack jurisdiction to issue advisory opinions. *See, e.g., TransUnion LLC v. Ramirez*, 594 U.S. 413, 424 (2021); *United States v. Gates*, 915 F.3d 561, 564 (8th Cir. 2019). Consequently, the Court recommends dismissing Plaintiffs' second declaratory-relief request without prejudice for lack of jurisdiction.

3. Third Declaratory-Relief Claim

According to Plaintiffs, their third declaratory-relief claim asks for a declaration that:

Plaintiffs' federal claims include liberty interests, including, but not limited to, physical confinement and one of the longest recognized liberty interests by the U.S. Supreme Court, which is Rued's right to care, custody, and companionship with his natural child W.O.R., which current U.S. Supreme Court holdings do not provide relief for under petition for writ of habeas corpus, which does not result in unconstitutional holdings unless the FCIA of 1996 additions to 42 U.S.C. § 1983 restricting enforcement of U.S. Const. Amend. XIV § 1 are not held as unconstitutional.

Compl. 21.

The request is difficult to follow; it seems to involve multiple propositions, making it unclear what specific declaration Plaintiffs seek. In any case, Plaintiffs appear to argue that because of the nature of their claims, habeas corpus cannot provide the relief they need. This would be of no concern if Plaintiffs could seek injunctive relief against Defendants. But because the amended § 1983 seemingly blocks such relief, habeas corpus's limitations become problematic.

Regardless, if Plaintiffs' request for injunctive relief in this action is dismissed as duplicative, as the Court recommends above, then this declaratory-relief claim becomes purely abstract. The declaration would

only have significance if a court ruled the amendments to § 1983 constitutional, a question this case will not address. The third declaratory-relief claim thus constitutes another request for an advisory opinion. The Court therefore recommends dismissing it without prejudice for lack of jurisdiction.

C. Other Motions

From the discussion above, the Court is dismissing all of this action's requests for relief on jurisdictional grounds: two are duplicative of relief Plaintiffs seek in another action, and once we account for that, the other two requests seek impermissible advisory opinions. The upshot is that this Court recommends the dismissal of this action in its entirety. Given this recommendation, the Court also recommends denying all of this action's pending motions as moot.

RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that:

1. This action be **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction.
2. All pending motions in this action—specifically, ECF Nos. 2, 3, 18, 28, 40, and 44—be **DENIED** as moot.

Dated: November 1, 2024 *s/ Tony N. Leung*

Tony N. Leung
United States Magistrate Judge

Rued v. Hudson,
Case No. 24-cv-2437 (JRT/TNL)

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).

Appendix S

UNITED STATES DISTRICT COURT DISTRICT OF
MINNESOTA

JOSEPH DARYLL RUED; W.O.R., a minor child;
SCOTT DARYLL RUED; and LEAH JEAN RUED,

Plaintiffs,

v.

NATALIE E. HUDSON, LEONARDO CASTRO,
CARRIE LENNON, KEITH ELLISON, ALEC
SLOAN, BETH BARBOSA, CHARLIE ALDEN,
GILBERT ALDEN BARBOSA PLLC, CATRINA M.
RUED, HENNEPIN COUNTY CLERK OF COURT,
JAMIE PEARSON, and CORNERHOUSE,

Defendants.

Civil No. 24-3409 (JRT/TNL)

MEMORANDUM OPINION AND ORDER
DISMISSING FOR LACK OF JURISDICTION AND
IMPOSING SANCTIONS

Joseph Daryll Rued, W.O.R., Scott Daryll Rued, and
Leah Jean Rued, 9007 Avila Cove, Eden Prairie, MN
55347, pro se Plaintiffs.

Joseph D. Weiner, MINNESOTA ATTORNEY
GENERAL'S OFFICE, 445 Minnesota Street, Suite
1100, Saint Paul, MN 55101, for Defendants Natalie
E. Hudson, Leonardo Castro, Carrie Lennon, Keith
Ellison, and Alec Sloan.

Beth Barbosa, GILBERT ALDEN BARBOSA PLLC, 3800 American Boulevard West, Suite 1500, Edina, MN 55431, Charlie R. Alden, GILBERT ALDEN BARBOSA PLLC, 2801 Cliff Road East, Suite 200, Burnsville, MN 55337, for Defendants Beth Barbosa, Charlie Alden, Gilbert Alden Barbosa PLLC, and Catrina M. Rued.

Ashley Marie Ramstad and Susan M. Tindal, IVERSON REUTERS, 9321 Ensign Avenue South, Bloomington, MN 55438, for Defendant Jamie Pearson.

Shannon L. Bjorklund, DORSEY & WHITNEY LLP, 50 South Sixth Street, Suite 1500, Minneapolis, MN 55402, for Defendant CornerHouse.

MEMORANDUM OPINION AND ORDER AND IMPOSING SANCTIONS

This is the third of four orders the Court issues simultaneously addressing the same underlying set of facts.¹⁴ Plaintiffs here bring this action to overturn an award of sole custody over minor W.O.R. by the Minnesota state courts. But as the Court explains in detail in its companion order in *Rued v. Jayswal*, No. 24-1763 (D. Minn.), the Court lacks jurisdiction to hear this case under the Rooker-Feldman doctrine. Accordingly, the Court will adopt the report and recommendation of Magistrate Judge Tony N. Leung, overrule the Plaintiffs' objections, and dismiss this action in its entirety with prejudice.

¹⁴ The other cases are *Rued v. Jayswal*, No. 24-1763 (D. Minn.), *Rued v. Hudson*, No. 24- 2437 (D. Minn.), and *Rued v. Hatcher*, No. 25-468 (D. Minn.).

However, unlike in the two other cases before the Court, Defendants here have an additional request: sanctions. (Mot. for Sanctions, Nov. 12, 2024, Docket No. 75.) Though Defendants ask for both filing restrictions and monetary awards, the Court finds that, for now, a filing restriction is enough to deter the vexatious behavior.

“There is no constitutional right of access to the courts to prosecute an action that is frivolous or malicious.” *In re Winslow*, 17 F.3d 314, 315 (10th Cir. 1994). Federal courts have the inherent power to impose sanctions to regulate their dockets, promote judicial efficiency, and deter frivolous filings. See, e.g., *Roadway Express, Inc. v. Piper*, 447 U.S. 752, 764–67 (1980); *Landscape Props., Inc. v. Whisenhunt*, 127 F.3d 678, 681 (8th Cir. 1997) (sanctioning plaintiff for filing a frivolous complaint). Restrictions are appropriate where a litigant has “engaged in a pattern of litigation activity which is manifestly abusive.” *Johnson v. Cowley*, 872 F.2d 342, 344 (10th Cir. 1989). A district court may, for example, bar litigants from any additional filings without first obtaining leave from the Court. *Feathers v. Chevron USA, Inc.*, 141 F.3d 264, 269 (6th Cir. 1998); see also *City of Shorewood v. Johnson*, No. 11-374, 2012 WL 695855, at *4 (D. Minn. Mar. 5, 2012) (placing plaintiff on restricted filers list for “forcing [a defendant] to respond to repetitive claims that no appellate court has found meritorious”).

Plaintiffs’ behavior in this matter demonstrates they warrant placement on the District of Minnesota’s restricted filers list. It has become plain to virtually every court that has entertained Plaintiffs’ lawsuits

that they have been filed maliciously and frivolously. See, e.g., Rued v. Rued, Nos. A21-0798, A21-1064, 2022 WL 2298992, at *18 (Minn. Ct. App. June 27, 2022) (noting the finding of the district court that “[i]t is very obvious that [Joseph] was trying to bankrupt [Catrina] in hopes that her attorney would withdraw for nonpayment”) (internal quotation marks omitted).

Therefore, the Court will place Joseph, Scott, and Leah Rued¹⁵ on the restricted filers list, which will prohibit them from filing additional lawsuits relating to this matter without first receiving permission of the Court or securing the assistance of counsel. For now, the Court will deny the motion for monetary sanctions. But the Court warns the Rueds that if this behavior continues, future courts may well consider such an action appropriate.

ORDER

Based on the foregoing, and all the files, records, and proceedings herein, IT IS HEREBY ORDERED that

1. Plaintiffs’ Objection to the Magistrate Judge’s Report and Recommendation [Docket No. 99] is OVERRULED.

¹⁵ Plaintiffs often bring these suits on behalf of minor W.O.R. The Court will not place a minor, who is unwillingly party to this action, on a restricted filers list, especially as parties dispute whether Plaintiffs may even file on the minor’s behalf. However, the Court clarifies that its order extends to any attempt by Plaintiffs to circumvent its order by filing on W.O.R.’s behalf in the future.

2. The Magistrate Judge's Report and Recommendation [Docket No. 96] is ADOPTED.
3. The Complaint [Docket No. 1.] is DISMISSED with prejudice for lack of jurisdiction.
4. Defendants' Motions to Dismiss [Docket Nos. 10, 25, 46, and 69] are GRANTED.
5. Defendant Jamie Pearson's Motion for Sanctions [Docket No. 75] is GRANTED in part and DENIED in part, as follows:
 - a. Plaintiffs are prohibited from filing any new lawsuits and any pleadings or other papers in the District of Minnesota concerning their disputes with any defendant whatsoever relating to this custody dispute unless (1) they are represented by counsel licensed to practice before this federal court, or (2) they obtain prior written approval from a United States District Court Judge or United States Magistrate Judge in the District of Minnesota; but
 - b. No monetary sanctions will be imposed at this time.
6. All other pending motions in this action [Docket Nos. 32, 39, 51, 53, 81, and 88] are DENIED as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: March 11, 2025
at Minneapolis, Minnesota.

s/JOHN R. TUNHEIM United States District Judge

Appendix T

UNITED STATES DISTRICT COURT

District of Minnesota

Joseph Daryll Rued, W.O.R., Scott Daryll Rued, Leah
Jean Rued,

Plaintiff(s),

v.

Natalie E. Hudson, Leonardo Castro, Carrie Lennon,
Keith Ellison, Alec Sloan, Beth Barbosa, Charlie
Alden, Gilbert Alden Barbosa PLLC, Catrina M.
Rued, Hennepin County Clerk of Court, Jamie
Pearson, CornerHouse,

Defendant(s),

JUDGMENT IN A CIVIL CASE

Case Number: 24-cv-03409-JRT-TNL

Decision by Court. This action came to trial or
hearing before the Court. The issues have been tried
or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED THAT:

1. Plaintiffs' Objection to the Magistrate Judge's
Report and Recommendation [Docket No. 99] is
OVERRULED.
2. The Magistrate Judge's Report and
Recommendation [Docket No. 96] is ADOPTED.

3. The Complaint [Docket No. 1.] is DISMISSED with prejudice for lack of jurisdiction.

4. Defendants' Motions to Dismiss [Docket Nos. 10, 25, 46, and 69] are GRANTED.

5. Defendant Jamie Pearson's Motion for Sanctions [Docket No. 75] is GRANTED in part and DENIED in part, as follows:

- a. Plaintiffs are prohibited from filing any new lawsuits and any pleadings or other papers in the District of Minnesota concerning their disputes with any defendant whatsoever relating to this custody dispute unless (1) they are represented by counsel licensed to practice before this federal court, or (2) they obtain prior written approval from a United States District Court Judge or United States Magistrate Judge in the District of Minnesota; but
- b. No monetary sanctions will be imposed at this time.

6. All other pending motions in this action [Docket Nos. 32, 39, 51, 53, 81, and 88] are DENIED as moot.

Date: 3/14/2025

s/KATE M. FOGARTY, CLERK

Appendix U

**UNITED STATES DISTRICT COURT DISTRICT
OF MINNESOTA**

Joseph Daryll Rued, W.O.R., Scott Daryll Rued, and
Leah Jean Rued,

Plaintiffs,

v.

Natalie E. Hudson, Leonardo Castro, Car-rie Lennon,
Keith Ellison, Alec Sloan, Beth Barbosa, Charlie
Alden, Gilbert Alden Barbosa PLLC, Catrina M.
Rued, Hennepin County Clerk of Court, Jamie
Pearson, and CornerHouse,

Defendants.

Case No. 24-cv-3409 (JRT/TNL)

**ORDER AND REPORT AND
RECOMMENDATION**

Joseph Daryll Rued, W.O.R., Scott Daryll Rued, and
Leah Jean Rued, *pro se* Plaintiffs.

Joseph D. Weiner, Minnesota Attorney General's
Office, 445 Minnesota St., Suite 1100, St. Paul, MN
55101, for Defendants Natalie E. Hudson, Leonardo
Castro, Carrie Lennon, Keith Ellison, and Alec Sloan

Beth Barbosa and Charlie R. Alden, Gilbert Alden
Barbosa PLLC, 3800 American Blvd. West, Suite
1500, Edina, MN 55431, for Defendants Beth

Barbosa, Charlie Alden, Gilbert Alden Barbosa PLLC, and Catrina M. Rued.

Ashley Marie Ramstad and Susan M. Tindal, Iverson Reuters, 9321 Ensign Ave. S., Bloomington, MN 55438, for Defendant Jamie Pearson.

Shannon L. Bjorklund, Dorsey & Whitney LLP, 50 S. 6th St., Suite 1500, Minneapolis, MN 55402, for Defendant CornerHouse.

This matter comes before the Court on the following filings:

- 1) Plaintiffs' Complaint for a Civil Case [ECF No. 1 ("Complaint")];
- 2) the Motion to Dismiss Plaintiffs' Complaint and Seek Filing Restrictions filed by Defendants Natalie E. Hudson, Leonardo Castro, Carrie Lennon, Keith Ellison, and Alec Sloan [ECF No. 10];
- 3) Plaintiffs' Motion for Reassignment of Related Cases Pursuant to this Court's July 19, 2021 Standing Order to the Judicial Officers Earlier Assigned [ECF No. 17 ("Reassignment Motion")];
- 4) Defendant CornerHouse's Motion to Dismiss [ECF No. 25];
- 5) Plaintiffs' Responsive Motion to Deny Persons That Are Also Minnesota State Judicial and Attorney General Officers' Motion to Dismiss [ECF No. 32];
- 6) Plaintiffs' Responsive Motion to Deny CornerHouse's Motion to Dismiss [ECF No. 39];

- 7) the motion to dismiss filed by Defendants Catrina M. Rued, Beth Barbosa, Charlie R. Alden, and Gilbert Alden Barbosa PLLC [ECF No. 46];
- 8) Plaintiffs' Amended FRCP 11 Motion for Sanctions Against Dorsey & Whitney and Order for Such Firm to Immediately Withdraw from These Cases [ECF No. 51];
- 9) Plaintiffs' Motion to Disqualify Dorsey & Whitney's Representation of CornerHouse [ECF No. 53];
- 10) Defendant Jamie Pearson's Motion to Dismiss [ECF No. 69];
- 11) Pearson's Motion for Sanctions [ECF No. 75];
- 12) Plaintiffs' Responsive Motion to Deny Beth Barbosa, Catrina Rued, Charlie Alden, and Gilbert Alden Barbosa PLLC's Motion to Dismiss Plaintiffs' Relevant Claims [ECF No. 81]; and
- 13) Plaintiffs' Motion to Consolidate Related Cases [ECF No. 88];

For the following reasons, the Court denies the Reassignment Motion as moot, recommends dismissing this action without prejudice for lack of jurisdiction, and recommends denying most of the remaining motions as moot.

I. BACKGROUND

This is the fourth of five cases that Plaintiff Joseph Rued has filed in this District based on his strong disagreement with the outcome of state-court custody

proceedings involving his son, W.O.R.¹⁶ In four of these cases, Scott Daryll Rued and Leah Jean Rued—Joseph’s parents and W.O.R.’s paternal grandparents—have also served as plaintiffs.¹⁷ This Court recently issued a Report and Recommendation in another of these cases, summarizing key points from the earlier state-court proceedings and the first of the Rueds’ federal cases. *See generally* R. & R. 4–9, *Rued v. Jayswal*, No. 24-CV-1763 (JRT/TNL) (D. Minn. Nov. 6, 2024) (“R&R in No. 24-CV-1763”). In what follows, the Court assumes familiarity with that discussion.

This action began on August 26, 2024, when the Court received the Complaint. *See* Docket. The Complaint names twelve defendants, listed below with brief descriptions of the relevant allegations against each:

- The Complaint identifies Defendant Natalie Hudson as a “state judicial officer”; the Court takes judicial notice that Hudson is the current chief justice of the Minnesota Supreme Court. *See* Compl. 2.¹⁸

¹⁶ In order: (1) *Rued v. Hatcher*, No. 23-CV-2685 (NEB/DJF) (D. Minn.) (filed Aug. 31, 2023); (2) *Rued v. Jayswal*, No. 24-CV-1763 (JRT/TNL) (D. Minn.) (filed May 15, 2024); (3) *Rued v. Jayswal*, No. 24-CV-2437 (JRT/TNL) (D. Minn.) (filed June 24, 2024); (4) *Rued v. Hudson*, No. 24-CV-3409 (JRT/TNL) (D. Minn.) (filed Aug. 26, 2024); and (5) *Rued v. Webber*, No. 24-CV-3662 (JWB/DWF) (D. Minn.) (filed Sept. 16, 2024).

¹⁷ This applies to cases (1)–(4) above. W.O.R. is a named plaintiff in all five cases, though the parties here and in other actions dispute whether the other Rueds can represent him. *See, e.g.*, ECF No. 28 at 8–10; ECF No. 41 at 20–36. Since the Court’s recommended resolution relies on a lack of jurisdiction, it need not—so does not—address the issue of W.O.R.’s representation.

¹⁸ The Court may take judicial notice of readily ascertainable facts. *See, e.g.*, Fed. R. Evid. 201(b) (“The court may judicially

Plaintiffs allege that Chief Justice Hudson improperly relied on perjury from prior child protective services (“CPS”) investigations and interfered in certain proceedings involving W.O.R.’s custody. Specifically, they claim she prevented a fraud action, allegedly relevant to W.O.R.’s custody, from proceeding in Hennepin County District Court. *See id.* at 8–10.

- Plaintiffs identify Defendant Leonardo Castro as a “state judicial officer,” and the Court takes judicial notice that he is a district-court judge for Minnesota’s Second Judicial District in Ramsey County. *Id.* at 4. Plaintiffs allege that Judge Castro incorrectly applied state preclusion principles, including *res judicata*, to avoid addressing certain “unreached federal claims” raised by Plaintiffs in state-court actions. *Id.* at 7–10. They also claim that Judge Castro improperly relied on perjury from prior CPS investigations. *See id.* at 8.
- Plaintiffs name Carrie Lennon as a third “state judicial officer,” and the Court takes judicial notice that she is the chief judge of Minnesota’s First Judicial District and serves in Scott County. *Id.* at 2. The Complaint’s allegations against Judge Lennon largely mirror those against Judge Castro. *See id.* at 7–10.
- Plaintiffs also name Keith Ellison, Minnesota’s attorney general, as a defendant. *See id.* at 4. They allege that Ellison committed fraud on various courts by falsely stating in filings that

notice a fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.”).

certain of Plaintiffs' claims had already been addressed and/or should not be considered due to state-law preclusion principles. *See id.* at 12. Plaintiffs also name Alec Sloan, an "[a]ssistant Minnesota Attorney General," alleging he engaged in the same practices. *Id.* at 12, 27.

- Other defendants include Catrina Rued, Joseph Rued's ex-wife and W.O.R.'s mother; attorneys Beth Barbosa and Charlie Alden, who represented Catrina Rued in the state-court divorce and custody proceedings; and the law firm Gilbert Alden Barbosa PLLC, where Barbosa and Alden are partners. *See id.* at 27. Plaintiffs allege that each of these defendants knew of perjury in a "CHIPS petition" affecting W.O.R.'s custody but continued submitting documents relying on that perjury to various courts. *See id.* at 12–15; *cf.* R&R in No. 24-CV-1763 at 5–8 (discussing underlying perjury claims).
- Plaintiffs allege that the Hennepin County Clerk of Court improperly failed to file a memorandum of law that Plaintiffs attempted to submit in Hennepin County District Court in July 2024. *See* Compl. 18–19.
- Plaintiffs identify Jamie Pearson as a police officer for the City of Shakopee. *See id.* at 28. They allege that Pearson "failed to make mandatory reports regarding her knowledge . . . of falsified CPS investigations and other maltreatment and endangerment of W.O.R." *Id.* at 19; *see also id.* at 25 (presenting similar allegation).
- Finally, Plaintiffs identify CornerHouse as a Minnesota-based "child welfare agency acting under color of state law with municipal inves-

tigators.” *Id.* at 29. Plaintiffs allege that CornerHouse participated in the CPS investigation underlying the “CHIPS petition” mentioned above and incorrectly concluded—allegedly in contradiction with its own internal records—that certain reports of abuse or maltreatment of W.O.R. were false and that W.O.R. may have been coached to make them. *See id.* at 20–22.

For relief, Plaintiffs seek compensatory and punitive damages. *See id.* at 22–23, 25–26. They also request various forms of declaratory relief, including declarations that certain individuals’ conduct violated Plaintiffs’ constitutional rights. *See id.* at 23–25.

As suggested in the Introduction above, all but one Defendant have moved to dismiss the Complaint.¹⁹ Two motions argue that the Court lacks jurisdiction under the so-called *Rooker–Feldman* doctrine. *See, e.g.*, ECF No. 12 at 8–10; ECF No. 70 at 10–13.²⁰

¹⁹ The exception is the Hennepin County Clerk of Court, who has not appeared in this action. *See generally* Docket. On September 12, 2024, Joseph Rued filed a certificate of service indicating that he had caused the Complaint to be “delivered to . . . the Chief Executive Officer of the Hennepin County District Court Clerk of Court.” ECF No. 6 at 1. This wording suggests that Rued himself handled the delivery, which raises questions about proper service. *Cf.* Fed. R. Civ. P. 4(c)(2) (stating that service must be made by “[a]ny person who is at least 18 years old and *not a party*” (emphasis added)). However, given the jurisdictional resolution suggested in what follows, the Court need not further address this Defendant’s lack of response.

²⁰ Although some Defendants have not raised *Rooker–Feldman* concerns, the Court may still apply the doctrine to claims against those parties. *Rooker–Feldman* affects a court’s jurisdiction, and courts must address jurisdictional issues *sua sponte*. *See, e.g., Thigulla v. Jaddou*, 94 F.4th 770, 773 (8th Cir.

Plaintiffs have responded to this argument. *See, e.g.*, ECF No. 33 at 3–4, 11, 35, 38–39.²¹ Additionally, several Defendants have requested sanctions against Plaintiffs. *See, e.g.*, ECF No. 12 at 15–20; ECF No. 47 at 10–12; ECF No. 76 at 1–8. Plaintiffs have also addressed these requests. *See, e.g.*, ECF No. 33 at 34–37; ECF No. 83 at 10; ECF No. 94 at 1–2. The Court thus finds these issues ready for resolution.

II. ANALYSIS

A. Reassignment Motion

When Plaintiffs filed this action, this District's Clerk of Court assigned it to U.S. District Judge Eric C. Tostrud and U.S. Magistrate Judge John F. Docherty. *See* Docket. On September 23, 2024, Plaintiffs filed the Reassignment Motion, requesting reassignment to this Court and U.S. District Judge John R. Tunheim, partly due to this Court's and Judge Tunheim's assignment to *Rued v. Jayswal*, No. 24-

2024) (quoting *Fort Bend Cnty. v. Davis*, 587 U.S. 541, 548 (2019)); *InterRad Med., Inc. v. Aquilant Ltd.*, No. 23-CV-3709 (ECT/DTS), 2024 WL 913343, at *3 (D. Minn. Mar. 4, 2024) (citing *Fort Bend Cnty.*).

²¹ The Court notes that Plaintiffs addressed *Rooker–Feldman* arguments in ECF No. 12 through their filing at ECF No. 33 but have not responded to Defendant Pearson's *Rooker–Feldman* argument in ECF No. 70. Nevertheless, the Court will resolve the *Rooker–Feldman* issue now for two reasons. First, Pearson filed a motion for sanctions alongside her motion to dismiss. Plaintiffs responded to the sanctions motion but not the dismissal motion, leaving their intentions regarding the latter unclear. Second, the Court is well-versed in Plaintiffs' objections to applying *Rooker–Feldman* to Plaintiffs' various matters, and is confident that any response to Pearson's motion would not present new arguments significant enough to alter the analysis.

CV-1763, and *Rued v. Jayswal*, No. 24- CV-2437. See ECF No. 17 at 1; ECF No. 19 at 1–2.

On September 25, 2024, Judge Tostrud and Judge Tunheim entered an order reas-signing this case to this Court and Judge Tunheim. See ECF No. 23. The relief sought by the Reassignment Motion has thus already been granted, so the Court denies the Reassign-ment Motion as moot.

B. *Rooker–Feldman*

This Court’s prior order in *Rued v. Jayswal*, No. 24- CV-1763, also addressed *Rooker–Feldman* issues, and that discussion fully applies here.

The *Rooker–Feldman* doctrine establishes a jurisdic- tional rule preventing federal district courts from acting as ap- pellate reviewers of state-court judgments. The doctrine ap- plies to “cases brought by state-court losers complaining of in- juries caused by state-court judgments rendered before the dis- trict court proceedings commenced and inviting district court review and rejection of those judgments.” The doctrine aims to preserve the U.S. Supreme Court’s exclusive appellate juris- diction over state-court decisions.

If litigants could bypass *Rooker–Feldman* by challeng- ing a state-court judgment under a different label, the doctrine would be toothless. Thus, “[t]he doctrine precludes district courts from obtaining jurisdiction both over the rare case styled as a direct appeal . . . as well as more common claims which are ‘inextricably

intertwined' with state court decisions." Conversely, if a plaintiff asserts "independent claims arising from conduct in underlying state proceedings," then *Rooker-Feldman* generally does not bar jurisdiction.

The key question, then, is how to differentiate between claims that are inextricably intertwined with state-court decisions and those that are independent. Claims are "inextricably intertwined" if they are so closely related to a prior state-court judgment that a federal ruling would effectively overturn the state decision. Put differently, a claim is inextricably intertwined with a state-court ruling if it "can succeed only to the extent the state court wrongly decided the issues before it." Additionally, courts assess the source of a plaintiff's alleged injury when applying *Rooker-Feldman*. As the Supreme Court highlighted in [*Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280 (2005)], *Rooker-Feldman* applies when a plaintiff complains of "injuries caused by state-court judgments."

These standards, and review of the relief the Complaint seeks, plainly show that *Rooker-Feldman* strips this Court of jurisdiction here. To be sure, Plaintiffs do not pose the challenge here as a direct appeal of any state-court decisions (in the [state-court divorce action] or otherwise). But there is simply no plausible way to construe Plaintiffs' battery of relief requests in this action without seeing them as a full-bore challenge to (1) the custody-related

aspects of the [state-court di- vorce action] and/or (2) the numerous state- and federal- court decisions that themselves refuse to revisit or overrule the [d]ivorce [a]ction's final result. The Court certainly under-stands Plaintiffs' frustration: ultimately, they vehemently dis-agree with evidentiary rulings . . . that arguably led to a cus-tody outcome that they find abhorrent. Critically, however, Plaintiffs were able to challenge those rulings in the [d]ivorce [a]ction itself and simply failed to prevail. And then, of course, they have repeatedly tried—but failed—to persuade other state- and federal-court judges that the Minnesota Court of Ap- peals's judgment in the [d]ivorce [a]ction does not tie other tri-bunals' hands (either because of preclusion principles or juris-dictional consequences). This action is just another manifesta-tion of Plaintiffs' long- running attempt to undercut the [d]ivorce [a]ction's determination concerning W.O.R.'s cus-tody. Its claims are plainly inextricably intertwined with that proceeding's ruling.

R&R in No. 24-CV-1763 at 12–15 (citations omitted). The same logic applies here. The Court cannot grant any of the relief that Plaintiffs seek here without at least implicitly concluding that Minnesota's state courts mishandled the proceedings determining W.O.R.'s custody. Therefore, *Rooker–Feldman* appears to strip this Court of jurisdiction over this action.

Plaintiffs argue that *Rooker–Feldman* does not apply here—indeed, they claim it is so clearly inapplicable that anyone who disagrees must be acting in bad

faith. *See, e.g.*, ECF No. 33 at 4, 11. But their arguments here mirror those in No. 24-CV-1763, and this Court's prior discussion of those arguments also applies fully here:

Plaintiffs offer several arguments for why *Rooker–Feldman* does not apply, but none succeed. First, they argue that this action presents “independent claims” that bypass the *Rooker–Feldman* bar. Specifically, they assert that their “pri-mary claim, *which all of Plaintiffs’ claims fundamentally relate to*, is that [Defendant] Jayswal fraudulently concluded CPS in- vestigations regarding W.O.R. in an under-oath [CHIPS peti- tion] utilized to deprive Plaintiffs’ protected rights.” But the only way this claim can succeed is if Plaintiffs show that the [d]ivorce [a]ction improperly refused to consider the Jayswal-related evidence that Joseph Rued wanted to introduce there. So this “primary claim” is not at all independent of the [d]ivorce [a]ction.

Second, Plaintiffs contend that *Rooker–Feldman* does not apply because (1) the doctrine applies only when state- court proceedings are complete, and (2) they still have custody- related challenges pending in Minnesota state court. The Su- preme Court indeed limits *Rooker–Feldman* to cases where plaintiffs complain about “state-court judgments rendered be- fore the district court proceedings commenced.” The problem with Plaintiffs’ argument, however, is that the Minnesota Court of Appeals’s entered judgment in the [d]ivorce [a]ction on No-

vember 17, 2022—well before this action began. Therefore, Plaintiffs are indeed challenging a state-court judgment entered before this action started.

Plaintiffs' apparent counterargument is that some of the collateral actions they have filed in state court remain ongoing. In other words, they suggest a sort of tolling principle: for *Rooker–Feldman* to apply, the district-court proceeding must arise not just after entry of the judgment being challenged, but also after courts entertain any related collateral challenges to the judgment. Plaintiffs cite no authority for this tolling principle, and this Court is aware of none. Indeed, this case illustrates the obvious practical problem such a rule would create: under it, one could sidestep *Rooker–Feldman* simply by filing repeated new cases, as Plaintiffs have done.

Finally, Plaintiffs argue that *Rooker–Feldman* does not apply because their claims about Defendants' unconstitutional conduct are somehow "unreached." Respectfully, this is incorrect. Plaintiffs had an opportunity to persuade Minnesota's courts—including its appellate courts—of their bedrock claim that certain evidence about Jayswal's alleged conduct should have been handled differently in the [d]ivorce [a]ction. They failed to do so. The refusal of other courts to overturn the [d]ivorce [a]ction's outcome due to jurisdictional or preclusion principles does not mean Plaintiffs' claims went unaddressed; it

means that they were considered and the arguments were found insufficient.

R&R in No. 24-CV-1763 at 15–17 (citations omitted) (certain brackets in original).

For these reasons, the Court recommends dismissing this action without prejudice for lack of jurisdiction under the *Rooker–Feldman* doctrine. Given this, the Court recommends granting ECF No. 10 and ECF No. 69 to the extent that they argue that *Rooker–Feldman* applies, but otherwise denying it as moot (with one qualification noted below). Due to the jurisdictional conclusion, the Court also recommends denying most of the other pending motions as moot.

C: Filing Restriction

Two motions to dismiss request that the Court impose a filing restriction on Plaintiffs, as does a standalone sanctions motion. *See* ECF No. 12 at 19 (seeking a restriction preventing Plaintiffs “from prosecuting any action or claim, in any United States District Court within the Eighth Circuit Court of Appeals, arising from or related to Joseph Rued’s family court action or subsequent related litigation, without prior written authorization from a judicial officer of the District of Minnesota, or unless the pleading is signed by an attorney admitted to practice in this District”); ECF No. 47 at 2 (making a similar request); ECF No. 76 at 9 (same).

Federal courts have inherent authority to manage their proceedings, including the ability to impose sanctions to protect the judicial process from abuse. *See, e.g., Goodyear Tire & Rubber Co. v. Haeger*, 581

U.S. 101, 107–08 (2017) (citing cases); *Fiorito v. Southwick*, No. 22-CV-2128 (PJS/TNL), 2023 WL 2918018, at *5 (D. Minn. Apr. 12, 2023) (same). Additionally, the All Writs Act, 28 U.S.C. § 1651(a), permits courts to issue orders to prevent frustration of their jurisdiction, including enjoining vexatious litigants from filing frivolous lawsuits. *See, e.g., Fleming v. Wells Fargo Home Mortg.*, No. 15-CV-2683 (PJS/HB), 2015 WL 5158707, at *5 (D. Minn. Sept. 2, 2015) (citing cases); *Westley v. Bryant*, No. 14-CV-5002 (PJS/BRT), 2015 WL 2242161, at *10 (D. Minn. May 12, 2015) (collecting cases).

When deciding whether to impose a filing restriction, courts consider four factors:

“(1) the party’s history of litigation, particularly whether he has filed vexatious, harassing, or duplicative lawsuits; (2) whether the party had an objectively good faith basis for pursuing the litigation; (3) whether the party has caused needless expense to other parties or has posed an unnecessary burden on the courts; and (4) whether other sanctions would adequately protect the court and other parties.”

Fed. Nat’l Mortg. Ass’n v. Mashak, No. 22-CV-3117 (KMM/DJF), 2023 WL 4622507, at *6 (D. Minn. July 19, 2023) (quoting *Westley*, 2015 WL 2242161, at *10); *see also, e.g., Mendez v. Kallis*, No. 21-1147 (PJS/BRT), 2021 WL 3476681, at *5 (D. Minn. May 27, 2021) (same), *report and recommendation adopted in relevant part*, 2021 WL 2911171 (D. Minn. July 12, 2021), *aff’d*, No. 21-2667, 2021 WL 6689158 (8th Cir. Aug. 16, 2021).

There is no doubt that Plaintiffs have an extensive history of filing lawsuits aimed at challenging Minnesota courts' handling of W.O.R.'s custody. This pattern led a Minnesota district court to designate Joseph Rued as a frivolous litigant—a finding later upheld by the Minnesota Court of Appeals. *See Rued v. Rued*, No. A23-1444, 2024 WL 1987171, at *2 (Minn. Ct. App. Apr. 29, 2024), *review denied* (Aug. 6, 2024).²² And while that finding addressed Rued's

²² It is worth here reciting the Court of Appeals's related discussion:

the district court did not abuse its discretion when it imposed sanctions against father, including a security and preconditions, pursuant to its frivolous-litigant determination. The factors are supported by its conclusions and the record: (1) father has pursued endless litigation in this matter and the district court has made hundreds of findings that demonstrate father's arguments have no chance of success; (2) father repeatedly relitigates issues that are already decided; (3) father acts in bad faith by using litigation to harass mother; (4) the district court has repeatedly awarded mother conduct- and need-based attorney fees, demonstrating the injury she incurs because of father's endless litigation; (5) the district court identified a dozen instances in which a court has reprimanded or discouraged father from continuing to pursue this litigation, and yet he continues; (6) we can infer that the district court found that sanctions and a security would help filter some of father's frivolous litigation and provide some safeguards for mother, including some assurance of receiving attorney fees; and (7) given the extensive findings and record in this case, it does not appear that any less severe options would provide sufficient protections. Because the district court considered all the factors before it imposed sanctions upon father pursuant to its frivolous-litigant determination, the district court did not abuse its discretion.

conduct in state court, Plaintiffs' actions in federal court follow a similar pattern: of the five federal lawsuits related to W.O.R.'s custody, four have been dismissed (with the fifth being this action).

Plaintiffs may believe they have a good-faith basis for this litigation. But that addresses only their subjective belief, and the relevant question here is whether their conduct has an objective good-faith basis. The Court concludes it does not. Plaintiffs have been repeatedly informed—by both Minnesota and federal judges—that their suits cannot proceed, yet they continually disregard these warnings. At this stage, Plaintiffs' conduct is objectively unreasonable.

The third and fourth factors also support imposing a filing restriction here. A review of the dockets in Plaintiffs' various cases reveals the significant burden they have placed on those who oppose their views about W.O.R.'s custody. The Court is confident that, without a filing restriction, Plaintiffs will continue generating new federal litigation driven by their dissatisfaction with W.O.R.'s current custody status.²³

Rued, 2024 WL 1987171, at *2.

²³ Some courts have refrained from imposing a filing restriction when the litigant had not yet received a specific warning that further conduct could lead to such a restriction. *See, e.g., Jackson v. Schnell*, No. 22-CV-0965 (WMW/JFD), 2022 WL 17418038, at *5 (D. Minn. Aug. 19, 2022), *report and recommendation adopted*, 2022 WL 17091170 (D. Minn. Nov. 21, 2022). But a warning is not always required; other courts have determined that, under certain circumstances, “a warning seems superfluous” and then proceeded with a filing restriction.

The Court thus recommends imposing a filing restriction on Plaintiffs Joseph Rued, Scott Daryll Rued, and Leah Jean Rued.²⁴ Going forward, the Court suggests that these Plaintiffs²⁵ be restricted from filing any litigation in this District related to Joseph Rued's divorce or W.O.R.'s custody unless Plaintiffs are represented by counsel or receive permission from a judicial officer of this District. This restriction will not prevent these Plaintiffs from filing other nonfrivolous litigation on unrelated

Glover v. Hochschild, No. 23- CV-0119 (PAM/DLM), 2023 WL 4828135, at *4 (D. Minn. July 27, 2023) (citing *Bethune v. Minnesota*, No. 21-CV- 2673 (PJS/ECW), 2021 WL 5964540, at *2 (D. Minn. Dec. 16, 2021)). Given Plaintiffs' litigation history and prior warnings from other courts, this Court concludes that no additional warning is needed before imposing a filing restriction on Plaintiffs.

²⁴ Most of the conduct at issue here may originate with Joseph Rued rather than the other Plaintiffs. (Indeed, the Minnesota Court of Appeals's discussion appears to focus specifically on Joseph Rued, not his parents.) But Rued's parents have joined him in much of his federal litigation, and the Court suspects that a filing restriction applying solely to Joseph Rued would likely lead to similar litigation filed by his parents instead.

²⁵ As noted above (see note 2), there is a dispute in this and other cases about whether Joseph Rued or his parents can represent W.O.R. Since the Court recommends dismissing this action under the *Rooker-Feldman* doctrine, it does not address the representation issue here. However, to the extent it matters, the Court clarifies that its proposed filing restriction only applies to Joseph Rued and his parents. W.O.R. is not responsible for the litigation actions of his father or grandparents, and the Court emphasizes that nothing in this Order and Report and Recommendation is intended to criticize or condemn W.O.R. in any way. However, if Joseph Rued or his parents try to leverage the carveout here by simply bringing new suits in W.O.R.'s name, the relevant judge will almost certainly take swift action to prevent such tactics.

topics, but it will halt (or at least slow) their efforts to challenge W.O.R.'s custody in this District's courts.²⁶

For these reasons, the Court recommends granting ECF Nos. 10, 46, and 75 insofar as they request the imposition of a filing restriction consistent with the Court's discussion above.

D. Monetary Sanction

Finally, certain Defendants request that the Court impose a monetary sanction on Plaintiffs under 28 U.S.C. § 1927. *See* ECF No. 12 at 20. Under § 1927, “[a]ny attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys’ fees reasonably incurred because of such conduct.”

The Court recommends denying the request for monetary sanctions on Plaintiffs at this time, for two main reasons. First, it is unclear whether § 1927 applies to nonlawyer *pro se* litigants like Plaintiffs. There is a circuit split on this issue, and the Eighth Circuit has not yet addressed it. *See, e.g., Erickson v. Sawyer*, 650 F. Supp. 3d 758, 771 (D. Minn. 2023)

²⁶ Certain Defendants request a filing restriction extending to all Districts within the Eighth Circuit. *See* ECF No. 12 at 19; ECF No. 76 at 9. At this stage, the Court does not find such a broad restriction necessary, particularly since any W.O.R.-related action filed by Plaintiffs in other districts would likely be transferred back to this one. If this prediction proves incorrect, however, a future court may choose to expand any filing restriction on Plaintiffs.

(citing *Roberts v. Next Generation, LLC*, 853 F. App'x 235, 245 (10th Cir. 2021)).²⁷

Second, and more importantly, the Court suspects—“hopes” is perhaps the better word—that the recommended filing restriction will prevent further repetitive litigation from Plaintiffs, at least in federal court. This restriction should enable the Court to efficiently address any future cases Plaintiffs file regarding W.O.R.'s custody without burdening named defendants with litigation-related hurdles. If this optimism proves misplaced, however, the question of imposing a monetary sanction on Joseph Rued and his parents may arise again.

III. ORDER

Based upon the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that Plaintiffs' Motion for Reassignment of Related Cases Pursuant to this Court's July 19, 2021 Standing Order to the Judicial Officers Earlier As-signed [ECF No. 17] is **DENIED** as moot.

IV. RECOMMENDATION

²⁷ Defendant Pearson's motion for sanctions relies on Rule 11 of the Federal Rules of Civil Procedure, not § 1927. See ECF No. 76 at 1. Rule 11 sanctions may be imposed on *pro se* litigants. See, e.g., *Kurkowski v. Volcker*, 819 F.2d 201, 204 (8th Cir. 1987); *Smith v. Ghana Com. Bank, Ltd.*, No. 13-CV-1010 (DWF/JJK), 2013 WL 12074959, at *8 (D. Minn. Aug. 8, 2013), *report and recommendation adopted*, 2013 WL 12074961 (D. Minn. Oct. 8, 2013) (citing *Kurkowski*). The Court thus denies Pearson's request for sanctions for the reasons stated in the next paragraph.

Based upon the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that:

1. The Motion to Dismiss Plaintiffs' Complaint and Seek Filing Restrictions filed by Defendants Natalie E. Hudson, Leonardo Castro, Carrie Lennon, Keith Ellison, and Alec Sloan [ECF No. 10 ("State Defendants' Motion to Dismiss")] and Defendant Jamie Pearson's Motion to Dismiss [ECF No. 69] be **GRANTED** to the extent they seek dismissal of this action based on the *Rooker-Feldman* doctrine.
2. The State Defendants' Motion to Dismiss, along with the motion to dismiss filed by Defendants Catrina M. Rued, Beth Wiberg Barbosa, Charlie R. Alden, and Gilbert Alden Barbosa PLLC [ECF No. 46], and Defendant Pearson's Motion for Sanctions [ECF No. 75] be **GRANTED** to the extent they seek a filing restriction consistent with the Court's recommendation above.
3. This action be **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction.
4. The motions at ECF Nos. 10, 46, and 69 be otherwise **DENIED** as moot.
5. The motions at ECF Nos. 25, 32, 39, 51, 53, 81, and 88 be **DENIED** as moot.
6. Plaintiffs Joseph Rued, Scott Daryll Rued, and Leah Jean Rued be prohibited from filing any new cases in the U.S. District Court for the District of Minnesota concerning Joseph Rued's divorce or W.O.R.'s custody unless they obtain prior approval from a judicial officer in this District or are represented by counsel.

7. The Clerk of Court be **ORDERED** to place Plaintiffs Joseph Rued, Scott Daryll Rued, and Leah Jean Rued on this District's restricted-filer list.

Dated: November 22, 2024

s/Tony N. Leung

Tony N. Leung
United States Magistrate Judge

Rued v. Hudson

Case No. 24-cv-3409 (JRT/TNL)

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).

Appendix V

UNITED STATES DISTRICT COURT DISTRICT OF
MINNESOTA

JOSEPH DARYLL RUED and W.O.R., a minor child,

Petitioners,

v.

JUDGE HATCHER, REFEREE STEBBINS, JUDGE
WORKE, JUDGE SCHMIDT, JUDGE KLAPHAKE,
JUDGE HUDSON, JUDGE MCKEIG, JUDGE
BOND, and JUDGE LARSON,

Respondents.

Civil No. 25-468 (JRT/ECW)

MEMORANDUM OPINION AND ORDER
DENYING PETITION FOR WRIT OF HABEAS
CORPUS

Joseph Daryll Rued and W.O.R., 9007 Avila Cove,
Eden Prairie, MN 55347, pro se Petitioners.

Thomas R. Ragatz, MINNESOTA ATTORNEY
GENERAL'S OFFICE, 445 Minnesota Street, Suite
1400, Saint Paul, MN 55101, for Respondents.

This is the fourth of four orders the Court issues
simultaneously addressing the same underlying set of

facts.²⁸ Petitioner Joseph Daryll Rued brings this action to overturn an award of sole custody over minor W.O.R. by the Minnesota state courts. As the Court explains in detail in its companion order in *Rued v. Jayswal*, No. 24-1763 (D. Minn.), these suits are entirely frivolous.

The Court lacked jurisdiction to hear the other three cases under the Rooker-Feldman doctrine. Perhaps to exploit the exception to that doctrine for habeas petitions, Rued now transmogrifies his appeal of the adverse custody award into a petition for writ of habeas corpus.

“A bedrock requirement of the federal habeas corpus statute is that the petitioner must be ‘in custody’ in order to pursue habeas relief.” *Spottswood v. St. Croix Cnty.*, No. 21-2258, 2021 WL 6334690, at *1 (D. Minn. Oct. 14, 2021) (citing 28 U.S.C. § 2241(c)(3); 28 U.S.C. § 2254(a)), report and recommendation adopted, No. 21-2258, 2022 WL 79703 (D. Minn. Jan. 7, 2022). Rued claims the state court proceedings that led to his ex-wife earning sole custody of their child are somehow a form of “confinement.” (See Pet. at 1, 5, Feb. 5, 2025, Docket No. 1.) They are not. Nor are the various judges and referees he names wardens who hold him in custody.

Because the federal habeas corpus statute requires the petitioner be “in custody” to pursue habeas relief, the Court will adopt the report and recommendation

²⁸ The other cases are *Rued v. Jayswal*, No. 24-1763 (D. Minn.), *Rued v. Hudson*, No. 24-2437 (D. Minn.), and *Rued v. Hudson*, No. 24-3409 (D. Minn.).

of Magistrate Judge Elizabeth Cowan Wright²⁹ overrule the Petitioners' objections, and deny the petition.

ORDER

Based on the foregoing, and all the files, records, and proceedings herein, IT IS HEREBY ORDERED that:

1. Petitioner's Objection to the Magistrate Judge's Report and Recommendation [Docket No. 10] is OVERRULED.
2. The Magistrate Judge's Report and Recommendation [Docket No. 2] is ADOPTED.
3. The Petition for Writ of Habeas Corpus [Docket No. 1] is DENIED.
4. Plaintiff's Motion for Recusal [Docket No. 4] is DENIED as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: March 11, 2025
at Minneapolis, Minnesota.

s/JOHN R. TUNHEIM United States District Judge

²⁹ The Magistrate Judge also recommended the Court sanction Rued by placing him on the District of Minnesota's restricted filers list. Following a similar recommendation from Magistrate Judge Tony L. Leung, the Court takes that step in Rued v. Hudson, No. 24-3409 (D. Minn.).

Appendix W

UNITED STATES DISTRICT COURT

District of Minnesota

Joseph Daryll Rued, W.O.R.

Plaintiff(s);

v.

Judge Hatcher, Referee Stebbins, Judge Worke,
Judge Schmidt, Judge Klaphake, Judge Hudson,
Judge McKeig, Judge Bond, Judge Larson

Defendant(s).

JUDGMENT IN A CIVIL CASE

Case Number: 25-cv-00468-JRT-ECW

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED THAT:

1. Petitioner's Objection to the Magistrate Judge's Report and Recommendation [Docket No. 10] is **OVERRULED.**
2. The Magistrate Judge's Report and Recommendation [Docket No. 2] is **ADOPTED.**

3. The Petition for Writ of Habeas Corpus [Docket No. 1] is **DENIED**.

4. Plaintiff's Motion for Recusal [Docket No. 4] is **DENIED as moot**.

Date: 3/12/2025 s/KATE M. FOGARTY, CLERK

Appendix X

**UNITED STATES DISTRICT COURT DISTRICT
OF MINNESOTA**

Joseph Daryll Rued and W.O.R., a minor child,

Petitioners,

v.

Judge Hatcher; Referee Stebbins; Judge Worke;
Judge Schmidt; Judge Klaphake; Judge Hudson;
Judge McKeig; Judge Bond; and Judge Larson,

Respondents.

Case No. 25-CV-0468 (JWB/ECW)

REPORT AND RECOMMENDATION

Petitioner Joseph Daryll Rued—purporting to act both on his own behalf and on behalf of his minor child W.O.R.—has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Neither Rued nor his child is “in custody” within the meaning of § 2254(a),³⁰ and Rued is not seeking release from custody. Instead, this matter is another in a long line of lawsuits filed by Rued seeking to challenge the

³⁰ W.O.R. is “in custody” insofar as W.O.R. is a child and therefore necessarily in the custody of a guardian (his mother), but this is not the kind of “custody” implicated by the federal habeas statutes. *See Lehman v. Lycoming Cnty. Children’s Servs. Agency*, 458 U.S. 502, 515-16 (1982).

results of divorce and child-custody proceedings in Minnesota state court. *See, e.g., Rued v. Hudson*, No. 24-CV-3409 (JRT/TNL), 2024 WL 4880385 (D. Minn. Nov. 25, 2024); *Rued v. Hatcher*, No. 23-CV-2685 (NEB/DJF), 2023 WL 10409535 (D. Minn. Sept. 7, 2023). Rued's misconduct as part of the state proceedings has already seen him declared a frivolous litigant by the state courts and sanctioned monetarily, *see Rued v. Rued*, No. A23-1444, 2024 WL 1987171, at *1-2 (Minn. Ct. App. Apr. 29, 2024), and Magistrate Judge Tony N. Leung has recently recommended that Rued be declared a frivolous litigant in this District as well due to his "objectively unreasonable" misconduct as a litigant in federal court, *see Rued v. Hudson*, No. 24-CV-3409 (JRT/TNL), 2024 WL 4880385, at *7 (D. Minn. Nov. 25, 2024).

This proceeding is yet another example of that "objectively unreasonable" misconduct. "A bedrock requirement of the federal habeas corpus statute is that the petitioner must be 'in custody' in order to pursue habeas relief." *Spottswood v. St. Croix Cnty., WI*, No. 21-CV-2258 (WMW/KMM), 2021 WL 6334690, at *1 (D. Minn. Oct. 14, 2021) (citing 28 U.S.C. § 2241(c)(3); 28 U.S.C. § 2254(a)). Rued attempts to categorize the state-court orders that he would like to challenge in this proceeding as imposing "confinement" upon him, but they do not; Rued is not subject to detention or any other physical restraint.³¹

³¹ The proximate cause of Rued's habeas petition is an order of the Minnesota Court of Appeals entered February 4, 2025, declining to issue a writ of prohibition. *See In re Rued*, No. A24-2035 (Minn. Ct. App. Feb. 4, 2025); Petition at 5 (Dkt. 1) (referencing February 4, 2025 order). Nothing in that order subjected Rued to custody.

Similarly, the persons named as respondents to this action are not wardens holding Rued in custody, *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004), but rather state-court judges and referees who have issued orders and opinions with which Rued disagrees regarding the divorce and child-custody proceedings. In short, this habeas action is frivolous. Having failed to procure relief from the state-court decrees in any of the federal non-habeas lawsuits that he has filed, Rued has now turned to a procedural vehicle—a petition for a writ of habeas corpus—that is even more plainly inappropriate to effectuate his goals. Rued's habeas petition should be denied accordingly and this action should be dismissed.

Rued is already subject to a recommendation that restrictions be imposed on his ability to initiate litigation in this District due to his history of misconduct and repeated filing of frivolous litigation. *See Rued v. Hudson*, 2024 WL 4880385, at *7 (D. Minn. Nov. 25, 2024). This Court will mirror that recommendation. No other sanction, including monetary sanctions, has yet proven adequate to discourage Rued from vexatious conduct or from initiating bad-faith litigation. Accordingly, as Magistrate Judge Leung has already recommended, this Court too recommends that Rued be restricted from initiating new litigation in this District absent representation by counsel or the advance permission of a judicial officer of this District. *See In re Tyler*, 839 F.2d 1290, 1292-94 (8th Cir. 1988) (permitting imposition of filing restrictions on litigants who are vexatious or otherwise repeatedly abuse judicial processes). Nothing short of such a filing restriction will ensure that Rued ceases with his campaign of

harassment, at least in the District of Minnesota. See *Rued v. Rued*, No. A21-0798, 2022 WL 2298992, at *18 (Minn. Ct. App. July 27, 2022) (noting finding of fact of state district court that “[i]t is very obvious that [Rued] was trying to bankrupt [his former spouse] in hopes that her attorney would withdraw for nonpayment”); *id.* at *11 n.15 (noting Rued’s “harassing behavior toward mother, the child’s service providers, and others”); *Rued v. Rued*, 2024 WL 1987171, at *2 (recounting Rued’s history of vexatious conduct in state court); *Rued*, 2024 WL 4880385, at *7 (predicting correctly “that, without a filing restriction, [Rued] will continue generating new federal litigation driven by [his] dissatisfaction with W.O.R.’s current custody status.”).

RECOMMENDATION

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT:**

- 1) The petition for a writ of habeas corpus of petitioner Joseph Daryll Rued (Dkt. 1) be **DENIED** pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts.
- 2) This matter be **DISMISSED**.
- 3) Rued be restricted from initiating new litigation in this District absent representation by counsel or the advance permission of a judicial officer of this District.

Dated: February 7, 2025 *s/Elizabeth Cowan Wright*

ELIZABETH COWAN WRIGHT
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local

Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).

Appendix Y

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 25-1620

Joseph Daryll Rued; W.O.R., Minor Child; Scott
Daryll Rued; Leah Jean Rued

Plaintiffs - Appellants

v.

Jaykumar Jayswal, Person and Hennepin County
Human Services CPS Worker; Leslie Karnes, Person
and Scott County Human Services CPS Worker; Anne
Gearity, Person and Participant on Governor's CPS
Task Force; Judy Weigman, Person and Cornerhouse
Interviewer; Nancy Ellen Brasel, Person and
Individual that is a Federal Judicial Officer; Bobby E.
Shepherd, Person and Individual that is a Federal
Judicial Officer; L. Steven Grasz, Person and
Individual that is a Federal Judicial Officer; David R.
Stras, Person that is a State Judicial Officer; Renee
L. Worke, Person that is a State Judicial Officer;
Roger M. Klaphake, Person and Individual that is a
Federal Judicial Officer; Jon Schmidt, Person and
Individual that is a Federal Judicial Officer; Mike
Furnstahl, Person and Individual that is a Federal
Judicial Officer; Charlene W. Hatcher, Person and
Individual that is a Federal Judicial Officer; Richard
A. Stebbins, Person and Individual that is a Federal
Judicial Officer; Nelson Lodin Peralta, Person and

Individual that is a Federal Judicial Officer;
Christian M. Sande, Person and Individual that is a
Federal Judicial Officer; Charles Webber, Person and
Individual that is a Federal Judicial Officer; Caroline
H. Lennon, Person and Individual that is a Federal
Judicial Officer; Ryan Kuffel, Person that is an Eden
Prairie Police Officer; Julie Swanson, Person that is a
Scott County Health and Human Services CPS
Supervisor; Suzanne Arnston, Person that is a Scott
County Health and Human Services Deputy Director;
Hennepin County Human Services and Public Health
Department, Person that is a County Agency; Scott
County Department of Human Services, Person that
is a County Agency; Minnesota Dept. of Human
Services, State Agency Overseeing Child Protection;
Jamie Pearson, Shakopee Police Officer; Natalie
Hudson, Person that is a state judicial officer

Defendants - Appellees

No: 25-1623

Joseph Daryll Rued; W.O.R., Minor Child; Scott
Daryll Rued; Leah Jean Rued

Plaintiffs - Appellants

v.

Natalie Hudson; Charlene W. Hatcher; Mike
Furnstahl; Nelson Lodin Peralta; Christian M.
Sande; Richard A. Stebbins; Renee L. Worke; Roger
M. Klaphake; Jon Schmidt; Charles Webber

Defendants - Appellees

No: 25-1651

Joseph Daryll Rued; W.O.R., Minor Child; Scott
Daryll Rued; Leah Jean Rued

Plaintiffs - Appellants

v.

Natalie Hudson, Person that is also a state judicial officer; Leonardo Castro, Person that is also a state judicial officer; Caroline H. Lennon, Person that is also a state judicial officer; Keith M. Ellison, person that is also the Minnesota Attorney General; Alexander Robertson Sloan, person that is also an Assistant Minnesota Attorney General; Beth Barbosa, person that is also an attorney and partner at Gilbert Alden Barbosa; Charlie R. Alden, II, person that is also an attorney and partner at Gilbert Alden Barbosa; Gilbert Alden Barbosa, PLLC, person that is also a law firm; Catrina M. Rued, person that is also a client of Gilbert Alden Barbosa PLLC; Hennepin County Clerk of Court, State Agency; Jamie Pearson, Shakopee Police Officer; Cornerhouse, person that is also a child welfare agency acting under color of state law with municipal investigators

Defendants – Appellees

No: 25-1614

Joseph Daryll Rued; W.O.R., a minor child

Petitioners - Appellants

v.

Charlene W. Hatcher; Richard A. Stebbins; Renee L.
Worke; Jon Schmidt; Roger M. Klaphake; Natalie
Hudson; Anne McKeig; Rachel F. Bond; Elise L.
Larson

Respondents - Appellees

No: 25-1593

In re: Joseph Daryll Rued; W.O.R., Minor Child; Scott
Daryll Rued; Leah Jean Rued

Petitioners

No: 25-1594

In re: Joseph Daryll Rued; W.O.R., Minor Child; Scott
Daryll Rued; Leah Jean Rued

Petitioners

No: 25-1597

In re: Joseph Daryll Rued; W.O.R., Minor Child; Scott
Daryll Rued; Leah Jean Rued

Petitioners

No: 25-1598

In re: Joseph Daryll Rued; W.O.R., a minor child

Petitioners

Appeals from U.S. District Court for the District of
Minnesota

(0:24-cv-01763-JRT)

(0:24-cv-02437-JRT)

(0:24-cv-03409-JRT)

(0:25-cv-00468-JRT)

**PLAINTIFFS/PETITIONERS-
APPELLANTS'/PETITIONERS' PETITION FOR
REHEARING EN BANC**

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ISSUES

Panel decisions in 25-1620/25-1623/25-1651 conflict with the holdings of the United States Supreme Court (“TSCOTUS”) regarding concurrent state-federal jurisdiction and that Rooker-Feldman application requires a nexus to claims that were actually litigated and determined by a concluded state court judgement (*Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280 (2005)), also conflicting with holdings of this Court (*Simes v. Huckabee*, 354 F.3d 823, 829 (8th Cir.2004); *Hageman v. Barton*, 817 F.3d 611, 615 (8th Cir.2016); *Dornheim v. Sholes*, 430 F.3d 919, 923 (8th Cir.2005)), and that Rooker-Feldman is inapplicable to parties through privity (*Lance* 546 U.S....(2006)). The Panel decision in 25-1614 conflicts with the holdings of the TSCOTUS and this Court that habeas relief is not limited to circumstances of imprisonment through state criminal proceedings, but rather is available for deprivations of physical liberty through physical confinement or restraint on the basis of a state court judgement (*Rumsfeld v. Padilla*, 542 U.S. 426, 437 (2004); *Boumediene v. Bush*, 553 U.S. 723, 739 (2008); *Duncan v. Walker*, 533 U.S. 167, 176 (2001); *Grass v. Reitz*, 643 F.3d 579, 584 (8th Cir.2011)). Panel decisions in 25-

1620/25-1623/25-1651/25-1614 conflict with the holdings of TSCOTUS regarding jurisdictional and standing requirements of genuine cases and controversies under U.S. Const. Art. III § 2 (*Tileston v. Ullman*, 318 U.S. 44, 46 (1943); *U.S. Bancorp Mortg. Co. v. Bonner Mall*, 513 U.S. 18, 21 (1994); *Steel Co. v. Citizens for Better Env't*, 523 U.S. 83, 84 (1998)) with the panel decisions affirming determinations that the face of the records demonstrates are based upon fabrications by the district court ("DC"), lacking nexus to any genuine case or controversy. Panel decisions denying relief for injunction and stay pending appeal conflict with the holdings of this Court (*Brady v. Nat'l Football League*, 640 F.3d 785, 789 (8th Cir.2011)) and TSCOTUS (*Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)) in 25-1620/25-1623/25-1651/25-1614. Absent provision of injunctive relief and stays of DC orders pending appeal, the Panel decisions in 25-1593/25-1594/25-1597 and 25-1598 conflict with the holdings of TSCOTUS regarding relief as a matter of right where a court has no jurisdiction of collateral matters that have arisen in the proceeding (*In re Rice, Petitioner*, 155 U.S. 396 (1894)). Resultingly, consideration by the full court that is qualified is necessary on all of these issues to maintain uniformity of this Court's and TSCOTUS' decisions.

FACTS

Appellants' federal claims in 24-CV-1763/24-CV-2437/24-CV-3409 uniformly relate to federal claims at issue in ongoing state proceedings that have never been reached in or allowed to be litigated through any completed state court judgement—the Panel affirmed DC's Rooker-Feldman application to such claims (APP-8). Appellants' petition for habeas

relief in 25-CV-0468 is based upon imposition of physical confinement, unshared by the general public or any other child under any custodian, by a state court judgement—the Panel affirmed DC's assertion that habeas relief is not available for physical restraint unshared by the general public imposed by state judgement (APP-9).

DC dismissed Plaintiffs' claims in 24-CV-1763/24-CV-2437/24-CV-3409 on the basis that Joseph Rued ("Rued") argued Defendant Jayswal's perjury admissions to Defendant Furnstahl, citing to Plaintiffs' Complaint:

[DC]'s Orders dismissing...Plaintiffs'...claims...are all based upon a factual assertion by [DC] that Rued "argued" Jayswal's perjury admissions...in an initial custody proceeding regarding W.O.R. supported only by [DC]'s assertions...regarding Plaintiffs' Complaint...([24-CV-1763.R.Doc.3 and/or 26])[]:

During [Furnstahl's] proceedings, [Rued] argued that Jayswal had admitted in a deposition that "the CHIPS Petition's [{"CHIPSP's"}] material claims were per[jur]ious." Compl. 13. [24-CV-1763.R.Doc.247.on.8].

In...Defendant...Furnstahl's [trial]...[Rued] argued that Jayswal's statements in the CHIPS[P] were perjurious. (Am. Compl. ¶2...Docket No. 30.) [24-CV-1763.R.Doc.247.on.5].

Paragraph 2 and 13 of Plaintiffs' Complaint in

24-CV-1763 [(24-CV-1763.R.Doc.3.and.26.on.5.and.8-9)] provide[s] in relevant portions[]:

Defendant...[]Jayswal...falsified conclusions of...CPS investigations based upon his...admitted perjury through a CHIPS[P] removing custody, care, and companionship of []Rued's for his natural child, W.O.R...., who share parallel and intertwined injuries in fact and whose proximity of relationship is self-evident..., of which numerous persons and/or individuals acting on behalf of [governments] have Co-Conspired with, through such individuals'...violations of [...Fourteenth and/or Fifth Amendments], to further and sustain [Fourteenth Amendment] violations of...Jayswal, depriving Plaintiffs' federally protected rights,...in reckless disregard to Plaintiffs' rights and/or safety causing severe emotional distress to all Plaintiffs, endangerment and medical neglect of W.O.R., and substantial financial damage to Plaintiffs among other injuries.[]

Plaintiffs allege that there is an understanding amongst persons or individuals...in this Complaint that such will protect persons that are government actors...even at the expense of resulting in, causing, and sustaining flagrant violations of Constitutional rights of Plaintiffs..., causing irreparable

harms, and certain Defendants met and conspired to deprive...Rued's and W.O.R.'s established rights and the result of such meeting was the perjury of the CHIPS[P], participants of which include...Jayswal and...Kuffel...After meeting with...Jayswal and conspiring to determine to file the admittedly perjurious CHIPS[P] depriving...[Appellants'] federally protected rights and endangering and maltreating W.O.R....in violation of [the Fourteenth Amendment],...Kuffel filed falsified charges against...Rued intended to be utilized in custody proceedings, then contacted...Furnstahl and requested to not have to testify with respect to these matters to which...Furnstahl agreed and extended the same agreement to...Jayswal while...Furnstahl relied upon the falsified charges and...admitted perjury of...Jayswal's CHIPS[P] and excluded the depositions of...Kuffel and...Jayswal, including the admissions that such CHIPS[P],...is admitted perjury, to deprive custody rights of...Rued, among numerous other deprivations of Plaintiffs' rights[]. These unconstitutional customs and usages under state authority in violation of [the Fourteenth Amendment] are so widespread by Defendants that such has had full force of law for most of W.O.R.'s life, county agencies claim these unconstitutional customs and usages

have full force of law such that evidence in investigations can not matter, persons that are judicial officers claim that evidence does not matter....sustained by more than 22 individual persons that are state court judges....which are ongoing and sustained to the present day,...establishing persistent practices of persons acting on behalf of the state and under the authority of state law. Fundamentally, all controlling orders rely upon the admitted perjury of...Jayswal and no person or individual that is a judicial officer in the state or country has acknowledged the deposition or deposition admissions of...Jayswal...[I]ndividual and collective Constitutionally prohibited actions of Defendants in systematically denying due process and equal protections through willfully relying on admitted perjury that is the conclusions of CPS investigations...is shocking to the conscience...and...unrelated to...legitimate object of government action[]. APP-86-91.

DC denied Petitioners' petition for habeas corpus on the basis that Petitioners sought relief from child custody determinations, not for imposition of deprivations of physical liberty through physical confinement, citing to Petitioners' Petition in 25-CV-0468:

[DC]'s Order denying Petitioners' Petition for Writ of Habeas Corpus is based upon a factual

assertion by [DC]:

Rued claims the state court proceedings that led to his ex-wife earning sole custody of their child are a somehow a form of "confinement." (See Pet. at 1, 5, Feb. 5, 2025, Docket No. 1D)...Rued is not subject to detention or any other physical restraint. [24-CV-0468.R.Doc.11.on.2-3].

[DC]'s cited support for asserting Petitioners seek relief from child-custody determinations and not physical restraint is Petitioners' Petition for Writ of Prohibition [(24-CV-0468.R.Doc.1)] [on] 1 and 5. Page 1 of [(24-CV-0468.R.Doc.1)] provides the following relevant factual information:

Place of Confinement: unspecified maximum security supervision center

[C]ourt...imposing confinement: Hennepin County Family Court...

Date of confinement: immediate from order for any parenting time

[D]eterminations upon which confinement is imposed in this case: Child endangerment for reporting abuse of [Rued's son, W.O.R., and seeking medically recommended care of W.O.R....is what [Rued and W.O.R. are physically confined for]. [24-CV-0468.R.Doc.1.on.1].

Page 5...provide[s]:

[]Petitioners do not need to continue to provide...further opportunity to address the Constitutionally prohibited actions of unlawful confinement...to the highest court in the state...—circumstances exist that render all state processes ineffective to protect Petitioners' rights, namely flagrant unconstitutionality and rampant Constitutionally prohibited abuses by all levels of the Minnesota Judiciary and these Respondents.

Petitioners are **physically confined** on the bases of Judge...Hatcher's and Referee...Stebbins' determinations that...Rued has endangered W.O.R. by believing W.O.R.'s reports of maltreatment, including sexual abuse...while in the care of another and that...Rued seeks to provide W.O.R. medical care as recommended by every medical professional that has provided input—such actions are deemed endangering because...Rued does not submit to/agree with/believe such claims of Referee Stebbins and Judge Hatcher,...which are demonstrably fraudulent, absent basis in fact, reason, or law, and constitute fraud upon the court,... violati[ng]... fourteenth amendment requirements. Judge Hatcher's... determinations, upheld... based upon improperly applying state preclusion principles to sustain reliance

upon admitted perjury of...CPS investigations concluded by...Jayswal in aCHIPS[P]... fraudulently...asserting... Rued's reports of W.O.R.'s maltreatment are false and that there is no basis for medical diagnosis of dietary restrictions for W.O.R....—such are obvious substantive due process violations and prohibited by fundamental fairness requirements given such determinations to deprive protected rights and impose **physical confinement** upon...Rued and W.O.R....Such determinations are also based upon procedural due process violations because...preclusion [is applied] to not reach that all relevant orders and determinations fundamentally relied upon to unlawfully confine...Rued and W.O.R. are based upon orders and determinations in which...Rued was prohibited from calling Jayswal as a witness, Jayswal's deposition admissions ...were deliberately suppressed by the State... and kept out of the record...preclusion application relates... to, resulting in such preclusion being improper and Constitutionally prohibited action here, and [Rued was] repeatedly prohibited from calling other relevant witnesses or deposing those relied upon such that all individuals relied upon ...to determine... Rued...endangered W.O.R. either have never been produced as a witness or due process was otherwise violated[] [] [(24-CV-0468.R.Doc.1)] on 5 (continued on

16)[].

[Rued...sought other remedies to address Constitutional violations beyond unlawful confinement, but such...are not relevant to exhaustion of state remedies for...unlawful confinement at issue here[]. [(24-CV-0468.R.Doc.1)] on 16, responding to the prompt...[as also responded to on]...page 5...(prompt...12)[]]. APP-49-55.

[Additionally, DC] asserts that relief under habeas corpus requires Petitioners to be physically confined in the custody of a warden[...but] federal law does not require a person to be in the custody of a warden, or presently physically confined, for habeas relief to be accessible[]. APP-56-57 (see also 24-CV-0468.R.Doc.10.on.6-8).

Appellants moved for stays of DC's orders and injunction pending appeals on the following bases:

Plaintiff/Petitioner-Appellants are...correct that [DC] basing dismissals of Plaintiffs' federal claims and denials of Petitioners' habeas relief sought upon [DC]'s own objectively fraudulent factual assertions are in error due to such actions being violative of First and Fifth Amendment requirements, as well as lacking jurisdictional requirements under U.S. Const. Art. III § 2 due to such determinations demonstrably lacking nexus to the genuine cases and controversies...before [DC], due to such being based upon [DC]'s fabrications and not the records. No rational argument can be made that Plaintiffs' Complaint asserts Rued argued Jayswal's perjury to Furnstahl when

such Complaint asserts Furnstahl prohibited such from occurring or that Petitioners' Petition seeks relief from child-custody determinations when such Petition seeks relief from physical confinement imposed by state court judgements that are unshared by the general public.

That fundamentally and essentially relying upon admitted perjury (*Albright v. Oliver*, 510 U.S. 266, 299 (1994) [citing to *Napue v. Illinois*, 360 U.S. 264, 79 S.Ct. 1173, 3 L.Ed.2d 1217 (1959), binding upon state *representatives* (see *Glossip v. Oklahoma*, 145 S. Ct. 612, 630 (2025)) "implicit in any concept of ordered liberty," (failure of State to correct testimony known to be false violates due process))), especially where...state litigation is not reasonably construable as at will (*Boddie v. Connecticut*, 401 U.S. 371, 376 (1971)), while refusing to allow for cross-examination or the submission of evidence demonstrating such perjury admissions (*Douglas v. Buder*, 412 U.S. 430, 432 (1973); *Bell v. Burson*, 402 U.S. 535, 542 (1971)) and then applying judicial doctrines in supersession of Constitutional requirements (*Armstrong v. Exceptional Child Ctr., Inc.*, 135 S. Ct. 1378, 1383 (2015)) to such unreachd federal claims previously prevented from being litigated to deprive protected rights of Plaintiffs (*Santosky v. Kramer*, 455 U.S. 745 (1982); *May v. Anderson*, 345 U.S. 528, 532 (1953)), including rights to fair trials (*Estelle v. Williams*, 425 U.S. 501, 502 (1976)), is violative of Constitutional guarantees, including fundamental fairness (*Brown v. State of Mississippi*, 297 U.S. 278... (1936), citing *Hebert*

v. Louisiana, 272 U.S. (1926)) equally applicable in civil proceedings (*Joint Anti-Fascist Comm. v. McGrath*, 341 U.S. 123, 168 (1951)), and cannot legally be attributed to any sovereign subject[]...to...Constitution (*Ex Parte Young*, 209 U.S. 123, 159-161, 28 S.Ct. 441, 52 L.Ed. 714 (1908); *North Carolina v. Temple*, 134 U.S. 22 (1890)), as all state action is subject to (*Shelley v. Kraemer*, 334 U.S. 1, 14-15 (1948)), is individual action prohibited by sovereign requirements such that it may be made object of specific relief (*Larson v. Domestic Foreign Corp.*, 337 U.S. 682, 690 (1949)) as Plaintiffs seek here, is clear under federal law.

Plaintiff-Appellants are...correct...Rooker-Feldman cannot be applied to...claims...state courts have...prevented from being litigated and then...declined to consider that remain at issue in ongoing state proceedings...or to parties in privity with state court litigants, such as W.O.R. and Scott and Leah Rued, as any claims absent nexus to a completed state court judgement could only be inhibited by state preclusion principles..., which cannot be applied here where the issues have been prevented from being litigated...that would also result in sustaining admitted perjury and demonstrable fraud and fraud upon the court[]. Plaintiff-Appellants are...correct that there is no applicable basis for federal court abstention from Plaintiffs' federal claims due to the state court proceeding in such a manner that is flagrantly violative of express Constitutional requirements, willfully relying upon admitted perjury and fraud to abuse a child, W.O.R., and

all other Plaintiffs, violating state child maltreatment laws, including reporter immunity, and numerous criminal statutes, rendering such continued action absent any legitimate government interest and explicitly contrary to state interests in such proceedings (*Palmore v. Sidoti*, 466 U.S. 429, 432 (1984); *Lassiter v. Department of Social Services*, 452 U.S. 18, 27 (1981)). Plaintiffs are...correct that the state courts, in systematically preventing the litigation of Plaintiffs' federal claims...in order to protect the state at the expense and abuse of the Constitution, law, and Plaintiffs, have provided unambiguous authority that the state courts are rendered incompetent to adjudicate Plaintiffs' federal claims (*Pennzoil Co. v. Texaco, Inc.*, 481 U.S....(1987); *Peterson v. Sheran*, 635 F.2d 1335, 1340 (8th Cir.1980)) and the state proceedings are being conducted in bad faith allowing intervention (*Huffman v. Pursue, Ltd.*, 420 U.S. 592, 611 (1975)).

Plaintiffs are...correct...judicial immunity does not inhibit the prospective injunctive relief Plaintiffs...seek[], which is merely the cessation and/or enjoinder of sustaining... Constitutionally prohibited actions of relying upon admitted frauds and perjury of other Defendants and Co-Conspirators (*Pulliam v. Allen*, 466 U.S. 522, 522-23...(1984)). Petitioners are...correct that the Anti-Injunction Act is not applicable...(*Mitchum v. Foster*, 407 U.S. 225, 241-242 (1972)). Plaintiff-Appellants are... correct that the Federal Courts Improvement Act of 1996 additions to §1983 ["FCIAA§1983"] are flagrantly

unconstitutional, constituting an unprovisioned exercise of Congressional authority prohibited by the Tenth Amendment given the Enforcement Clause of the Fourteenth Amendment provisions action providing for the *enforcement* of the Fourteenth Amendment, not the *restriction of enforcement*[], resulting in the Act effecting substantive alterations to...the Fourteenth Amendment solely upon... Congressional authority...lacking requisite criterion for...action under authority of the Enforcement Clause, namely a "congruence and proportionality between the injury to be prevented or remedied and the means adopted to that end" (*City of Boerne v. Flores*, 521 U.S. 507, 519 (1997); *United States v. Stanley*, 109 U.S. 3, 11 (1883)). Plaintiff-Appellants are...correct...[FCIAA§1983]...did not *restore* 400 years of common law holdings under United States law for which *Pulliam* represented a deviation (*Supreme Ct. of Virginia v. Consumers Union of U. S., Inc.*, 446 U.S....(1980); *Pulliam*....(1984)), as there is no basis in...law that judicial immunity from prospective injunctive relief to cause Constitutionally prohibited actions to cease exists or could exist under the [Constitution's] requirements...(U.S. Const. Art. VI § 2, 3; *Cooper v. Aaron*, 358 U.S....(1958)).

Resultingly, Plaintiffs are likely to succeed on the merits of...injunctive requests. "Constitutional rights may not be denied simply because of hostility to their assertion" (*Watson v. City of Memphis*, 373 U.S.... (1963)).

Plaintiffs are suffering ...irreparable harms—unlawful confinement and deprivations of W.O.R.'s basic rights to child welfare and Rued's rights far more precious than any property right on bases expressly prohibited by rudimentary due process requirements irrefutably results in irreparable harms...[,] supported by multiple highly experienced experts [APP-126-177] which is uncontroverted in the record and incontrovertible under reason given [Defendants are] violating child maltreatment, neglect; and endangerment laws against W.O.R....[and]...numerous criminal statutes against Plaintiffs[.]

No party has a cognizable right in sustaining court orders based upon fabrications...violative of Fifth Amendment requirements or admitted perjury...in violation of Fourteenth Amendment requirements, nor does any party suffer legally cognizable harms from enforcement of Constitutional requirements. The balance of equities plainly favors Plaintiff/Petitioner-Appellants' requests.

Sustaining orders...upon demonstrable fraud and...perjury...undermines the integrity of the judiciary (*Williams-Yulee...*(2015))—the public interest is served and in no way harmed through provision of Plaintiff/Petitioner-Appellants' relief requested. APP-24-32.

The panel denied Plaintiffs/Petitioners-Appellants' Motions for Stays and Injunction pending appeals (APP-8-9).

Plaintiff/Petitioners sought writs of prohibition directed to DC on the following grounds:

[A]pplication of [Rooker-Feldman] requires a nexus from what was litigated and determined in concluded state judgements to federal claims or a showing that such claims were provided reasonable opportunity to have been litigated in concluded state proceedings...There is no nexus from Plaintiffs' federal claims...to any completed state judgement, so [DC] fabricated...that Plaintiffs' Complaint paragraphs 2 and 13...assert...Rued argued Jayswal's perjury admissions to Furnstahl, which is demonstrably fabricated on the face of the record and is not based upon any case or controversy before [DC]. Nothing in any of the Complaints relate to Rued arguing Jayswal's perjury to Furnsahl...Plaintiffs' Complaint is clear:

Plaintiffs' claims are unreached by any judicial body[]. 24-CV-1763 Complaint¶1. [24-CV-1763.R.Doc.3.and.26.on.5]. APP-93-94.

[DC] based...denial of Petitioners'...Habeas [Petition]...upon [DC's] factual fabrication that Petitioners[] Petition...seeks relief from child-custody determinations, not physical confinement...There is no nexus from [DC]'s assertions...Petitioners seek habeas relief for child-custody determinations and not physical confinement or restraint in Petitioners' Petition[].

Plaintiffs[/Petitioners] have no standing to litigate that their Complaint[/Petition] does not support that Rued argued Jayswal's perjury admissions to Furnstahl [or that Petitioners' Habeas Petition seeks relief for anything other than physical confinement or restraint] because there [are] no possible controvers[ies] related to such, nor are Plaintiffs[/Petitioners] involved in any case[s] with any such Complaint[/Petition] supporting such, which is clearly established on the face of the record. Such lack of jurisdiction and standing related to [DC]'s Orders here [(*Tileston...*(1943); *U.S. Bancorp...*(1994); *Steel Co....*(1998))] results in relief via extraordinary writ lying not just as a matter within this Court's discretion but as a right for Petitioners here [(*In re Rice, Petitioner*, 155 U.S. 396 (1894))]. APP-103-106; APP-64-67.

[]Plaintiffs promptly informed [DC] of the lack of jurisdiction for such orders [under U.S Const. Art. III § 1 and 2] and objected[]. APP-62; APP-100.

ARGUMENT

Panel affirmations of DC's orders in 24-CV-1763/24-CV-2437/24-CV-3409 are in direct conflict with numerous holdings of this Court and TSCOTUS through application of Rooker-Feldman to federal claims related to ongoing state proceedings, denying concurrent federal-state jurisdiction (*Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280 (2005)); that have been prevented from being litigated in state court proceedings (*Simes v. Huckabee*, 354 F.3d 823, 829 (8th Cir.2004); *Hageman v. Barton*, 817 F.3d 611, 615 (8th Cir.2016); *Dornheim v. Sholes*, 430

F.3d 919, 923 (8th Cir.2005)), and to federal claims of parties that are in privity with state court litigants (*Lance v. Dennis*, 546 U.S. 459...(2006)), which should be governed by state preclusion principles (*Mach v. Wells Concrete Prods. Co.*, 866 N.W.2d 921, 925 (Minn.2015); *Halloran v. Blue and White Liberty Cab Co. Inc.*, 253 Minn. 436, 442 (Minn.1958)), not Rooker-Feldman. No jurisdictional bars are relevant here given the state courts' refusal to adjudicate Plaintiffs' federal claims despite every effort of Plaintiffs—abstentions under civil derivatives of *Younger* doctrine (see *Moore v. Sims*, 442 U.S....(1979)) or *Pennzoil* (1987) guidance are the only reasonably relevant bases for abstention or coherent analysis for any lawful inhibition to Plaintiffs' federal claims, and neither are applicable in these cases where ongoing state proceedings are being conducted in bad faith and flagrantly violative of express Constitutional prohibitions, causing Plaintiffs great, irreparable harms (*Huffman v. Pursue, Ltd.*, 420 U.S. 592, 611 (1975)). Accordingly, the state proceedings provide unambiguous authority that the state courts have been rendered incompetent to adjudicate Plaintiffs' federal claims (*Peterson v. Sheran*, 635 F.2d 1335, 1340 (8th Cir.1980)).

The panel affirmation of DC's order in 25-CV-0468 conflicts with holdings of TSCOTUS that habeas relief is not limited to criminal disposition and imprisonment, but rather impositions of restraint or confinement inhibiting physical liberty unshared by the general public on the basis of state court judgements (*Rumsfeld v. Padilla*, 542 U.S. 426, 437 (2004); *Boumediene v. Bush*, 553 U.S. 723, 739 (2008); *Duncan v. Walker*, 533 U.S. 167, 176 (2001); *Jones v. Cunningham*, 371 U.S. 236, 239 (1963); *Grass v. Reitz*, 643 F.3d 579, 584 (8th Cir.2011)).

The Panel denials of Appellants' motions for injunctions and stays pending appeals conflicts with the holdings of TSCOTUS and this Court given Appellants plainly establish fulfillment of relevant criterion for a stay of DC's orders and injunction to issue pending appeal (*Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Brady v. Nat'l Football League*, 640 F.3d 785, 789 (8th Cir.2011)). Unless the Eighth Circuit issues an injunction consistent with Appellants' requests on rehearing, the panel denials of Petitioners' Petitions for Writs of Prohibition conflict with the holdings of TSCOTUS (*In re Rice; Petitioner*, 155 U.S. 396 (1894)) given DC has fabricated the essential elements of its disposition of Plaintiffs/Petitioners' claims in 24-CV-1763/24-CV-2437/24-CV-3409/25-CV-0468, resulting in fraud upon the court and actions that the face of the records demonstrates are not based upon any genuine case or controversy before DC; lacking jurisdictional and standing requirements under U.S. Const. Art. III (*Tileston...*(1943); *[[Bancorp...*(1994); *Steel Co...*(1998)).

These circumstances demonstrate a complete breakdown of Constitutionality and the American justice system demonstrable on the face of the records through arbitrary, capricious, and unreasonable actions by DC and this Panel, resulting in violations of requirements under the First (*BEK CONSTR. CO. v. NLRB*, 536 U.S. 516 (2002), Fifth (*Weinberger v. Wiesenfeld*, 420 U.S. 636, 638 (1975); *Washington v. Davis*, 426 U.S. 229, 239 (1976)), and Seventh Amendment (*Lytle v. Household Manufacturing, Inc.*, 494 U.S. 545, 550 (1990)) for federal judicial officers and plain fraud upon the court through these unconscionable schemes by federal judges (*Pfizer, Inc. v. International Rectifier Corp.*, 538 F.2d 180, 195 (8th

Cir.1976)), which should be remedied at earliest opportunity (*United States v. Shotwell Mfg. Co.*, 355 U.S. 233, 242 (1957)). The Eighth Circuit should grant this Petition for rehearing for Plaintiffs/Petitioners-Appellants' Appeals and issue Plaintiffs-Appellants' injunctive relief and stays requested. To the extent Plaintiffs-Appellants' injunctive relief and stays pending appeal are not granted, Petitioners' Writs of Prohibition sought should issue as a matter of right given no other available remedy at law.

These Panel decisions are not close to comporting with Constitutional requirements—such violations and abuses of Constitutional requirements result in unauthorized judicial action in usurpation of legislative authority absent jurisdiction in violation of separations of powers (*Ex Parte United States*, 242 U.S. 27, 51 (1916)) and invidious discrimination absent rationale. Plaintiffs' claims are addressable in federal court (*White v. Smith*, 696 F.3d 740, 754, 757-59 (8th Cir.2012); *S.L. ex rel. Lenderman v....Police...*, 725 F.3d 843, 853 (8th Cir.2013)) and this Court has a duty to address DC's fabrications violating Constitutional requirements—correcting fraud upon the court demonstrable on the face of the records is not discretionary action here.

Dated: April 14, 2025

Submitted,

[s/Joseph Rued, also
o/b/o W.O.R., a minor
child

s/Scott Rued

s/Leah Rued

Appendix Z

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Joseph Daryll Rued, also o/b/o W.O.R.,
a minor child, et al,

Plaintiffs,

v.

Jayswal, et al

Defendants.

Civil File No. 24-CV-1763 (JRT/TNL)

**PLAINTIFFS' OBJECTIONS TO THE COURT'S
NOVEMBER 6, 2024 REPORT AND
RECOMMENDATION**

INTRODUCTION

Certain criterion for Rooker-Feldman ("RF") application are not discretionary—such are necessary for the doctrine to be applied in concert with fifth amendment requirements, including that RF does not apply to federal claims at issue in ongoing state proceedings or federal claims independent of or unreached by state judgements:

If...plaintiff presents an independent claim, even one that denies a state court's legal conclusion in a case [where] the plaintiff was...party, there is jurisdiction, and state law

determines whether the defendant prevails under preclusion principles...Nor does §1257 stop a district court from exercising subject-matter jurisdiction simply because a party attempts to litigate in federal court a matter previously litigated in state court. *Exxon[] v. Saudi[]*, 544 U.S. 280 (2005).

RF cannot apply to claims for which §1257 is inoperative. RF cannot reasonably apply to claims related to adverse parties' illegal acts or where state courts have determined federal claims purely upon state law without including federal constitutional jurisprudence, as either are independent of state judgements, both of which apply here given Plaintiffs' federal claims relate to illegal acts with state proceedings based purely upon state law:

[RF]...does not bar...claims premised on...activities in filing the...action and in enforcing the resulting judgment. Although Appellants complain of injuries caused by the state court judgment, their claims do not seek review and rejection of that judgment. They do not challenge the court's issuance of the judgment or seek to have that judgment overturned. We have distinguished claims attacking the decision of a state court from those attacking an adverse party's actions in obtaining and enforcing that decision:

If...plaintiff[(s)] assert[] as a legal wrong an allegedly erroneous decision by a state court, and seeks relief from a state court judgment based on that decision, [RF] bars subject matter jurisdiction... If...

plaintiff[(s)] assert[] as a legal wrong an allegedly illegal act or omission by an adverse party, [RF] does not bar jurisdiction.[]

Appellant's claims fall into the latter category because they assert allegedly unlawful conduct committed by adverse parties, which does not require the federal district court to overturn the state court's order. *MSK EyEs Ltd. v. Wells Fargo...* (8th Cir. 2008).

Plaintiffs do not challenge the issuance of or seek relief from any final state judgements and seek relief related to judicial defendants that cannot be reasonably considered responded to by any court, all which remain at issue in ongoing state proceedings relative to this action under federal law.

The November 6, 2024 Report and Recommendation ("RR") misconstrues principles required for lawful application of RF, the adoption of which will violate fifth amendment requirements regarding numerous aspects of due process, including fundamental fairness given that the Court appears to be the evidential source essential to its RF application at what would be the expense of the Constitution and Plaintiffs' federally protected rights, as well as equal protections given criterion for RF application does not exist for Plaintiffs' claims recommended to be dismissed on such basis not occurring for other litigants:

[T]he Due Process Clause of the Fifth Amendment contains an equal protection component prohibiting the United States from invidiously discriminating between individuals

or groups.[] *Weinberger v. Wiesenfeld*, 420 U.S. 636, 638 (1975).

In *Gulla*..., the federal court plaintiffs initially contested a subdivision approval in a state court of common pleas. Though they alleged federal due process and equal protection violations, the state court dismissed their appeal for lack of standing without adjudicating their constitutional claims...Reversing the district court's holding...[RF] barred jurisdiction, the Third Circuit held [RF] was inapplicable where **the merits of the federal claims were not reached in the state court proceeding**: "Since [plaintiffs] could not obtain an adjudication of their claims in state court, they are not precluded from raising their constitutional claims in the federal forum[]" ["this court has consistently held that **where a state action does not reach the merits of a plaintiff's claims, then [RF] does not deprive the federal court of jurisdiction**"];...[] **Rooker-Feldman** inapplicable where a state court did not consider federal plaintiffs' constitutional claims[];...a federal court is not barred from hearing constitutional claims where they had not been determined by state court)...The Ninth Circuit applied a similar analysis in *Robinson v. Ariyoshi*, 753 F.2d 1468 (9th Cir. 1985)...[, holding] Rooker-Feldman as...inapplicable, stating:

Rooker made it clear that the only constitutional questions arising from a state proceeding on which [the Supreme

Court "TSCOTUS"] considered itself...the final arbiter, were those that "actually arose in the cause" in which a full hearing was held and where the judgment was responsive to the issues...[I]f Rooker were a blanket jurisdictional bar precluding the litigation of claims even if there had been no actual state court opportunity to litigate them, Rooker would swallow the "full and fair opportunity to litigate" limitation to res judicata clearly established elsewhere by [TSCOTUS].

[T]hough not squarely presented with the precise issue, this court has also suggested where a state court is faced with federal and state claims, but rules only on the state issues, [RF] does not bar a later federal suit. See *Bechtold v. City of Rosemount*, 104 F.3d 1062, 1065 (8th Cir. 1997) ("[Plaintiff] could conceivably escape the dictates of [RF] if the Minnesota court had decided the issue exclusively under a state constitutional due process principle not included in federal due process jurisprudence.").

[F]ederal plaintiffs cannot be said to have had a reasonable opportunity to raise their federal claims in state court where the state court declines to address those claims and rests its holding solely on state law. We have noted the [RF] doctrine is founded upon principles of federalism. However, the district court's holding...extends such doctrine

far beyond the deference to our state colleagues which federalism counsels. Were...[such]...reasoning to stand, defendants in state court would be placed in the following quandary: if they do not raise their federal claims in the state proceedings, they run the real risk of not being able to bring them subsequently in federal court...("By failing to raise his claims in state court a plaintiff may forfeit his right to obtain review of the state-court decision in any federal court."). But if they do raise federal claims in their state court defense, and the state court declines to address them, then according to the district court in this case they are also barred from bringing those claims in federal court. No principle of federalism suggests or requires such a result. As the Eleventh Circuit has stated, "[s]uch a harsh rule might deprive the plaintiff of any forum, state or federal, where he has a reasonable opportunity to present his federal constitutional claims, a result arguably contrary to the requirements of due process"...The rationale for applying the Rooker-Feldman doctrine even where constitutional claims are brought in federal court is because state courts are equally competent in deciding federal constitutional issues...However, to woodenly apply the doctrine where the state court passed on the constitutional issues is to divorce the doctrine from its rationale. *Simes v. Huckabee*, 354 F.3d 823, 829 (8th Cir. 2004).

This situation is a paradigmatic example of state courts refusing to reach federal claims raised on the basis of federal law—state courts do not reach federal claims under federal law by fraudulently applying preclusion principles in supersession of federal constitutional requirements to proceedings in which the state courts prevented such federal claims from being litigated, considered, or appealed anymore than applying jurisdictional doctrines constitutes adjudications on the merits, as such are determinations to *not* reach issues presented on the purported basis such issues were *reached* elsewhere. Respectfully, there is no way to lawfully apply RF to any, much less all, of Plaintiffs' claims.

OBJECTIONS AND ARGUMENT

Plaintiffs object to the RR's entire upshot, including the RR not granting Plaintiffs' requested relief and as follows:

- I. "During the [initial] proceedings [overseen by Mike Furnstahl], Joseph Rued [{"Rued"}] argued...Jayswal...admitted in...deposition...the CHIPS Petition's ("CHIPSP"'s) material claims were perjurious.' Compl. 13." (RR on 6, quotations in original).

It is true the "[CHIPSP]'s material claims were perjurious" and untrue such was argued during Furnstahl's proceedings by Rued. It is true that Furnstahl was aware the Hennepin County CPS investigations against Rued culminated with a CHIPSP that was admitted to being untrue under oath because Furnstahl reviewed Jayswal's deposition

making such admissions. It is untrue that such issues were raised in Furnstahl's custody proceedings to be either reached by Furnstahl or appealed directly by Rued, with Furnstahl determining Jayswal inessential. The RR's cited support for this is Plaintiffs' *request for prospective relief* "as applicable" to Defendants, which the Court presumed either included *only* initial proceedings or that the Minnesota Attorney General ("TMAG") was not perpetrating fraud upon this Court asserting Plaintiffs' claims were reached in the initial proceedings—Plaintiffs were unsubtle such assertions by TMAG were fraudulent.

Plaintiffs object to this finding/assertion/recommendation due to lack of reasonable support in evidence and such constituting fraud upon the court to the extent relied upon to dismiss or otherwise deny Plaintiffs' claims. Rued had no need to argue that the CHIPSP was perjurious in the initial trial or subsequent proceedings under Furnstahl because the CHIPSP was not presented against Rued in trial, Jayswal was ruled inessential, and Furnstahl did not explicitly rely on the CHIPSP for his determinations on seminal issues because he knew such was fraudulent and would not allow Rued anything to appeal regarding such issues in order to protect the government at the expense of the Constitution and Plaintiffs' rights (R.Doc.26.on.8-9). Resultingly, Furnstahl committed fraud with respect to most evidence in the record to align with the CHIPSP's perjurious claims, so the actual basis was unavailable on direct appeal.

The Court of Appeals ("COA") upheld Furnstahl's determinations and found available due process violations harmless in reliance upon the CHIPSP—such was not explicitly relied upon for essential determinations until the COA did so.

Furnstahl's initial denial of admitting the deposition admissions was not, in isolation initially, a due process violation because Rued could call Jayswal as a witness. Furnstahl's refusal to allow Rued to call Jayswal as a witness occurred in e-mail determining various witnesses were not essential witness which does not, in and of itself, constitute a due process violation. The RR assumes denials of Rued's initial appeal of evidentiary matters must have related to Furnstahl's determinations with respect to evidence of Jayswal's perjury, which is untrue and is the basis for the RR asserting Plaintiffs' claims related to Jayswal's perjury, which are based upon deposition admissions, were rejected, and therefore were considered and reached, on initial appeal by rejections of evidentiary objections regarding what was *not in the record available for consideration*. Such factual assertions by this Court are false even if it were true that Plaintiffs' claims related to MRE which is also not true.

It is not possible for a court to reach issues or claims that are neither included in the record nor identified through holdings—such is beyond reason or the power of any court and is the reason that these Defendants cannot assert preclusion principles here. Rued could not appeal Furnstahl's reliance upon the CHIPSP because Furnstahl did not do so explicitly for his seminal determinations. Rued could not appeal Furnstahl's evidentiary rulings related to the CHIPSP because such due process issues were *only* generated once Furnstahl did not allow Rued to call Jayswal as a witness and the CHIPSP was relied upon for essential determinations to deprive protected rights, which did not occur until the COA did so upholding Furnstahl's order and, thus, such was not reachable on appeal. Rued could not even have notice of generated additional federal claims until after the initial COA

Order, then could not reach such issues related to the CHIPSP given subsequent appeals can only address what was raised to and directly addressed by the lower court and such was not able to be raised given Furnstahl's lack of explicit reliance upon the CHIPSP because Furnstahl knew it was fraudulent and crafted his order so such would not be raisable on appeal—there was no opportunity provided by the state courts to litigate Plaintiffs' federal claims in the initial action because the Constitution was violated to ensure there was not. Plaintiffs object to the RR's assertions otherwise.

Rued appealed *other* due process violations available, which were deemed harmless by the COA in reliance upon the CHIPSP. Rued could only raise what was raised below to the Minnesota Supreme Court ("TMNSC"), so *available* due process issues were appealed there and were unreached, as such was unreached by TSCOTUS, but Rued could not raise that the proceeding *now* fundamentally relied upon admitted perjury and was upheld based upon admitted perjury because Furnstahl precluded such issues from being appealed. No court reached Plaintiffs' federal claims related to Jayswal's perjury in the CHIPSP in initial trial and appeals because such was not in the record or available to be appealed—claiming otherwise is fraudulent and dismissing the case based upon such fraud would be fraud upon the court to, again, protect the government.

II. “[Rued filed an appeal covering several district-court orders, including the August 2020 Order and the April 2021 Order... [T]he [COA] decision indicates that one of Rued’s appellate arguments was...the district court had “abused its discretion in various

evidentiary rulings, necessitating a new trial."...The [COA] rejected that argument." (RR on 7).

Plaintiffs believe the RR intimates Rued raised the evidentiary issues of Furnstahl excluding deposition admissions of Jayswal to the COA who considered the issue and rejected such, which plays out later in the RR on 15, but this is the evidentiary basis for such determinations and recommendations in the RR, which are dispositive to the entire action and to which Plaintiffs object to with respect to the manner in which these facts cited above, which are not untrue in and of themselves, are connected to Plaintiffs' claims related to Jayswal's perjury, absent nexus, through the Court's false assumptions. Attached as **Attachment A** (see 40-46) and **B** are appellate briefs this Court admits it did not have and presumed related to Jayswal's perjury admissions in the RR when such was not available in the record and could not be reached on appeal, nor would there be an appealable claim with Furnstahl not explicitly relying upon the CHIPSP for essential determinations because Furnstahl knew such was fraudulent and did not want such *raisable* on appeal. Rued appealed evidentiary issues related to not admitting Jayswal's interviews of W.O.R. given Furnstahl's false assertions W.O.R. had not disclosed abuse to any non-family members and noted Jayswal's deposition and testimony were kept out of the record in a footnote but could not identify that such kept *perjury admissions* out of the record because such was not in the record, limiting appellate presentation. Rued had no opportunity or notice to preserve the issue of perjury in the CHIPSP given Furnstahl's determination Jayswal was inessential, inhibiting notice of related claims, and Furnstahl's

lack of explicit reliance upon the CHIPSP for essential determinations.

The COA cannot have reached these federal claims related to Jayswal's perjury through rejecting evidentiary arguments that are entirely unrelated to Jayswal's admitted perjury. There was no reasonable basis provided in evidence or argument that Plaintiffs' claims related to Jayswal's perjury had been reached in initial proceedings or initial appeals and Plaintiffs were plain that TMAG was violating ethical standards and perpetrating fraud upon this Court if this Court relied upon such assertions, as this RR does. Plaintiffs object to all aspects related to these issues in the RR, from asserting that Plaintiffs' federal claims are pled as state evidentiary issues, to denials of unrelated state evidentiary issues being construed to reach these federal claims based upon evidence not in the record of such proceedings or supportable here, to determining that the evidentiary determinations in the initial appeal related to Jayswal's perjury based upon his deposition admissions.

III. Recommending finding Plaintiffs' federal claims were reached in the initial proceedings under Furnstahl and direct appeal that followed. (Necessitated by RR).

The RR recommends finding all of Plaintiffs' federal claims were reached in the initial proceeding based upon Furnstahl having considered evidence Furnstahl excluded and, accordingly, could not consider or reach, which Plaintiffs' specifically object to on the basis that the Eighth Circuit has provided applicable criterion for having reached federal claims in this context, which are unfulfilled here:

While we hold the Rooker-Feldman doctrine does not bar federal claims brought in federal court when a state court previously presented with the same claims declined to reach their merits, we emphasize a state court need not undertake extensive analysis of every federal claim before it, regardless of merit, in order for Rooker-Feldman to bar a later federal suit. A state court need only indicate it has considered, reached the merits, and rejected the federal claims in order for that doctrine to apply... (holding in cases where a state court considers and rejects a claim on its merits, "[A] paucity of explicit analysis in the court's opinion will not strip the holding of its validity for purposes of Rooker-Feldman's jurisdictional bar." *Simes v. Huckabee*, 354 F.3d 823, 829 (8th Cir. 2004) (Emphasis added).

Plaintiffs object to any construction that Plaintiffs' federal claims related to Jayswal have been reached in an any proceeding that does not identify or consider deposition admissions of Jayswal—this RR recommendation is objectively untrue even under the most liberal application of *Gulla's* cited criterion unexpanded by *Exxon*, which still does not rest, as the RR suggests, upon success in state court.

Assumption or presumption have no place in preclusion or jurisdictional analysis when protected federal rights and claims along with serious issues of child welfare are at issue. The RR's assertions that Plaintiffs' federal claims were reached in initial appeals are untrue given such evidentiary rulings the RR presumes relate to Jayswal's deposition and Plaintiffs' federal claims do not actually relate to

Plaintiffs' claims or Jayswal's perjury which could not be reached on appeal, which is dictated by what state district courts actually *reach on the merits*. Resulting effects of this recommendation are extensive—Plaintiffs object to numerous aspects related to such, including the following constructions: Plaintiffs' federal claims against all other Defendants are effectively claims against Furnstahl and not the actual Defendants' actions the claims are against; Plaintiffs' claims against Jayswal are a claim related to an evidentiary ruling by Furnstahl or the COA; Plaintiffs' claims against non-judicial Defendants, the actions for most of which occurred prior to any possibly related state judgement, as related to a state judgement that occurred after the actions for which non-judicial defendants are sued or, for the others, such actions or lack thereof occurred after the judgement the RR falsely asserts reached Plaintiffs' federal claims; and Plaintiffs' claims against judicial defendants are not meaningfully legally distinguishable among such Defendants.

IV. Plaintiffs' claims against Jayswal, Kuffel, Gearity, Weigman (as well as CornerHouse), and Karnes are based upon state judgements and not such Defendants' own actions apart from judgements. (Necessitated by RR).

This RR construes Plaintiffs' claims related to the above Defendants as stemming from state judgements, but Plaintiffs' federal claims related to such Defendants are based upon actions principally occurring in 2018, prior to any state judgement. Plaintiffs' object to construing Plaintiffs' claims against such Defendants as inhibited by RF when the

actions such are sued for occurred prior to or apart from any hypothetically applicable state judgement and constitute illegal actions by an adverse party:

Plaintiffs argue that their case does not fall within the *Exxon* limitations because they do not complain of injuries caused by a state court judgment, citing *Edwards v. City of Jonesboro*, 645 F.3d 1014 (8th Cir.2011). The[re the] plaintiff...sued the city of Jonesboro in federal court...alleging that methane gas leaking from a landfill had invaded his land and reduced its value...He had previously brought a state court action with similar allegations and won compensation on his taking claim, but prejudgment interest was denied...Although [RF] was raised as a bar to his federal action based on the state court denial of prejudgment interest, it was unsuccessful because his injuries had been caused by the leaking methane rather than by a state court judgment.

Here, appellants seek compensation for an injury caused by actions predating the adverse decision in *Banks II*. Defendants' refusal to honor the default judgment..., not the state court denial of mandamus, was the source of the injury from which plaintiffs seek relief. Unlike in the *Rooker* and *Feldman* cases plaintiffs do not "call[] upon the [federal] [c]ourt to overturn an injurious state-court judgment."...Since plaintiffs' case does not fall within the very narrow category of cases covered by [RF], the district court erred by ruling...this theory deprived...jurisdiction. *Banks v. Slay*, 789 F.3d 919, 922 (8th Cir. 2015).

Plaintiffs' claims against Jayswal relate to his actions in the investigation culminating in the CHIPSP which caused Plaintiffs harm and unlawfully deprived Plaintiffs' protected rights in 2018—that since state court judgements have leveraged such unlawful actions aggravates Plaintiffs' claims against Jayswal and cannot be considered to somehow have legally cleansed, immunized, nullified, or reached such claims, particularly given Plaintiffs' federal claims against Jayswal have never been reached, acknowledged, or allowed to be adjudicated in state court, despite every effort of Plaintiffs. Gearity's fraud that she is sued for here, relied upon in the CHIPSP investigations, claiming, absent any reasonable basis, that W.O.R. was "brainwashed," likewise occurred prior to any state court judgement and is the source of Plaintiffs' injury related to Gearity, which has never been allowed to be litigated or directly adjudicated through judgement—the same goes for Plaintiffs' claims against Weigman, Kuffel, and Karnes despite all being exacerbated through state judgements, which only increases damage and is not the source of injury here or target of Plaintiffs' relief with respect to these Defendants.

State judgements relying on such persons are also at issue in ongoing state proceedings—Plaintiffs' claims against these Defendants cannot be inhibited by preclusion principles given there has been no full and fair opportunity to litigate such claims. No judgements could provide jurisdictional bar here because none have reached these claims *and* any that could relate to Plaintiffs' claims are at issue in ongoing state proceedings, providing concurrent state-federal jurisdiction allowing full-bore Constitutional challenges here.

V. Inextricably intertwined analysis is relevant and primary to RF analysis, and such is Constitutionally sound. (RR on 14 or necessitated by the same).

Proper RF analysis relates to the relief requested and the injury caused, not whether something is inextricably intertwined with concluded state proceedings, because the basis of RF is §1257; not denying federal venue and jurisdiction for federal claims otherwise unreached which is unconstitutional. Application of inextricably intertwined standards alters clear federal jurisdictional grants and results in denying jurisdiction for colorable Constitutional claims through judicial fiat in violation of separations of powers limitations and fifth amendment requirements:

[W]here Congress intends to preclude judicial review of constitutional claims its intent to do so must be clear... We require this heightened showing in part to avoid the "serious constitutional question" that would arise if a federal statute were construed to deny any judicial forum for a colorable constitutional claim. *Webster v. Doe*, 486 U.S. 592, 603 (1988).

Demonstrating the necessity of properly construing federal jurisdiction in applying inextricably intertwined analysis under RF in lieu of state preclusion principles, state courts could merely declare all Constitutional claims from Plaintiffs were decided absent properly deciding anything to close federal doors for citizens' unreached Constitutional claims absent basis, make determinations relating to

future not just present or past issues or for issues not actually before the court or allowed proper full and fair litigation, declare the Constitution null and void for Plaintiffs, and on and on, and no federal remedy would exist due to being "inextricably intertwined," even if state courts never reached the obvious federal claims such would *generate*—RF becomes incoherent if applied to federal claims that a state court has not reached because such cannot actually undermine a judgement that determined any such federal claims. Further, such claims state courts have not reached cannot reasonably be construed as *review* of state judgements regarding such and such claims' original jurisdiction remains—these concepts are not jigsaw pieces.

The outcome of properly construing and applying RF merely requires state courts to do what any RF invocation inherently requires for application—address federal claims in concert with the Constitution, which is a requisite basis for RF to exist or lawfully apply because if federal law was governing or applied only in *federal* and not state court then §1257 could only be actionable for *state* law and such jurisdiction would lack foundation in federal law and Constitution and would have to emanate from the states. Inextricably intertwined analysis and criterion for RF was always unconstitutional when applied to unreached federal claims, and clearly is not permissible post-*Exxon* (2005) under any coherent interpretation of such clear guidance. Federal claims can only be precluded under RF by being reached and reached in accordance with applicable federal jurisprudence—*Exxon* makes clear legal conclusions of state courts being affected by adjudication of federal claims does not inhibit jurisdiction under RF:

If a federal plaintiff presents some independent claim, **albeit one that denies a legal conclusion that a state court has reached in a case to which he was a party, then there is jurisdiction** and state law determines whether the defendant prevails under principles of preclusion. *Exxon* (2005).

[TSCOTUS] clarified this distinction in *Exxon*[],...reject[ing] broad application of the doctrine and confin[ing application]...to federal actions seeking review of and relief from state court judgments...In doing so, the **Court stated the doctrine does not apply in federal cases that merely attack the legal conclusions of the state court** without seeking relief from the state court judgment[—] jurisdiction exists, but traditional state-court preclusion principles may prevent a federal plaintiff from succeeding on the merits...("If a federal plaintiff present[s] some independent claim, albeit one that denies a legal conclusion that a state court has reached in a case to which he was a party..., then there is jurisdiction and state law determines whether the defendant prevails under principles of preclusion[;]"...rejecting application of the doctrine...stating, "[a]lthough Appellants complain of injuries caused by the state court judgment, their claims do not seek review and rejection of that judgment. They do not challenge the court's issuance of the judgment or seek to have that judgment overturned"). *Hageman v. Barton*, 817 F.3d 611, 615 (8th Cir. 2016).

While this *Exxon* holding is not specifically delineated as being a result of specific Constitutional requirements neither is such held as un-necessitated by Constitutional requirements—indeed, thinking through the result of holding other than this clearly elucidates the Constitutional requirements behind TSCOTUS' holding here. If RF were construed to apply whenever a state court judgement could be construed as overlapping with or being impacted by the result of an otherwise unreached federal claim being provided relief, the result would provide for state judgements to preempt otherwise unraised or unreached federal claims in violation of due process requirements under the fifth amendment (arguably also resulting in imputation of fourteenth amendment violations here), the requirements of the Supremacy Clause, and other full and fair litigation requirements deprived under such application in supersession of preclusion principles. Such would result in allowing state judgements to preclude and affect federal jurisdiction for unreached federal claims—something no state authority has power to accomplish.

Given state law preclusion principles and other abstention doctrines there is no risk that this Constitutionally comports construction of RF negatively impacts comity considerations. The inextricably intertwined analysis for jurisdictional considerations was always unconstitutional—*Exxon* simply identified long-standing and widespread practices of federal judges violating the fifth amendment (as well as requirements under separations of powers (*Ex Parte United States*, 242 U.S. 27, 51 (1916))) by denying federal jurisdiction for unreached federal claims on the basis that granting such relief could disrupt state judgements that did not reach such federal claims was improper jurisdictional

analysis and application, as such should be addressed purely through preclusion principles which yields the same result if such federal claims had actually been *reached or litigated in accordance with requirements under Constitution*, ensuring proper balance between Constitutional and federal law supremacy while ensuring that appropriate comity considerations remain. Allowing states or state courts to intentionally, or unwittingly, Constitutionally abuse citizens are not comity considerations (*Mitchum v. Foster*, 407 U.S. 225, 240 (1972)) and are not legitimate ends of *federal government*.

RF is not preclusion by another name and if the intertwined analysis is utilized for RF such does not merely swallow up preclusion but also Constitutional requirements and jurisdictional realities, absent jurisdiction given alterations of law. Accordingly, this RR, absent basis, is *legislative* in nature, providing for denial of unreached federal claims based upon the state court being construed as having reached the merits of such claims that were either never before it or directly reached, or fairly litigated, and, thus, could not actually be lawfully precluded or denied jurisdiction under Constitution and federal law through clear misapplication of doctrine in supersession of the Constitution and lawful unchallenged Congressional acts through judicial fiat, which is patently beyond judicial power. Such would also impute necessitated waivers of federal rights in submission to state jurisdiction sans notice or consent.

VI. Each or any of Plaintiffs' federal claims may be addressed by applying RF in lieu of preclusion principles. (Necessitated by RR).

This Court's RR applies RF as if such were preclusion absent Constitutional or equitable considerations, resulting in a paradigmatic example of prohibited post-*Exxon* application that never comported with Constitutionally sound constructions of RF:

Congress reserved review of state-court final **decisions** to [TSCOTUS], and such appeals cannot be taken in the lower federal courts. In recent years, the Court has expressed...disapproval of the lower federal courts' extension of the doctrine to "**over-rid[e] Congress' conferral of federal-court jurisdiction concurrent with jurisdiction exercised by state courts, and supersed[e] the ordinary application of preclusion law.**"[—o]ne Justice has [even] declare[ed] the doctrine "interred" as a result of [*Exxon's*] unan[imity]...[W]e are reminded of [RF's] narrow application..."confined to...cases brought by state-court losers complaining of injuries caused by state-court judgments **rendered before the district court proceedings commenced** and inviting district court review and rejection of those judgments."..."**Rooker-Feldman is not simply preclusion by another name.**"[] *Knutson v. [Fargo]*, 600 F.3d 992, 995 (8th Cir. 2010) (**Emphasis added**).

TMNSC's holdings are held to "limit[] appellate review to issues considered and decided by district court" (*Gee v. Minnesota*[], 700 N.W.2d 548 (Minn. Ct. App. 2005))—given there is no basis to construe Plaintiffs' federal claims as reached by any state district court,

construing Plaintiffs' Complaint as an appeal is improper, generally, to which Plaintiffs object as state law does not provide non-discretionary appeal for claims no state district court reached and no appellate or district court has reached Plaintiffs' federal claims for any *decision* to be reviewed.

There are numerous state district court circumstances at issue—proceedings under Furnstahl/Peralta/Sande, Stebbins/Hatcher, Webber, and Judge Vandelist. Furnstahl declined to consider the basis of Plaintiffs' federal claims and did not and could not otherwise consider or reach claims related to Jayswal's perjury. Stebbins/Hatcher (R.Doc.4-4.on.140) and Webber (R.Doc.4-5.on.35) explicitly declined to reach the basis of Plaintiffs' federal claims. Vandelist did not reach Plaintiffs' federal claims at issue through the administrative record (70-CV-22-7318 August 10, 2022 Order). With all state district courts declining to reach Plaintiffs' federal claims appeals of such have never been generally available, despite all of Rued's efforts—the COA has uniformly declined to reach Plaintiffs' federal claims construing such as having been reached in initial appeals and proceedings in which such issues were not considered and not available. Suit is brought here related to ongoing state proceedings on the basis of such flagrantly violating Constitutional requirements. All preclusion, estoppel, relitigating, or law-of-the-case doctrines applied by state courts are based on the November 2022 COA Judgement, despite such judgement not having reached un-litigated federal claims, inhibiting application of *any* preclusion principles.

The RR construes Plaintiffs' assertion of ongoing state proceedings in which Plaintiffs' federal claims are at issue as seeking tolling on the basis of

concluding that Plaintiffs' federal claims were reached in November 2022, which is, respectfully, false—Plaintiffs object to determining ongoing proceedings are not ongoing to apply RF in lieu of state preclusion principles, which becomes material when the state is fraudulently or otherwise unconstitutionally applying preclusion principles as is occurring here. This Court claiming the CHIPSP's perjury and Plaintiffs' claims have been provided a full and fair opportunity to litigate does not have a chance of passing any straight face tests (*Lovell v. Mixon*, 719 F.2d 1373, 1376 (8th Cir. 1983)). When state courts follow Constitution and reach federal claims the difference in effect of preclusion versus RF application is nil, but, in cases like these, where state courts have not actually reached federal claims and fraudulently and unconstitutionally apply preclusion principles to unreached federal claims for which no fair and full opportunity to litigate is provided the differences become antithetical, highlighting Constitutional bases for TSCOTUS holding that RF, lacking Constitutional considerations, cannot apply in lieu of preclusion principles or ongoing proceeding abstention doctrines containing Constitutional safeguards. It is unconstitutional to apply RF in supersession of preclusion principles or ongoing proceeding abstention doctrines here as such results in precluding issues and claims that have never been litigated, reached, or directly adjudicated with RF swallowing up Constitution.

VII. Federal courts may apply RF to override Congressional grant of concurrent federal-state jurisdiction if such proceedings have relation to concluded proceedings for ongoing

state proceedings or normal application of preclusion principles. (Necessitated by RR).

The RR provides no authority for asserting this Court does not have jurisdiction under concurrent state-federal jurisdiction beyond claiming to preserve RF's toothiness, expansion rationales *Exxon* inters. RF does not apply to ongoing state proceedings—this RR attempts to work around such by falsely claiming an initial proceeding reached Plaintiffs' federal claims through an explicit determination to not allow such claims or bases to be presented or considered or even rejected, inhibiting preclusion principles, on the theory that such was appealed when the orders in questions were specifically written so that such issues could not be reached on appeal, presumably based upon assuming Defendant counsels' fraudulent claims had basis.

The RR reasons RF applies to ongoing state proceedings in lieu of preclusion principles or Younger/other abstentions based upon characterizing subsequent proceedings as collateral attacks, despite state law holding that A23-1444, A23-1467, and A24-0719, relating to modifications of custody or parenting time, are ongoing, sui generis, and "special proceedings," not requiring standards for reopening of judgments otherwise required for modification or appeal (*Angelos v. Angelos*, 367 N.W.2d 518 (Minn. 1985)), as circumstances change and judgments cannot reach to the future or what is not before a court. Such proceedings cannot be considered collateral attacks, and such are based on *unreached* federal claims based upon *unconsidered* evidence at issue in ongoing, which is provided bright-line definition for these purposes, state proceedings:

[E]ffect that the state court rulings might have on this federal action is limited to...preclusion law, and [such] did not divest...federal district court...jurisdiction under...[RF](). See *Exxon*[], *Dornheim v. Sholes*, 430 F.3d 919, 923 (8th Cir. 2005).

Plaintiffs' claims against Hudson, Klaphake, Worke, Schmidt, and Stebbins/Hatcher have jurisdiction through concurrent state-federal jurisdiction because the Complaint was filed and served (July 10, 2024) prior to §1257's jurisdiction initiating (July 26/August 6, 2024)—given that Plaintiffs' claims against Furnstahl/Peralta/Sande and Webber are all also directly at issue in such proceedings Plaintiffs' claims against such persons here are also under concurrent state-federal jurisdiction. The nature of Plaintiffs' equitable claims against such Defendants fundamentally only requires relief with respect to one judicial person for efficacy, not all. Plaintiffs object to claims analysis that is not, properly, for each claim and each Defendant.

Even if such proceedings were collateral attacks, Plaintiffs object to the RR's assertion that such would not be ongoing for purposes of state-federal jurisdiction—concurrent state-federal jurisdiction applies to whatever is properly at issue in such ongoing proceedings, which includes claims against most Defendants at issue in administrative proceedings (*Verizon*[] v. [Md.] *Comm'n*, 535 U.S. 635, 644 n.3 (2002)), many of which are also at issue in A24-1705 and A24-1706. If §1257 is actionable, certainly the proceeding occurred—the RR's assertions that such ongoing proceeding concluded two years ago unjustifiably over-extends RF. Younger/related

doctrines and preclusion provides plenty of 'teeth'—if RF did apply to ongoing proceedings such construction would generate unconstitutionality given held lack of adequate habeas corpus remedies for civil rights.

Violations of Plaintiffs' fifth amendment equal protections and due process rights through adopting this RR are obvious—RF would apply to Plaintiffs' claims differently than sufficiently material similarly situated litigants absent reasonable basis and Plaintiffs' unreached federal claims would be denied process due. Such construction as this RR necessitates also contravenes the Supremacy Clause, insulating state judicial persons from federal Constitutional enforcement or venue, which has never existed under Constitution, elevating some 'Thing(s)' in state law above Constitution.

The RR suggests that RF would not be strong enough if Plaintiffs were only required to sustain challenges in state court for such to be inapplicable, but such is precisely what citizens systemically abused in violation of Constitutional demands upon state actors should do—there is no difference in effect unless the Constitution is *further* flagrantly violated causing irreparable harm while federal claims related to such remain inadequately addressed in state court, for which, of course, federal jurisdiction should and does exist. RF cannot outrun Constitution. The RR's reasoning places RF above Constitution and lawful Congressional act contravening the Supremacy Clause and violating separations of powers, to which Plaintiffs object. Plaintiffs' claims against Pearson and supervisory or related claims have never been before any judicial body and are, accordingly, unreached. Plaintiffs object to the RR's application of RF to any of Plaintiffs' claims and object to the RR not denying all Defendants' motions to dismiss on all grounds.

VIII. Applying jurisdictional doctrines or preclusion principles to prior judgements that have not and could not reach Plaintiffs' federal claims constitutes reaching Plaintiffs' federal claims and is Constitutionally sound. (Necessitated by RR).

The RR suggestion/implication that federal Defendants reached the merits of Plaintiffs' claims with dismissals is unreasonable as such is "opposite" having done so (*Semtek International Inc. v. Lockheed Martin Corp.*, 531 U.S. 497, 498 (2001)). Similarly, applying preclusion principles, including law-of-the-case, are determinations that issues have been reached not in the proceeding in which such principles are applied but another previous proceeding, which is the November 2022 judgement that did not and could not reach Plaintiffs' federal claims here—such yields unlawful application of preclusion doctrines in violation and supersession of clear Constitutional requirements. Plaintiffs object to this Court's implicit adoption of preclusion principles, absent the Constitutional requirements embedded in such doctrines which are shared in state and federal law, through RF application as what *Exxon* explicitly prohibits—this Court has jurisdiction because Plaintiffs' claims are unreached *and* at issue in ongoing state proceedings. Application of preclusion principles here requires this Court to do so in its own capacity and in concert with fifth amendment requirements, which cannot lawfully preclude Plaintiffs' claims.

IX. RF applies to actions occurring after a state judgement and full-bore Constitutional challenges to ongoing state proceedings are un-actionable in federal court. (Necessitated by RR).

Plaintiffs seek relief related to unlawful confinement and related federal claims at issue in ongoing state proceedings *after* and apart from any November 2022 judgement (*Dodson v. Arkansas*], 601 F.3d 750, 755 (8th 2010)). Plaintiffs object to the RR's contrary assertions and assertion that full-bore Constitutional challenges to state proceedings in federal court are not actionable for ongoing state proceedings as absent basis in law, fact, or reason and that such application would violate Plaintiffs' fifth amendment rights. RF does not apply to actions occurring after a judgement or those unconsidered and unreached or illegal actions by adverse parties. Construing Plaintiffs' action as relating to a November 2022 judgement when Plaintiffs' claims are neither directed at such nor require altering such judgement, which is controlled going forward by 2024 judgements actionable and addressable here is unlawful, arbitrary, and capricious—to which Plaintiffs' object.

**CONCLUSION AND OVERRIDING
OBJECTIONS**

Plaintiffs' specifically object to the RR denying jurisdiction for Plaintiffs' unreached federal claims given unflagging obligation to exercise jurisdiction given (*England v. Medical Examiners*, 375 U.S. 411, 415 (1964); *Cohens v. Virginia*, 6 Wheat. 264, 404 (1821) (dictum)) and insofar as such does not recommend immediately issuing an Order to show

cause for why Plaintiffs' injunctive relief requested should not be immediately issued to cause such bad faith actions flagrantly violative of clear constitutional requirements resulting in Plaintiffs' irreparable harms to cease.

Plaintiffs seek Constitutional protections and enforcement and are abused for the simple reason that Plaintiffs know state and local actors have committed serious crimes, can prove such, and have not yielded to governmental abuse patently attempting to cover such up. State actors make clear the Constitution is of no effect and federal judicial persons have tried to say the Constitution is inaccessible—both assertions are demonstrably unlawful, violating Constitutional requirements upon all such actors, which is the basis for Plaintiffs' seventh amendment assertions which the RR's adoption would violate and to which Plaintiffs object.

There is no basis for a stay—state courts provide unambiguous authority adequate remedy through conduct comporting with Constitution is unavailable to Plaintiffs from such apparatus, which simultaneously dictates deference under less common abstentions violates the fifth amendment, sustaining violations of the fourteenth, rendering venue and jurisdiction dictated under the Constitution's requirements here. Plaintiffs object to the RR's implicit holdings that due process is necessarily achieved through procedures not required for due process (*McKane v. Durston*, U.S. (1894)) when such procedures violate due process, W.O.R.'s federal claims also have been reached (*Lance v. Dennis*, 546 U.S. 459 (2006)), and RF *applies to* federal proceedings or individual capacity suits seeking cessation of Constitutionally prohibited action.

Ironically, all of judicial Defendants' unlawful schemes trying to protect the government result in mandating jurisdiction across the board here. Respectfully submitted.

Date: November 18, 2024

By:

s/Joseph Rued, also
o/b/o W.O.R., a minor
child

s/Scott Rued

s/Leah Rued]

Appendix AA

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Joseph Daryll Rued, also o/b/o W.O.R., a minor child,
et al,

Plaintiffs,

v.

Hudson, et al
Defendants.

Civil File No. 24-CV-2437 (JRT/TNL)

**PLAINTIFFS' OBJECTIONS TO THE COURT'S
NOVEMBER 1, 2024 REPORT AND
RECOMMENDATION**

SPECIFIC OBJECTIONS

Plaintiffs do not object to the general declination to exercise jurisdiction of duplicative claims within this federal court—Plaintiffs object to the Report and Recommendation construing Plaintiffs' emergency claims as identical to the claims in the motion for an order to show cause. Certainly, if played through to completion and the final granting of Plaintiffs' targeted relief, the relief could be duplicative, but, until such time, the actual impetus to the Court is not identical—requests for expedited handling do not follow the motion for order to show cause in 24-CV-1763 and the motion for order to show cause in 24-CV-2437 is not necessary for Plaintiffs' emergency claims given notice provided to Defendants

here. Plaintiffs filed the motion for order to show cause because Plaintiffs are aware that, generally, no court is going to look forward to issuing the injunction Plaintiffs are entitled to under law and that the issuance of such against judicial persons is significant within the judicial culture, and the motion for order to show cause would provide the court with more information to understand that these circumstances do require such injunction and it is warranted and necessary under law. Once relief of injunction is granted, then such requests would be duplicative, and Plaintiffs would willingly withdraw any duplicative requests. In the event such are not granted or reached expeditiously, the arguments in this Court and the mechanics on appeal may not be identical. Accordingly, Plaintiffs' specifically object to the November 1, 2024 Report and Recommendation characterization of Plaintiffs' emergency claims and Plaintiffs' motion for order to show cause as identical, though Plaintiffs agree the motion for order to show cause in 24-CV-2437 is identical in all respects to the motion for order to show cause in 24-CV-1763 and do not object to the Report and Recommendations recommendation regarding such in 24-CV-2437 in lieu of the pending motion in 24-CV-1763.

Resultingly, Plaintiffs specifically object to the Report and Recommendation conclusion that all relief in 24-CV-2437 is either duplicative or abstract and advisory—specifically, Plaintiffs object to the Court not granting the Motion to Consolidate Plaintiffs' emergency claims with 24-CV-1763 against the same Defendants in that case based upon the same facts as such is a paradigmatic example of when consolidation is appropriate and does not disadvantage any party, especially given similarity of relief requested which differs primarily in that one is under the Court's

authority and Plaintiffs' emergency claims are an impetus upon the Court from Plaintiffs requesting expedited handling of emergency claims filed months ago—the only opposition to consolidation is from Defendants in another case unrelated to requested relief requested to be consolidated through claims to not have access to information such were specifically served with to ensure they could not make such claims given the Court's restriction of certain documents in the public record on its own volition (24-CV-1763 ECF No. 72).

Plaintiffs also object to dismissing Plaintiffs' "Second Declaratory-Relief Claim," which should be consolidated with 24-CV-1763 and in the event such is genuinely unclear to the Court, which Plaintiffs do not expect is the case, Plaintiffs expect such will become clear after receiving Plaintiffs' Objections to the Court's November 6, 2024 Report and Recommendation, the recommendations from which make Plaintiffs' relief requested non-advisory as would the denial of Plaintiffs' emergency claims in this case even if unconsolidated with 24-CV-1763.

The Court obviously followed Plaintiffs' "Third Declaratory-Relief Claim" perfectly well and Plaintiffs specifically object to determining such does not have significance specific to this case or is advisory, as significance is maintained under proper consolidation with 24-CV-1763, generally even in isolation with just claims pending in 24-CV-1763, in addition to Plaintiffs' emergency claims here. Given there is no basis in Defendants' Motion to Dismiss that can be applicable here and federal jurisdiction clearly exists for Plaintiffs' unreached federal claims, Plaintiffs specifically object to the November 1, 2024 Report and Recommendations dismissal of ECF No. 1, 2, 3, and 18 and object to not denying ECF No. 28 for lack of

presenting any applicable basis to dismiss, pursuant to relief requested in ECF No. 40. Plaintiffs reiterate that duplicative relief to relief pending in 24-CV-1763 in ECF No. 44, 9, and 17 that is either dismissed or implicitly dismissed by the November 1, 2024 Report and Recommendation is not objected to.

Plaintiffs also object to any assertion, implicitly or directly, that Plaintiffs' federal claims have been reached or previously allowed to be litigated or that any Court in the country has reached the basis of Plaintiffs' primary federal claims related to admissions of perjury in Jayswal's deposition in this Court's November 1, 2024 Report and Recommendation. Plaintiffs also object to any characterization, implicitly or explicitly, in this Court's November 1, 2024 Report and Recommendation that Plaintiffs' claims relate to anything Mike Furnstahl could have *considered* or *reached* given Furnstahl explicitly determined to *not* consider or reach any such evidence supporting Plaintiffs' claims here or anything related to Plaintiffs' claims, and, accordingly, such could not be reviewed in any state court appeal in which the state district court did not reach such evidence or Plaintiffs' federal claims; which includes all state proceedings.

Date: November 15, 2024

By:

[s/Joseph Rued, also
o/b/o W.O.R., a minor
child

s/Scott Rued

s/Leah Rued]

Appendix BB

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Joseph Daryll Rued, also o/b/o W.O.R., a minor child,
et al,

Plaintiffs,

v.

Hudson, et al
Defendants.

Civil File No. 24-CV-3409 (JRT/TNL)

**PLAINTIFFS' OBJECTIONS TO THE COURT'S
NOVEMBER 22, 2024 REPORT AND
RECOMMENDATION ("RR")**

INTRODUCTION

There is no way to lawfully apply Rooker-Feldman ("RF") to any, much less all, of Plaintiffs' claims. When Defendant counsel argues for RF application to ongoing state proceedings or unreached or independent federal claims such is objectively in bad faith—were this Court to apply RF to ongoing state proceedings or unreached or independent federal claims through an order such would be an unlawful action against Plaintiffs, prohibited by the fifth amendment, and the Constitution, itself. Plaintiffs object to the RR's denial of Plaintiffs' requested relief and granting of Defendants' Motions to dismiss through RF application along with certain requested sanctions. This RR incorporates substantial portions

of this Court's November 6, 2024 RR in 24-CV-1763 and even identifies such as a "prior order," to which Plaintiffs specifically object, given such is not, and if it were Plaintiffs already would have taken appropriate action in response to such unlawful action—accordingly, and so as not to be repetitive, Plaintiffs specifically incorporate prior objections to such RR and associated attachments here as **Attachment Z**.

Plaintiffs also object to the RR's inference that the Hennepin County Clerk of Court was not properly served (R.Doc.87) and inconsistency of indicating Plaintiffs' established position(s) are both unclear and well known with respect to Pearson's Motion to Dismiss which has since been responded to (R.Doc.98). Plaintiffs also object to the apparent lack of internal consistency between the three similar RRs with respect to capacity of suit brought against persons that are also judicial officers—in 24-CV-2437, the RR was accurate that Plaintiffs brought suit against such persons in individual capacity, which was not objected to and Plaintiffs object to any attempt to characterize Plaintiffs' Complaints other than pled or as pled otherwise.

Joseph Rued ("Rued") has had no opportunity to litigate the fundamental issue all of these federal claims based fundamentally upon Jayswal's perjury relate to due to having been prevented from doing so in state proceedings which results in Plaintiffs' claims being unable to be construed as review of any state judgement—claiming Plaintiffs' claims "cannot proceed" (R.Doc.96.on.12) unlawfully overrides the plain Constitutional requirements upon government actors to violate Plaintiffs' protected rights and further abuse Plaintiffs, including W.O.R., through clearly fraudulent assertions.

OVERRIDING OBJECTIONS AND ARGUMENT

Plaintiffs' objections to the RR not granting Plaintiffs' requested relief are covered above and the following provides the fundamental basis for Plaintiffs' objections to the entire upshot of the RR's denials of Plaintiffs' requested relief through application of RF, including the assertion that RF application here is so plain that it is "objectively unreasonable" to believe otherwise when the current state of federal law makes plain that it is objectively unreasonable to assert RF could apply to Plaintiffs' claims, at all. Plaintiffs specifically object to the RR granting any Defendants' requested relief based upon misapplication of RF and recommending finding Plaintiffs' assertions that RF cannot lawfully apply to Plaintiffs' claims to be objectively unreasonable. Blanket application of RF, not an analysis on a claim-by-claim basis, has been an improper application of such doctrine since its earliest days as so-called RF (*District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462, 486-87 (1983) (concluding RF application to some claims does not result in application to all))—Plaintiffs object to the RR's blanket application of RF.

Plaintiffs have crafted claims for legal relief to target addressable *actions* causing harm to Plaintiffs, not *judgments*, and are seeking equitable relief that either is *prospective* against individual capacity Defendants, related to claims that have never been litigated or reached, or related to ongoing state proceedings—Plaintiffs object to RRs asserting/implying otherwise:

[T]here is in the [RF] context a distinction between "a federal claim alleging injury caused by a state court judgment and a federal claim

alleging a prior injury that a state court failed to remedy."...In other words, the plaintiffs do not allege injury from the state-court orders; they allege injury from the actions of the social workers. [RF] therefore doesn't apply. *Webb v. Smith*, 936 F.3d 808, 817 (8th Cir. 2019).

- X. Plaintiffs' object to the RR's utilization of inextricably intertwined as contrary to specific guidance from the U.S. Supreme Court ("TSCOTUS"), Eighth Circuit caselaw, and prevailing law at other circuits regarding RF applicability, resulting in improper and unlawful RF application to federal claims that have never been allowed to be litigated or reached.

The phrase "inextricably intertwined" is the source of much misapplication and misperception of RF—a number of discussions, cited as illustrative of the issue; not authorities, which Plaintiffs rest upon *Exxon* and *Lance*, adequately outline this (*Behr v. Campbell*, 8 F.4th 1206, 1209-1212 (11th Cir. 2021); *Sophocleus v. Alabama Department of Transportation*, 605 F. Supp. 2d 1209, 1212-1217 (M.D. Ala. 2009) (aff'd by Eleventh Circuit); *Dodson v. University of Arkansas for Medical Sciences ex rel. University of Arkansas System Board of Trustees*, 601 F.3d 750, 756-760 (8th Cir. 2010) (Noting 'inextricably intertwined' creates no substantive independent test for indirect appeals at majority of other circuits, citing Seventh and Ninth limitations pre-*Exxon* and First, Second, Third, Fourth, Sixth, and Tenth Circuit opinions recognizing *Exxon* inherently limited 'inextricably intertwined' providing expansion beyond what was actually

reached in state court for RF analysis and application, noting deviations from such holdings "either rely on pre-*Exxon* authority or fail to reconcile...with the limiting language in *Exxon* and *Lance*"; *Truong v. Bank of Am., N.A.*, 717 F.3d 377, 383 (5th Cir. 2013)).

At root, the effective problem is that something like Justice Marshall's inextricably intertwined description in *Penzoil* concurrence is retroactively applied as the same as used in *Feldman*, which is neither controlling law nor true, then pulled forward through *Exxon* generating results fundamentally incompatible with *Exxon's* explicit delineations regarding RF application:

§[1257 [does not] stop a district court from exercising subject-matter jurisdiction simply because a party attempts to litigate in federal court a matter previously litigated in state court. If a federal plaintiff "present[s] some independent claim, albeit one that denies a legal conclusion that a state court has reached in a case to which he was a party..., then there is jurisdiction and state law determines whether the defendant prevails under principles of preclusion." *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280, 293 (2005).

Using Marshall's definition of inextricably intertwined, or something like it, for RF application to negate *Exxon's* explicit holdings, as the RR does, is unreasonable, in bad faith to argue, and unlawful to apply. Plaintiffs object to RF being applied here and in related RRs on such basis absent support in controlling law and contrary to TSCOTUS' clear holdings regarding proper RF application as well as the RR's assertions that Plaintiffs should be

sanctioned for being aware of this reality and that Plaintiffs are objectively unreasonable due to possessing such awareness and not submitting to unlawful applications of judicial doctrines in supersession of Constitutional requirements because such is not credible, unsupportable by law or reason, and is pure will, acknowledging neither guidance nor restraint (*Yick Wo v. Hopkins*, 118 U.S. 356, 366 (1886)) to deprive protected rights of Plaintiffs (*Borough of Duryea v. Guarnieri*, 564 U.S. 379, 387 (2011)) subordinating Plaintiffs' federal rights to those subject to a lack of separations of powers under Plaintiffs' abusers. Such adoption would also be reckless and endangering to W.O.R.—this Court is aware orders are enforced effecting unlawful confinement and child abuse and maltreatment against W.O.R. and/or Rued who are unable to procure enforcement regarding established rights within the same.

The Seventh Circuit, recently sitting en banc, indicated in an opinion requesting guidance from TSCOTUS related to circuit splits regarding RF application to legal claims:

All judges agree that we should no longer rely on the "inextricably intertwined" language that has contributed to confusion in applying the Rooker-Feldman doctrine. *Gilbank v. Wood Cnty. Dep't of Human Servs.*, No. 22-1037, at *3 (7th Cir. Aug. 1, 2024).

Ironically, the controlling dissent of the split court held that RF applied to legal claims justified through ignoring the rationale that prompted the same court to uniformly agree inextricably intertwined criterion should not be relied upon, through presuming *Exxon*

does not mean precisely what it says to bring forth holdings effecting broader inextricably intertwined RF applications founded upon pre-*Exxon* determinations, negating *Exxon's* efficacy—the Seventh Circuit, in attempt to try to contort its RF holdings to comport with clear Constitutional requirements, employs a 'safety valve' through which, in effect, the broader inextricably intertwined RF application was re-snuck in through this holding. Obviously, RF cannot reasonably apply to legal claims under §1983, as here, when state proceedings neither encompass nor adjudicate the merits of such claims as there is nothing to review.

The Eighth Circuit's holdings do not require such contortions post-*Exxon* for cases involving citizens' rights, as anything like a safety valve exception is inherently covered through a proper understanding that review of state judgments that have not reached, and therefore lack determinations for which review could occur, related federal claims cannot occur and RF simply could not apply:

[I]n *Simes v. Huckabee*...this court noted that [RF] is triggered only when plaintiffs have had a "reasonable opportunity to raise their federal claims in state court." 354 F.3d at 829 [(this requirement is not to be confused with the similar but more searching requirement for res judicata that a party have had a "full and fair opportunity to pursue its claim." See Garry, 82 F.3d at 1365, 1367 n. 8)]. In *Simes*, we concluded that plaintiffs had not had such an opportunity because the state court had failed entirely to address the federal claims plaintiffs had raised. *Id.* at 829. **Because the federal claims had not been dealt with in the state decision,**

subsequent consideration of them by a federal district court could not amount to appellate review of the state court's decision. See *id.* at 827, 830; cf. *Wood v. Orange County*, 715 F.2d 1543, 1547 (11th Cir.1983) ("an issue that a plaintiff had no reasonable opportunity to raise cannot properly be regarded as part of the state case"). *Skit International, Ltd. v. DAC Technologies of Arkansas, Inc.*, 487 F.3d 1154, 1157 (8th Cir. 2007) (Emphasis added).

RF application does not require "full and fair opportunity to litigate," but RF does require that claims to which it is applied *were litigated and determined*, which is impossible to assert with respect to any of Plaintiffs' claims as all such claims fundamentally relate to Jayswal's perjury which no district court has reached or allowed to be litigated and, accordingly, no state appellate court could reach. Applying RF to federal claims that are inextricably intertwined with state judgments but were not actually allowed to be litigated or reached by such judgments, as this RR does, is an incoherent, arbitrary, capricious, and unlawful expansion of RF doctrine inhibited by Eighth Circuit and TSCOTUS' explicit holdings.

XI. Plaintiffs' object to the RR's interpretation and application of RF to Plaintiffs' unreached federal claims at issue in ongoing state proceedings as contrary to Eighth Circuit and TSCOTUS' holdings.

The RR applies RF on the basis of determining ongoing proceedings cease to be ongoing when such are

related to prior state court proceedings, which is improper as such is actually a preclusion, not RF, issue. When the Minnesota District Court was previously presented with similar procedural mechanics the Honorable Susan Nelson did not think that because ongoing proceedings had relation to prior state proceedings such ongoing proceedings ceased to be ongoing for purposes of RF analysis and application:

[RF] doctrine precludes federal district court jurisdiction only if the federal suit begins after the state court proceedings have finished. [*Dornheim v. Sholes*, 430 F.3d 919, 923 (8th Cir. 2005)] (citing *Exxon*, 544 U.S. at 282)...**Because Rooker-Feldman applies only if the federal suit is begun after the state court proceedings have concluded, the Court does not lack subject matter jurisdiction under this doctrine.** *Grazzini-Rucki v. Knutson*, Case No. 13-cv-2477 (SRN/JSM), at *22 (D. Minn. May. 29, 2014) (Emphasis added).

Plaintiffs' claims against Defendants that could relate to state proceedings relate to ongoing state proceedings—claims against Defendants Castro, Lennon, Hudson, Ellison, Sloan, as well as Barbosa, Alden, Catrina Rued, and Gilbert Alden Barbosa PLLC (“GAB&CO”) here are at issue in ongoing state proceedings. The same obviously applies for Plaintiffs' claims in 24-CV-2437 and 24-CV-1763 given the final order related to parenting time and custody initiating §1257 jurisdiction issued August 6 with Rued's federal claims remaining unreached. Furnstahl's initial proceedings were appealed through TSCOTUS without Plaintiffs' related federal claims both here and

in 24-CV-1763 and 24-CV-2437 being reached, adjudicated, or provided any opportunity to be litigated. Webber's proceeding relied upon Furnstahl's proceeding and declined to reach the issues of Jayswal's perjury inhibiting appellate review of such. Stebbins/Hatchers' proceedings relied upon Furnstahl's and Webber's proceedings, and did not reach Plaintiffs' federal claims or provide opportunity for such to be litigated as Stebbins/Hatcher either construed all that could be at issue to be Catrina Rued's affirmative claims, prohibiting any affirmative claims from Rued from being adjudicated or litigated, even though Rued's affirmative and defensive claims are interwoven so Rued was not even allowed to adequately present his defensive claims so such could not be reached on appeal, relevant portions of which remain at issue in ongoing state proceedings before Castro that suit is brought for here, or explicitly declined to reach federal claims. Resultingly, preclusion cannot be lawfully applied to Plaintiffs' unreached federal claims. If preclusion principles could really be applied here, this Court could do so and bypass any murky RF issues in order to reach clear preclusive principles, but such cannot be lawfully applied to Plaintiffs' claims, either, and, of course, these RF issues are not murky as it is crystal clear RF cannot be applied to any of Plaintiffs' unreached federal claims before this Court.

It is unclear how Plaintiffs' claims against Pearson or CornerHouse could relate to any state proceeding as no state court has acknowledged Pearson's investigation conclusions of sending charges to the Scott County Attorney for review of W.O.R.'s abuse in Catrina Rued's care which Scott County declined while in litigation with Joseph Rued in positions opposite Pearson's report and investigation

conclusions, which remains ongoing, and Plaintiffs' claims against CornerHouse relate to ongoing administrative proceedings, as Rued remains under *prosecution* by Hennepin County related to Jayswal's investigation determinations in line with his admittedly perjurious and fraudulent CHIPS Petition, meaning any claim relating to Jayswal's perjury and falsified investigations remains at issue *also* due to Hennepin County's ongoing prosecution against Rued for over 5 years based upon admitted fraud, perjury, and admittedly false allegations of child abuse or neglect against Rued, which are all prohibited under state law, all for which due process has never been provided, federal issues have never been reached, and preclusion cannot exist, which Karnes claimed was already determined and determinatively relied upon in her investigation all of which is flagrantly violative of Constitutional prohibitions causing Plaintiffs great, irreparable harms and is in bad faith all of which the Hennepin County Attorney is aware of. State proceedings have relied upon CornerHouse *interviews*, specifically Weigman's, but Plaintiffs' claims against Weigman in 24-CV-1763 are unreached, remain at issue in proceedings that are ongoing and have never been allowed to be litigated, in addition to being at issue through Hennepin County's prosecution of Rued. CornerHouse is sued here for actions apart from any interview and claims within Jayswal's investigation prior to any interview related to such investigation for not having reasonable basis to claim W.O.R. was coached to disclose abuse given actual evidence and prior interviews.

On appeal, the Eighth Circuit upheld the interpretation that ongoing state proceedings are ongoing even if such proceeding *relate* to prior state proceedings:

While cases **related** to the marriage dissolution were pending, Grazzini-Rucki, on behalf of herself and her five children, filed a federal lawsuit against Judge Knutson, alleging tort claims and constitutional violations. Relying on the abstention doctrine set forth in *Younger v. Harris*, 401 U.S. 37 (1971), the district court dismissed without prejudice Grazzini-Rucki's claims for injunctive and declaratory relief. *Grazzini-Rucki v. Knutson*, No. 14-2569, at *1 (8th Cir. 2015) (**Emphasis added**).

The RR's assertions that ongoing proceedings can cease to be ongoing for purposes of RF analysis and application are against all logic and fact because ongoing proceedings cannot, by definition, not be ongoing and RF, by explicit holding of TSCOTUS and the Eighth and every circuit in the country, does not apply to ongoing proceedings:

Exxon Mobil makes clear that the Rooker/Feldman doctrine precludes federal district court jurisdiction only if the federal suit is commenced after the state court proceedings **have ended**. See *id.* at 1527 ("[N]either *Rooker* nor *Feldman* supports the notion that properly invoked concurrent jurisdiction vanishes if a state court reaches judgment on the same or related question while the case remains sub judice in a federal court."); see also *Mothershed v. Justices of Supreme Court*, 410 F.3d 602, 604-05 n. 1 (9th Cir. 2005) (**determining whether state-court proceedings were complete as the first step of a post-Exxon Mobil Rooker/Feldman analysis**). *Dornheim v.*

Sholes, 430 F.3d 919, 923 (8th Cir. 2005)
(**Emphasis added**).

Furnstahl did not unlawfully confine W.O.R. and Rued or prevent Scott and Leah Rued from ever seeing W.O.R.—Furnstahl did not make any determinations related to depriving a number of protected rights of Plaintiffs at issue in this Court or related to any of these Defendants or Jayswal's admitted perjury and any of Furnstahl's determinations are sustained only through

Stebbins/Hatcher/Worke/Klaphake/Schmidt/Castro all addressable in respective cases because such relate to ongoing state proceedings and preclusion cannot lawfully be applied. Even if Plaintiffs' claims against Furnstahl were dismissed the only effect on Plaintiffs' relief sought would be related to legal relief against Furnstahl, as everything else remains.

The RR's assertions that there are no ongoing proceedings and incorporation of 24-CV-1763 RR's similar assertions are false, using RF *as if* RF were preclusion principles in lieu of actual preclusion principles to reach such results that somehow ongoing proceedings have been precluded, as are assertions that Furnstahl determined anything regarding Plaintiffs' federal claims, including W.O.R.'s, related to Jayswal's admitted perjury in his CHIPS Petition, which no district or appellate court has reached or has even allowed to be litigated:

Whatever the impact of privity...on preclusion..., [RF] is not...preclusion by another name. *Lance[]*, 546 U.S. 459 (2006).

RF does not apply to claims that have not been litigated, irrespective of proximity of such to state

proceedings (*Caldwell v. DeWoskin*, 831 F.3d 1005 (8th Cir. 2016)). Even if Plaintiffs' claims related to Jayswal's perjury had been reached, such claims remain ongoing in Hennepin County's prosecution of Rued, for which RF cannot be applied, and would have to be provided full and fair opportunity to litigate which no proceeding has allowed, inhibiting preclusion anywhere: The RR applies RF in supersession of preclusion law explicitly as TSCOTUS has inhibited, to which Plaintiffs object:

[L]ower federal courts have variously interpreted the Rooker-Feldman doctrine to extend far beyond the contours of the Rooker and Feldman cases, overriding Congress' conferral of federal-court jurisdiction concurrent with jurisdiction exercised by state courts, and superseding the ordinary application of preclusion law under 28 U. S. C. § 1738. *Exxon*[], 544 U.S. 280 (2005).

CONCLUSION

It is possible for the Constitution to be violated so severely and perversely that state proceedings cannot inhibit any related federal claims because the proceedings were such shams that federal claims cannot be considered to have been allowed to be litigated or reached. State courts cannot be reviewed related to claims such would not or could not consider, irrespective of how inextricably intertwined the claims may be with state court proceedings. RF cannot reasonably use inextricably intertwined as an independent test or criterion at all apart from what was *actually litigated and determined*. Additionally, Plaintiffs' claims are inextricably intertwined with

numerous *ongoing* non-federal proceedings. Plaintiffs' claims against GAB&CO relate to ongoing state proceedings and all federal claims fundamentally relate to Jayswal's fraud and perjury which remains at issue in Hennepin County's malicious prosecution against Rued based upon the same in conjunction with other Defendants in 24-CV-1763 and CornerHouse here—all are unreached. Plaintiffs' claims are entirely insulated from lawful RF application on multiple bases—claims against Pearson even relate to ongoing administrative proceedings in Scott County, in addition to never having been litigated in state court. Claiming RF somehow provides preclusion to ongoing state proceedings, absent the equitable and Constitutional requirements inherent in preclusion, is perversion and expansion of the doctrine inhibited by *Exxon*.

RF does not exist to try to keep citizens under tyranny and Constitutionally prohibited abuse and to allow government actors to continue to abuse children or to make the Constitution and its guarantees and requirements upon state, local, and federal actors brutum fulmen and inaccessible—RF cannot be arbitrarily and capriciously applied in supersession of Constitutional requirements under the fifth amendment and unreached and un-litigated federal claims protections (*United States v. Bala*, 948 F.3d 948, 950 (8th Cir. 2020)) no matter how desperate the government may be for such application.

Date: December 5, 2024

By:

[s/ Joseph Rued, also
o/b/o W.O.R., a minor
child
s/ Scott Rued
s/ Leah Rued]

Appendix CC

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Rued, et al,

Petitioners,

v.

Judge Hatcher, et al,

Respondents.

Civil No. 24-CV-0468 (ECW/JRT)

**PETITIONERS' OBJECTIONS TO THE
COURT'S FEBRUARY 7, 2025 REPORT AND
RECOMMENDATION ("RR")**

INTRODUCTION

This RR is offensive to the station of officers on behalf of the United States and belies deep disrespect and contempt for citizens, law, reason, and human beings—the exhibited incompetence is so severe such generates unconstitutionality:

A little Learning is a dang'rous thing...For
Fools rush in where Angels fear to tread. *An
Essay on Criticism* (Pope).

The principal authorities relied upon are *Lehman v. Lycoming County Children's Services* 458 U.S. 502 (1982), the fundamental basis for the RR's fallacious assertion that this Petition is frivolous, vexatious, and furthers "misconduct," and *Rumsfeld v. Padilla*, 542

U.S. 426, 435 (2004), relied upon for the determination that Respondents named are improper and for definition of requisite respondent criterion for Habeas Petitions undermined by explication in *Rumsfeld's* opinion.

If a child is ordered tied to a tree, even just for intermittent moments by his non-officer mother, by a state judge such fulfills physical confinement and restraint, clearly actionable under habeas corpus petition and the proper respondents are neither the non-officer mother nor the tree, but rather the state officer most proximate the effectuation of confinement with power for release. Some of the effective or necessitated assertions of the RR are intimated, absent reasonable support or definition, such as the presentation of Joseph Rued “purporting” to represent W.O.R.—resultingly, strange circumstances are generated wherein Petitioners are required to address non-existent, un-postulated support for the RR, providing the RR’s support, and the attorney general can respond absent general opportunity for Petitioners to respond to anything new provided. The author of the RR also relies upon itself as the sole record support for essential determinations, which includes the RR’s fraudulent assertions that Petitioners are “not subject to detention or any other physical restraint,” as the February 4, 2025 Order is not identified in the Petition as a cause or specifically therein, at all—there is no rule or law inhibiting accomplishing what would constitute mere extra credit in fulfilling criterion for issuance of habeas corpus writ here.

OBJECTIONS AND ARGUMENT

Petitioners object to the RR's following assertions, implications, and/or determinations and applications of law:

I. Rued [and W.O.R.] are "not subject to detention or any other physical restraint" (RR on 2 and implied to invoke *Lehman* on 1).

The provided basis for the RR's assertion that Petitioners are "not subject to detention or any other physical restraint" is that a recent order from the Minnesota Court of Appeals does not, itself, initiate such impositions (RR on 2). While such order sustains and does not initiate impositions of physical confinement, asserting that what is initiated in such order from an appellate court could be factually-determinative of confinement is bizarre, arbitrary, capricious, and unreasonable, the adoption of which would invidiously discriminate against Petitioners and result in Constitutionally prohibited actions on a number of levels and bases, further detailed elsewhere herein, by this or any court within the United States.

If the cause of imposition of physical confinement or restraint upon Petitioners were principally, as the RR asserts, the 2025 Court of Appeals Order, which is attached to and not specifically cited in the Petition beyond supporting that the Minnesota Court of Appeals claims such is constrained by law to sustain the unlawful confinement imposed upon Petitioners by state officers Hatcher and Stebbins (R.Doc.1.on.5, produced/reproduced in typed form on 5 and 16 under 11.(e)), then a number of questions would be begged, including why any other parties apart from Judges Worke, Larson, and Bond have been named, but such

is not the clearest demonstration of the unreasonableness of the RR's assertion, as Petitioners provided the source of physical confinement, which is Judge Hatcher and Referee Stebbins' determinations and orders upheld by Judges Worke, Schmidt, and Klaphake, sustained by Judges Hudson, Larson, Bond, and Worke, with Judge McKeig denying petition for further review, resulting in entrance of state judgement imposing physical restraint and confinement upon Petitioners for which relief is sought in this Petition (R.Doc.1.on.13).

Petitioners are subject to imposition of physical confinement in an unspecified (non-state) maximum security supervision center by determinations of state judges—these are not debatable facts and are clearly provided under support of declaration to this record and the RR's implicit denial and/or refusal to acknowledge such facts will result in fraud upon the court if adopted, as such is essential and determinative to the outcome of this proceeding recommended in the RR for which United States judicial officers *are* the sole record or evidential support. Such fraud upon the court violates Constitutional requirements under the fifth amendment and deprives Petitioners' protected rights to fair trials and hearings, among a litany of other Constitutional issues discussed elsewhere herein.

II. Petitioners seek relief from confinement or restraint other than physical impeded by the Supreme Court of the United States' ("TSCOTUS") holdings in *Lehman* (RR on 1 or necessitated or implicated by the same in context of the entire RR).

The RR falsely determines Petitioners are un-subject to physical restraint or confinement unshared by the public and, accordingly, Petitioners' relief requested is really related to parental custody rights and is, thus, improper under TSCOTUS' holdings from *Lehman* (1982). If asked, Petitioners are unable to provide evidential support that federal judicial officers in the District of Minnesota take actions that comport with Constitutional requirements in application of law with respect to this situation necessary to be authorizable on behalf of the sovereign given Constitution, but Petitioners also would lack evidence to support that every relevant officer in the District takes unreasonable actions not comporting with Constitutional requirements. Petitioners would already be in another court if in possession of evidence all judicial officers involved here take actions sovereignly un-authorizable under United States Constitution—absent definitive evidence one way or another, Petitioners address the RR facially, though Petitioners should not have standing to challenge *Lehman* for the same reasons *Lehman* is inapplicable.

In 1982, the time of *Lehman's* opinion, federal law provided for injunctive relief for unconstitutional actions or lack thereof, un-authorizable under the United States' sovereign requirements. With the Federal Courts Improvement Act of 1996 additions to §1983 this changed—if such additions to §1983 are Constitutional, or in any way applicable, then *Lehman's* 1982 holdings now generate clear unconstitutionality given remedy for violations of federal rights must exist under the Constitution (*Webster v. Doe*, 486 U.S. 592, 603 (1988); *Marbury v. Madison*, 5 U.S. 137, 162 (1803)), which would only be relieved if relevant claims were actionable under the fourteenth amendment directly *and* Rooker-Feldman

does not apply to individual/personal capacity suits, which would be an appropriate and reasonable outcome that actually resolves the systemic problems with *Rooker-Feldman* on all sides—appellate review cannot be construed as other than official capacity and such would preserve *Rooker's* and *Feldman's* original jurisdictional holdings. Petitioners have no standing to challenge the Constitutionality of the 1996 Act here and do not seek to do so—such is occurring in related cases, as such 1996 Act is flagrantly and obviously unconstitutional, but, until injunctive relief effecting the relief sought here is provided, Petitioners have standing to challenge the Constitutionality of any application of *Lehman's* holdings, irrespective of how factually or logically misguided such application may be, until federal law acknowledges such unconstitutionality in the 1996 Act or acknowledges Petitioners' claims under habeas corpus are effectively actionable under the fourteenth amendment directly in individual capacity or comparable suits for emergency relief effectuating Constitutionality. Absent such, Petitioners challenge the Constitutionality of *Lehman's* holdings applied by the RR to the extent such, ridiculously, finds its way into an order, due to such resulting in TSCOTUS inhibiting any federal avenue for review of colorable Constitutional claims regarding the most precious and protected rights of citizens or, apparently, confinement.

III. Petitioners have not named adequate Respondents to initiate federal habeas corpus jurisdiction under TSCOTUS' guidance in *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004) (RR on 2 or implied and/or necessitated by the same).

The RR leverages *Rumsfeld* to support the determination that since Petitioners do not name a warden a writ of habeas corpus as Petitioners petitioned does not lie. However, the RR application here necessitates the determination that a state court could never confine or physically restrain citizens or children in any facility that was not operated by state officials, which is untrue, as these circumstances prove. Further, asserting that a writ of habeas corpus would only lie against a warden, or similarly commissioned officer, as also is necessitated by the RR, is equally untrue and directly undermined by both sources leveraged for such determinations:

The important thing is not the quest for a mythical custodian, but that the petitioner name as respondent someone (or some institution) who has both an interest in opposing the petition..., and...power to give the petitioner what he seeks...—[h]is unconditional freedom. *Spottswood*...21-CV-2258, at *4 (D.Minn. 10/14/2021), citing *Reimnitz*... (7th Cir. 1985).

To the extent *Spottswood* is cited in implication that Petitioners have not exhausted state remedies related to their unlawful confinement because state proceedings remain ongoing, Petitioners object to such—extraordinary writs seeking relief have been sought at the Court of Appeals and the Minnesota Supreme Court repeatedly. State remedies were exhausted upon Judge/Justice McKeig's Order and the Judgement entered immediately thereafter in August 2024. If Petitioners continued to wait for all related state proceedings to complete this Court would likely claim Petitioners missed their window—if Rued has

not exhausted state remedies, adequately exhausting such would indeed be a mythical, unattainable quest. A state cannot keep citizens physically confined based upon its own provable fraud in violation of the United States Constitution because the state keeps committing fraud in fraud proceedings into perpetuity given existence of state fraud remedies (28 U.S.C. § 2254(b)(1)(B)(ii), see R.Doc.1.on.5 reproduced in type on 16 under 11.(e)). What is significant is that this Petition and the granting of relief requested is necessary to protect Petitioners' rights under the United States Constitution and delays of every minute, hour, and day furthers damage from such abuses and deprivations.

The RR's application of *Rumsfeld* to assert that absent custodian state officer in position to produce Petitioners' bodies at any moment named as Respondent a writ of habeas corpus for physical confinement cannot lie is objectively unreasonable—*Rumsfeld's* plurality, at 437, specifically notes that TSCOTUS' prior controlling holdings regarding definitions of in custody are undisturbed by *Rumsfeld*, even incorporating the same therein, ensuring *Rumsfeld* cannot be applied as this RR attempts to:

[T]hat a person released on his own recognizance is not "in custody" for habeas purposes...was disapproved in *Hensley*...(1973), as part of this Court's expanding definition of "custody" under the habeas statute. For...cases addressing the meaning of "in custody" under...habeas statute, see...*Carats v. LaVallee*, 391 U.S. 234 (1968);...*Jones v. Cunningham*, 371 U.S. 236 (1963).

Rumsfeld merely holds that in the typical, traditional habeas setting, the immediate custodian is the proper respondent. Like *Carats*, relating to officers overseeing probation, or *Jones*, relating to parole, Petitioners are not at all times presently confined such that any custodian always has direct control to effect presentation of the body—lack of a direct custodian provides no inhibition to habeas relief or the relief Petitioners seek.

The RR's application of *Rumsfeld* would also result in inhibiting relief for future and unrealized confinement specifically detailed as actionable under 2254 Rules. Petitioners are not seeking relief from unrealized confinement, and it is not the case that the orders imposing physical confinement have never been followed. As explicated in *Rumsfeld*, at 438, and as citations relied upon in *Spottswood* demonstrate, Petitioners have properly named as Respondents the state officers effecting physical confinement with "power to give [P]etitioner[s] what [t]he[y] seek":

[H]abeas petitioner[s]...challeng[ing]...form[s] of "custody" other than present physical confinement may name as respondent the entity or person who exercises legal control with respect to the challenged "custody"...the immediate custody rule ha[s] no application [when] petitioner [i]s not challenging any present physical confinement.

Petitioners believe it is clear 'person' in this context is synonymous with the officer(s) that exercise(s) legal control, contrary to §1983 context. Petitioners object to the RR's assertion that Petitioners' Petition improperly names Respondents—Petitioners properly

named such Respondents in line with the most applicable guidance from TSCOTUS.

IV. The RR reaches and represents Petitioners' Petition as other than pled to make determinative assertions and assigns intentions and causes unsupportable by the record (RR on 1 and 2).

Petitioners plainly seek relief from imposition of physical confinement, which the RR denies, despite such necessarily contradicting the RR's specific invocation of *Rumsfeld*. Whatever form used to obtain the result of representing Petitioners' Petition as other than pled, whether the RR author is lying, using itself as record support, or simply lacks sufficient comprehension abilities to retain Petitioners' Petition's content, such results in inhibiting Petitioners' right to petition the government protected under the first amendment (*Borough of Duryea v. Guarnieri*, 564 U.S. 379, 387 (2011)), echoed in protection under the fourteenth (*Ex Parte Hull*, 312 U.S. 546, 549 (1941)) and mirrored under the fifth (*Weinberger v. Wiesenfeld*, 420 U.S. 636, 638 (1975)). If judges could simply lie, or whatever form of action results in the same effect as exhibited in this RR, then citizens have no real right to petition the government for redress of wrongs through courts—each such instance of unreasonably misrepresenting Petitioners' Petition as other than Petitioners' Petition *is* is both a due process and equal protections violation in addition to a first amendment violation that is also a fifth amendment violation here. This is one in an extremely long list of reasons why the integrity of judicial officers is so essential to the Constitution's efficacy and accessibility for citizens and children in this country,

which this RR and these applications of law, unreasonably asserting Petitioners' Petition is other than it is, abrogates.

The RR claims "[Petitioners are] not seeking relief from custody" (RR on 1) when Petitioners' Petition seeks "[r]elief from imposition of any or all physical confinement of Joseph Rued and W.O.R." (R.Doc.1.on.15, reproduced in typed form on 17). The RR claims causes of Petitioners' Petition are a 2025 Order from the Minnesota Court of Appeals (RR on 2) and Reports and Recommendations in related cases (RR on 2 and 3) when Petitioners' Petition provides the cause as follows:

Petitioners are physically confined on the bases of Judge...Hatcher's and Referee...Stebbins' determinations that Joseph Rued has endangered W.O.R. by believing W.O.R.'s reports of maltreatment...and that Joseph Rued seeks to provide W.O.R. medical care as recommended by every medical professional that has provided input. R.Doc.1.on.7

Judge Wright does not have to guess or otherwise fabricate the bases for relief sought because Petitioners provided such in the Petition. Judge Wright fabricating causes and unreasonably denying, implicitly or otherwise, the actual causes as pled in Petitioners' Petition is not merely the adoption of an advocate position on behalf of the State of Minnesota here, in context, but is the adoption of advocate *and* witness on behalf of the State of Minnesota, which constitutes non-judicial actions, in and of themselves, in addition to such resulting in flagrant deprivations of Petitioners' right to petition the government in violation of Constitutional requirements, which is an

amalgamation of most state and federal legislative authority in absence of jurisdiction, violating requirements under separations of powers (*Ex Parte United States*, 242 U.S. 27, 51 (1916)), all of which also generates clear equal protections violations (*Village of Willowbrook v. Olech*, 528 U.S. 562 (2000)) given petitions for habeas corpus for others similarly situated are not denied/dismissed when a warden is unnamed on grounds that such means confinement and/or restraint must be non-existent and extensive, well-established federal law holding/explicating otherwise, including *Rumsfeld*:

[T]he Fifth Amendment[’s due process clause] contains an equal protection component prohibiting the [U.S.] from invidiously discriminating between individuals or groups. *Washington v. Davis*, 426 U.S. 229, 239 (1976).

V. Rued improperly asserts representation of W.O.R. (RR on 1 or implied by the same).

The RR does not provide any basis for implying Rued’s representation of W.O.R. here is improper, though highlighting such as the RR does implies such is improper. Any person may file for relief under habeas corpus (R.Doc.1.on.15) and Rued fulfills third party standing under federal law for W.O.R. here (R.Doc.1.on.15, reproduced in type on 17) already repeatedly briefed with the Minnesota Attorney General’s Office (“TMAGO”) already having had repeated opportunities to respond in related cases:

Ordinarily, one may not claim standing...to vindicate the constitutional rights of some third party...Like any general rule...this one should

not be applied where its underlying justifications are absent...[T]wo factual elements to determine whether the rule should apply...The first is the relationship of the litigant to the person whose right he seeks to assert. If the enjoyment of the right is inextricably bound up with the activity the litigant wishes to pursue,...its construction of the right is not unnecessary...Furthermore, the relationship between the litigant and the third party may be such that the former is fully, or very nearly, as effective a proponent of the right...The other factual element...is the ability of the third party to assert his own right. Even where the relationship is close, the reasons for requiring persons to assert their own rights will generally still apply. If there is...obstacle to such assertion,...the party...in court becomes by default the right's best available proponent. *Singleton v. Wulff*, 428 U.S. 106, 114, 115, and 117 (1976) (citations omitted).

See also *Georgia v. McCollum*, 505 U.S. 42, 55 (1992).

To the extent asserted, Petitioners, again, challenge the Constitutionality of Minn. Stat. § 481.02 facially and as could be applied to this case in line with FRCP 5.1(a)(1)(B) notification in 24-CV-2437 (JRT/TNL) and have no duty to similarly file such document here given official capacity Respondents. Consistent with other proceedings involving TMAGO before this Court Petitioners will demand opportunity to respond to anything raised by TMAGO for which Petitioners have not had opportunity, particularly given the strange behavior exhibited in Judge Wright's RR and recurring perpetuation of fraud and other Constitutionally prohibited abuses by TMAGO in

related cases before this Court and in state court against Petitioners.

VI. Petitioners' Petition is so mal-intentioned and ill-conceived it represents misconduct (RR—all pages).

The RR's attempted mudslinging at Petitioners is shallow and reckless, based upon demonstrable fraud upon the court, either from the author of the RR, if adopted, addressed in I-IV here, or Constitutionally prohibited actions in related cases, adequately addressed in those records before Judge Tunheim. The RR claiming Petitioners properly seeking relief under habeas corpus constitutes "misconduct" is unsupportable, arbitrary, capricious, and unreasonable given the records here and available. Judges wanting to be tyrannical and judges being tyrannical does not result in such comporting with binding Constitutional requirements, including fundamental fairness here.

VII. The RR's denial and dismissal of Petitioners' Petition (RR on 4).

Petitioners are entitled to the relief sought in this Petition given the relevant facts, law, and United States Constitution—Petitioners object to the RR not recommending such relief as Petitioners request be provided.

CONCLUSION

The RR's vilification, or regurgitation of the same, of citizens seeking to protect their child and enforcement of protected rights in accordance with law

and Constitution cannot be reasonably supported or defended. Any real judge, meaning one exhibiting respect and adherence to/for law, reason, and reality, not just not a magistrate judge, would reject this RR—absent occurrence, the RR's author will regret having actualized individual, un-authorizable applications of law under United States law in purported action for the United States. One way or another, it will be understood, and these circumstances will exhibit, that judicial officers, even federal judicial officers, are not the source of substantive law or reality and that the inversion of such *is*, as exhibited through this RR, tyranny, prohibited under the Constitution and separations of powers:

Even before the birth of this country, separation of powers was known to be a defense against tyranny. *Loving v. United States*, 517 U.S. 748 (1996).

Tyranny today, exhibited through this RR, is the accumulation and employment of non-judicial powers and actions by the federal and state judiciaries, regularly placing themselves as evidential support and altering Constitution and law through its applications:

The Framers perceived that "[t]he accumulation of all powers legislative, executive and judiciary in the same hands, whether of one, a few or many, and whether hereditary, self[-]appointed, or elective, may justly be pronounced the very definition of tyranny." *The Federalist* No. 47, p. 324... (Madison). *INS v. Chadha*, 462 U.S. 919, 960 (1983) (POWELL Concurrence).

That state and federal judiciaries are regularly wielding not just judicial, but also executive (or administrative), and legislative authorities/powers, as well as improperly witnessing and/or vouching in this situation and this RR, is self-evident and that such are a, if not *the*, primary problem in this situation and country regarding abrogation of Constitution and rights of citizens and children is equally plain. Petitioners will not rest rights to legal redress solely upon courts already repeatedly employing unauthorized conduct under Constitution against Petitioners and should not need to—adequate relief enforcing Constitutionality here should be promptly provided.

Date: February 10, 2024

By:

[s/Joseph Rued, also
o/b/o W.O.R., minor
child

s/Scott Rued

s/Leah Rued]

Appendix DD

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Rued, et al,
Plaintiffs,

v.

Jayswal and Hudson, et al,
Defendants

Civil Nos. 24-CV-1763 (JRT/TNL)
24-CV-2437 (JRT/TNL)
24-CV-3409 (JRT/TNL)

PLAINTIFFS' MEMORANDUM SUPPORTING
MOTION TO AMEND/ALTER/FOR ADDITIONAL
FINDINGS AND/OR MOTION FOR RELIEF FROM
JUDGEMENT FOR FRAUD AND FRAUD UPON
THE COURT AND FOR LACK OF JURISDICTION

MEMORANDUM

The District Court's March 11, 2025 Orders and related judgements in 24-CV-1763, 24-CV-2437, and 24-CV-3409 dismiss Plaintiffs' claims for lack of jurisdiction through Rooker-Feldman application as detailed in the Court's March 11, 2025 Order in 24-CV1763 (24-CV-2437 R.Doc. 106 on 1-2; 24-CV-3409 R.Doc. 103 on 2; 24-CV-1763 R.Doc. 247, specifically on 6-8). The only findings unrelated to Rooker-Feldman application are for sanctions in 24-CV-3409 with specific support provided in 24-CV-3409 R.Doc. 103 on 2-3, which are supported by the Court's Rooker-

Feldman determinations and applications, along with the Eighth Circuit's prior affirmance of Rooker-Feldman application for which discretionary review was sought—given all essential findings in all three cases rely upon Rooker-Feldman determinations as detailed in 24-CV-1763 Plaintiffs are addressing the issues collectively and file the same documents in all three cases.

THE COURT'S ROOKER-FELDMAN APPLICATION

The Court's theory of application of Rooker-Feldman here is essentially that all of Plaintiffs' claims fundamentally relate to Jayswal's perjury in the CHIPS Petition (24-CV-1763 R.Doc. 247 on 8, incorporating 24-CV-1763 R.Doc. 225 on 15-16), so if such claims were presented to, considered, and reached by any state district court for which judgement has become final such claims are barred through lack of jurisdiction which exists only under 28 U.S.C. § 1257. The Court applies Rooker-Feldman on the basis that such doctrine is applicable if the claims at issue ""can succeed only to the extent the state court wrongly decided the issues before it."" *Scheffler v. City of Blaine*, 821 F. App'x 653, 655 (8th Cir. 2020) (quoting *Robins v. Ritchie*, 631 F.3d 919, 925 (8th Cir. 2011))" (24-CV-1763 R.Doc. 247 on 8, incorporating 24-CV-1763 R.Doc. 225 on 14). The Court acknowledges that application of Rooker-Feldman requires that claims at issue were provided opportunity to be litigated in state proceedings (24-CV-1763 R.Doc. 247 on 8, incorporating 24-CV-1763 R.Doc. 225 on 15-16), pursuant to unambiguous Eighth Circuit precedent and the same precedent based upon the Supreme Court of the United States' seminal holdings related to

the doctrine ("If a federal plaintiff presents some independent claim, **albeit one that denies a legal conclusion that a state court has reached in a case to which he was a party, then there is jurisdiction** and state law determines whether the defendant prevails under principles of preclusion" *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280, 282 (2005) (**Emphasis added**)):

[F]ederal plaintiffs cannot be said to have had a reasonable opportunity to raise their federal claims in state court where the state court declines to address those claims and rests its holding solely on state law. We have noted the Rooker-Feldman doctrine is founded upon principles of federalism. However, the district court's holding...extends such doctrine far beyond the deference to our state colleagues which federalism counsels. Were...[such]...reasoning to stand, defendants in state court would be placed in the following quandary: if they do not raise their federal claims in the state proceedings, they run the real risk of not being able to bring them subsequently in federal court...("By failing to raise his claims in state court a plaintiff may forfeit his right to obtain review of the state-court decision in any federal court."). But if they do raise federal claims in their state court defense, and the state court declines to address them, then according to the district court in this case they are also barred from bringing those claims in federal court. No principle of federalism suggests or requires such a result. As the Eleventh Circuit has stated, "[s]uch a harsh rule might deprive the plaintiff of any forum;

state or federal, where he has a reasonable opportunity to present his federal constitutional claims, a result arguably contrary to the requirements of due process."...The rationale for applying the Rooker-Feldman doctrine even where constitutional claims are brought in federal court is because state courts are equally competent in deciding federal constitutional issues...However, to woodenly apply the doctrine where the state court passed on the constitutional issues is to divorce the doctrine from its rationale...While we hold the Rooker-Feldman doctrine does not bar federal claims brought in federal court when a state court previously presented with the same claims declined to reach their merits, we emphasize a state court need not undertake extensive analysis of every federal claim before it, regardless of merit, in order for Rooker-Feldman to bar a later federal suit. A state court need only indicate it has considered, reached the merits, and rejected the federal claims in order for that doctrine to apply...(holding in cases where a state court considers and rejects a claim on its merits, "[A] paucity of explicit analysis in the court's opinion will not strip the holding of its validity for purposes of Rooker-Feldman's jurisdictional bar." *Simes v. Huckabee*, 354 F.3d 823, 829 (8th Cir. 2004).

[The United States Supreme Court] clarified this distinction in *Exxon*[],...reject[ing] broad application of the doctrine and confin[ing] application]...to federal actions seeking review of and relief from state court judgments....In doing so, the Court stated the doctrine does not

apply in federal cases that merely attack the legal conclusions of the state court without seeking relief from the state court judgment[—] jurisdiction exists, but traditional state-court preclusion principles may prevent a federal plaintiff from succeeding on the merits... (“If a federal plaintiff ‘present[s] some independent claim, albeit one that denies a legal conclusion that a state court has reached in a case to which he was a party..., then there is jurisdiction and state law determines whether the defendant prevails under principles of preclusion[.]’...rejecting application of the doctrine...stating, “[a]lthough Appellants complain of injuries caused by the state court judgment, their claims do not seek review and rejection of that judgment. They do not challenge the court’s issuance of the judgment or seek to have that judgment overturned”). *Hageman v. Barton*, 817 F.3d 611, 615 (8th Cir. 2016).

The Court requires a nexus from completed state judgements to Plaintiffs’ claims regarding Jayswal’s deposition admissions to apply Rooker-Feldman in these cases, which the Court appears to have spent 10 months searching for and, when the Court was unable to find such, the Court simply fabricated what it believed it required to apply the doctrine, which are the essential facts determinative to the entirety of all three of these proceedings and all of Plaintiffs’ federal claims, according to the Court.

The Court initially offered two assertions as providing a nexus from Plaintiffs’ federal claims in these cases to a completed state judgement prior to this federal litigation:

During the proceedings, Joseph Rued argued that Jayswal had admitted in a deposition that “the CHIPS Petition’s material claims were per[]jurious.” **Compl. 13.** 24-CV-1763 R.Doc. 247 on 8, incorporating 24-CV-1763 R.Doc. 225 on 6 (**Emphasis added**).

The Court cannot access the briefing in that appeal, and it is not included in this action’s exhibits. But the Minnesota Court of Appeals’[] decision indicates that one of Rued’s appellate arguments was that the district court had “abused its discretion in various evidentiary rulings, necessitating a new trial.” *Rued v. Rued*, No. A21-0798, 2022 WL 2298992, at *9 (Minn. Ct. App. June 27, 2022), review denied (Sept. 28, 2022), cert. denied, 143 S. Ct. 1082 (2023). The Court of Appeals rejected that argument. See *id.* at *15–17. 24-CV-1763 R.Doc. 247 on 8, incorporating 24-CV-1763 R.Doc. 225 on 7.

Plaintiffs were unambiguous such constituted fraud upon the court (24-CV-1763 R.Doc. 237 on 5-7) and where the Court had presented as a nexus necessary to invoke Rooker-Feldman application a hypothetical regarding appellate processes, for which support also did not exist in the record, Plaintiffs provided such support to the record demonstrating otherwise (24-CV-1763 R.Doc. 237 Att: 2 and 3) as there was no genuine controversy related to such issues and to ensure the District Court would not be ruling on something outside of the record, which provided further evidential basis of what was already made clear to the Court in Plaintiffs’ 24-CV-1763 Complaint:

Plaintiffs' claims are unreached by any judicial body in the State of Minnesota or the United States. 24-CV-1763 Complaint ¶ 1.

Paragraph 13 of Plaintiffs' 24-CV-1763 Complaint is as follows:

Plaintiffs allege that there is an understanding amongst persons or individuals identified in this Complaint that such will protect persons that are government actors or "partners" or "brethren," even at the expense of resulting in, causing, and sustaining flagrant violations of Constitutional rights of Plaintiffs, Citizens, Fathers, or Child Abuse Victims, causing irreparable harms, and certain Defendants met and conspired to deprive Joseph Rued's and W.O.R.'s established rights and the result of such meeting was the perjury of the CHIPS Petition, participants of which include Jaykumar Jayswal and Ryan Kuffel, among numerous other persons that are actors on behalf of the State of Minnesota or under the color of state law or authority. After meeting with Jaykumar Jayswal and conspiring to determine to file the admittedly perjurious CHIPS Petition depriving Joseph Rued's federally protected rights and endangering and maltreating W.O.R., and violating a number of W.O.R.'s rights, in violation of U.S. Const. Amend. XIV, Ryan Kuffel filed falsified charges against Joseph Rued intended to be utilized in custody proceedings, then contacted Mike Furnstahl and requested to not have to testify with respect to these matters to which Mike Furnstahl agreed and extended the same

agreement to Jaykumar Jayswal while Mike Furnstahl relied upon the falsified charges in Ryan Kuffel's police report and the admitted perjury of Jaykumar Jayswal's CHIPS Petition and excluded the depositions of Ryan Kuffel and Jaykumar Jayswal, including the admissions that such CHIPS Petition, which is the culmination of Hennepin County CPS child maltreatment investigations regarding W.O.R., is admitted perjury, to deprive custody rights of Joseph Rued, among numerous other deprivations of Plaintiffs' rights, including denials of equal protections under law. Attachments to Plaintiffs' Amended Complaint on -1052-1053-. These unconstitutional customs and usages under state authority in violation of U.S. Const. Amend XIV are so widespread by Defendants that such has had full force of law for most of W.O.R.'s life, county agencies claim these unconstitutional customs and usages have full force of law such that evidence in investigations can not matter, persons that are judicial officers claim that evidence does not matter (Attachments to Plaintiffs' Amended Complaint on -73-), numerous persons that are state court judges claim customs and usages of sustaining violations of U.S. Const. Amend. XIV have full force of law, and such unconstitutional customs and usages are being sustained by more than 22 individual persons that are state court judges (Attachments to Plaintiffs' Amended Complaint on -51-), all instances of which are ongoing and sustained to the present day, clearly establishing persistent practices of persons acting on behalf of the state and under the authority of state law. Fundamentally, all

controlling orders rely upon the admitted perjury of Jaykumar Jayswal and **no person or individual that is a judicial officer in the state or country has acknowledged the deposition or deposition admissions of Jaykumar Jayswal.** The individual and collective Constitutionally prohibited actions of Defendants in systematically denying due process and equal protections through willfully relying on admitted perjury that is the conclusions of CPS investigations, individually and as co-conspirators, is shocking to the conscience of any reasonable person (Attachments to Plaintiffs' Amended Complaint on -302-401-) and is unrelated to any legitimate object of government action when the Constitution, itself, governs any and all legitimate governmental action. Plaintiffs are perfectly aware that Minnesota's government including all three branches of its government (Attachments to Plaintiffs' Amended Complaint on -1361-; -399-) does not want to address the well published, well known problems with child welfare in the state regarding child protection and family court actions, and that the federal judiciary does not want to address flagrant unconstitutional actions of its state brethren, all of which is at the expense of citizens' and children's rights and the U.S. Constitution (Attachments to Plaintiffs' Amended Complaint on -99-). Plaintiffs do not care how much of the world must be changed to institute lawfulness and address rampant lawlessness and depravity (Attachments to Plaintiffs' Amended Complaint on 37 and -77-) by those duty bound to comply with and uphold the law in this case

and country—such is simply what must occur, and Plaintiffs have the merits to cause such. If judges and actors under color of state law do not want to be sued, then they should not willfully sustain abuse of citizens and children like this, plainly violating the U.S. Constitution and clearly in excess of jurisdiction, as the Constitution, itself, is the supreme law of the land and, as such, is definitionally the supreme jurisdictional boundary for persons or individuals acting on behalf of any state or our federal government and Plaintiffs will have given Defendants every reasonable opportunity to cease their flagrant and unjustifiable Constitutional abuses of Plaintiffs, such that demonstrating intentionality and willfulness of ongoing child and Constitutional abuses will be of the nature of irrefutability for any non-Defendants and non-Conspirators [(i.e. Plaintiffs and/or this Court)]. Defendants, individually and collectively, have adopted and practice unconstitutional customs and usages of simply parroting each other irrespective of facts or the law, thinking that so long as they all keep saying the same thing, all together, not addressing Constitutional abuses and deprivations of citizens and children in violation of U.S. Const. Amend. XIV and/or U.S. Const. Amend. V, their Constitutional abuses can never be reached—such is unlawful given such customs and usages violates the United States Constitution. Defendants are caught and have lied too many times in ways that are too easy to prove depriving protected rights of Plaintiffs and basic access to the law and Constitutional protections, which constitutes deprivations of

equal protections under U.S. Const. Amend. XIV and U.S. Const. Amend V. (**Emphasis added**).

Nothing in this paragraph provides support for the determination that “Joseph Rued *argued* that Jayswal had admitted in a deposition that “the CHIPS Petition’s material claims were per[j]urious.” Compl. 13.” (24-CV-1763 R.Doc. 247 on 8, incorporating 24-CV-1763 R.Doc. 225 on 6) (*Emphasis added*). The Court acknowledges Joseph Rued was prevented from calling Jayswal as a witness and from presenting Jayswal’s deposition admissions regarding his admitted perjury that is the conclusion of his CPS investigations regarding Joseph Rued and W.O.R.:

Though he attempted to introduce evidence to prove that perjury, including calling Jayswal and Defendant Ryan Kuffel as witnesses and introducing Jayswal’s deposition, referee Furnstahl denied his requests. (*Id.*[—citing Complaint (24-CV-1763 R.Doc. 3] ¶ 13D.] R.Doc. 247 on 5.

On August 28, 2020, an order was entered in the Divorce Action, containing find[ings] of fact and reflecting Referee Furnstahl’s recommendations. See Aug. 2020 Or[der] 86. The order incorporated by reference Referee Furnstahl’s rulings on Joseph Rued’s evidentiary submissions. See *id.* at 5. 24-CV-1763 R.Doc. 247 on 8, incorporating 24-CV-1763 R.Doc. 225 on 7.

The Complaint indicates that Joseph Rued sought to introduce evi[dence] of this alleged perjury in the Divorce Action’s custody

proceedings—specifically, by calling Jayswal and Kuffel as witnesses and submitting Jayswal's deposition as record evidence. See *id.* at 11. Ultimately, neither Jayswal nor Kuffel testified, and Rued was not allowed to introduce Jayswal's deposition as evidence. 24-CV-1763 R.Doc. 247 on 8, incorporating 24-CV-1763 R.Doc. 225 on 6-7.

It is not contested that Joseph Rued was prohibited from litigating Jayswal's perjury admissions which all of Plaintiffs' federal claims are fundamentally based upon and relate directly to—indeed, this Court has found this to be true and one would have to wonder if such claims were not allowed to be litigated how could any appellate review related to such claims ever occur or be represented to be sought here. Needing a nexus from Plaintiffs' claims to completed state court judgements, Judge Leung fabricated that Joseph Rued, despite being prohibited from litigating any claims related to Jayswal's perjury admissions, still, somehow, argued these claims, resulting in what was clearly not allowed to be litigated, somehow, having been litigated, asserting Furnstahl actually, somehow, ruled upon the federal claims related to Jayswal's perjury admissions when Furnstahl explicitly declined to reach such claims or allow such claims to be litigated, citing Plaintiffs' 24-CV-1763 Complaint ¶ 13, which provides no support for such assertion, supporting only the opposite and plain fact that Furnstahl declined to reach any claims related to Jayswal's admitted perjury and prohibited such claims from being litigated.

Realizing that no support existed for Judge Leung's claims that there was a nexus between Plaintiffs' claims and any completed state court

judgement, Judge Tunheim brought forth a new assertion as providing a nexus between Plaintiffs' federal claims and completed state judgements:

In a trial presided over by Defendant Mike Furnstahl, a referee for Hennepin County's Family Court Division, Joseph Rued argued that Jayswal's statements in the CHIPS Petition were perjurious. (Am. **Compl.** ¶ 2, May 23, 2024, Docket No. 3[]] 24-CV-1763 R.Doc. 247 on 5 (**Emphasis** added).

Paragraph 2 of Plaintiffs' 24-CV-1763 Complaint (R.Doc. 3 and 26) provides the following:

Defendant person Jaykumar Jayswal, acting on behalf of the county agency Hennepin County Human Services and Public Health Department Child Protection Services, which is a county agency overseen by the Minnesota Department of Human Services, has falsified conclusions of numerous CPS investigations based upon his own admitted perjury through a CHIPS Petition removing custody, care, and companionship of Joseph Rued's for his natural child, W.O.R. (See Attachments to Plaintiffs' Amended Complaint on -1170-1173- and -1276-1298-), who share parallel and intertwined injuries in fact and whose proximity of relationship is self-evident (Attachments to Plaintiffs' Amended Complaint on -22-26-), of which numerous persons and/or individuals acting on behalf of the State of Minnesota and the United States of America have Co-Conspired with, through such individuals' own violations of U.S. Const. Amend. XIV and/or U.S. Const. Amend V; to

further and sustain the violations of U.S. Const. Amend. XIV of Jaykumar Jayswal, depriving Plaintiffs' federally protected rights, including Joseph Daryll Rued's rights to care, custody, and companionship with his natural child, W.O.R., in reckless disregard to Plaintiffs' rights and/or safety causing severe emotional distress to all Plaintiffs, endangerment and medical neglect of W.O.R., and substantial financial damage to Plaintiffs among other injuries. See Attachments to Plaintiffs' Amended Complaint 5-21 and -302-351-.

This paragraph does not remotely contain support, whatsoever, for the factual determination that "[i]n a trial presided over by Defendant Mike Furnstahl, a referee for Hennepin County's Family Court Division, Joseph Rued argued that Jayswal's statements in the CHIPS Petition were perjurious" as factually asserted by Judge Tunheim (R.Doc. 247 on 5), nor do any of citations contained within the paragraph. While meaning no disrespect, but wishing to be precise, John Tunheim is the sole support for this assertion, which is a sheer fabrication and as such is an individual action un-authorizable under Fifth Amendment requirements, violating First Amendment requirements, and is a non-judicial action also constituting fraud upon the court.

The essential determination upon which this Court has dismissed Plaintiffs' claims is that Joseph Rued argued these claims to Furnstahl based upon Plaintiffs' 24-CV-1763 Complaint which provides no support whatsoever for such determinations, which are pure fabrications by this Court and, given involvement of officers of the court both issuing these orders perpetrating these frauds and the essential

nature of this issue to the entirety of these proceedings, is unambiguous and irrefutable fraud upon the court—this Court's Order is not based upon Plaintiffs' Complaint but this Court's fabrications of what this Court wants Plaintiffs' Complaint to be. The essential elements of this Court's Order dismissing Plaintiffs' claims do not relate to any genuine case or controversy actually before this Court and is based upon this Court fabricating a case and complaint and purporting to resolve a controversy within the case it fabricated that does not actually exist, much less exist as a case and controversy actually before this Court and in this case as the Constitution requires for federal judicial action.

**This Court's March 11, 2025 Orders and
Accompanying Judgements Lack Requisite
Jurisdiction Under U.S. Const. Art. III § 2
Generating Plaintiffs' Lack of Standing
Requirements**

The merits issue in this case — whether [the statute permits such suits] — is not also "jurisdictional," and so does not occupy the same status as standing to sue as a question that must be resolved first...In no case has this Court called the existence of a cause of action "jurisdictional," and decided that question before resolving a dispute concerning the existence of an Article III case or controversy. Such a principle would turn every statutory question...into a question of jurisdiction that this Court would have to consider — indeed, raise sua sponte — even if not raised below...This Court declines to endorse the "doctrine of hypothetical jurisdiction,"...at least

where (1) the merits question is more readily resolved, and (2) the prevailing party on the merits would be the same as the prevailing party were jurisdiction denied. That doctrine carries the courts beyond the bounds of authorized judicial action and thus offends fundamental separation-of-powers principles. In a long and venerable line of cases, this Court has held that, without proper jurisdiction, a court cannot proceed at all, but can only note the jurisdictional defect and dismiss the suit...**For a court to pronounce upon a law's meaning or constitutionality [or some factual circumstances] when it has no jurisdiction to do so is, by very definition, an ultra vires act...**Standing is the "irreducible constitutional minimum" necessary to make a justiciable "case" or "controversy" under Article III, § 2...It contains three requirements: injury in fact to the plaintiff[/petitioner], causation of that injury by the defendant's **complained-of conduct**, and a likelihood that the requested relief will redress that injury. *Steel Co. v. Citizens for Better Env't*, 523 U.S. 83, 84 (1998) (**Emphasis added, citations excluded**).

There is no complained-of conduct that Furnstahl did not appropriately address Plaintiffs' federal claims—Plaintiffs' 24-CV-1763 Complaint unambiguously asserts Furnstahl declined to consider anything related to Jayswal's perjury admissions and, due to Furnstahl's own determinations, such issues were not allowed to be litigated and, despite Furnstahl's personal knowledge regarding the perjury admissions, such could not be legally considered or considered reached or litigated by or before Furnstahl, at all. This

Court's Orders dismissing Plaintiffs' Complaints on the basis that Joseph Rued argued Jayswal's admitted perjury to Furnstahl, citing to Plaintiffs' 24-CV-1763 Complaint ¶ 2 and 13, are not based upon or responsive to Plaintiffs' actual Complaints, being based upon this Court's fabrications and fraud upon the court in a feeble attempt to try to shoehorn Plaintiffs' federal claims into doctrines regarding federal jurisdictional bars. Not being based upon Plaintiffs' actual Complaint and being based upon fabrications of this Court, U.S. Const. Art. III § 2 jurisdiction clearly does not exist for the essential elements of this Court's determinations, Orders, and Judgements in these cases, as such determinations, Orders, and Judgements are not based upon a genuine case or controversy but only upon this Court's fabrications of a case and controversy, which does not actually exist and is not actually before this Court, rendering such determinations, Orders, and Judgements in absence of jurisdiction:

The Constitution limits the exercise of the judicial power to "cases" and "controversies."...A "controversy" in this sense must be one that is appropriate for judicial determination. *Osborn v. United States Bank*, 9 Wheat. 738, 819. A justifiable controversy is thus distinguished from a difference or dispute of a hypothetical or abstract character; from one that is academic or moot. *United States v. Alaska S.S. Co.*, 253 U.S. 113, 116. The controversy must be definite and concrete, touching the legal relations of parties having adverse legal interests. *South Spring Gold Co. v. Amador Gold Co.*, 145 U.S. 300, 301; *Fairchild v.*

Hughes, 258 U.S. 126, 129; *Massachusetts v. Mellon*, 262 U.S. 447, 487, 488. It must be a real and substantial controversy admitting of specific relief through a decree of a conclusive character, as distinguished from an opinion advising what the law would be upon a hypothetical state of facts...Where there is such a concrete case admitting of an immediate and definitive determination of the legal rights of the parties in an adversary proceeding upon the facts alleged, the judicial function may be appropriately exercised although the adjudication of the rights of the litigants may not require the award of process or the payment of damages. *Aetna Life Ins. Co. v. Haworth*, 300 U.S. 227, 239 (1937) (Emphasis added, not all citations included).

The exercise of judicial power under Art. III of the Constitution depends on the existence of a case or controversy. As the Court noted in *North Carolina v. Rice*, 404 U.S. 244, 246 (1971), a federal court has neither the power to render advisory opinions nor "to decide questions that cannot affect the rights of litigants in the case before them." Its judgments must resolve "a real and substantial controversy admitting of specific relief through a decree of a conclusive character, as distinguished from an opinion advising what the law would be upon a hypothetical state of facts." Ibid., quoting *Aetna Life Ins. Co. v. Haworth*, 300 U.S. 227, 241 (1937). As the Court noted last Term, in an opinion by MR. JUSTICE BRENNAN, *Steffel v.*

Thompson, 415 U.S. 452, 459 n. 10 (1974): "The rule in federal cases is that an actual controversy must be extant at all stages of review, not merely at the time the complaint is filed. See, e.g., *Roe v. Wade*, 410 U.S. [113,] 125 [(1973)]; *SEC v. Medical Comm. for Human Rights*, 404 U.S. 403 (1972); *United States v. Munsingwear, Inc.*, 340 U.S. 36 (1950)." *Preiser v. Newkirk*, 422 U.S. 395, 401 (1975) (Emphasis added).

Additionally, Plaintiffs have no standing under any order regarding any complaint that asserts Plaintiffs "argued" Jayswal's admitted perjury to Furnstahl, as Plaintiffs' 24-CV-1763 Complaint asserts the exact opposite, repeatedly, unequivocally asserting that Joseph Rued was *prohibited* from litigating Jayswal's perjury by Furnstahl, at all. The Court's assertions in these Orders claim that, while Joseph Rued was prohibited from calling Jayswal as a witness or submitting Jayswal's admissions of perjury in deposition to the record, he still somehow argued Jayswal committed perjury, so Rooker-Feldman is applicable, though there is no support anywhere that Jayswal's perjury was ever considered, or even mentioned, by any state court in these records beyond pure fabrications. No one can have standing under complaints that do not exist or orders based upon complaints that do not actually exist as this Court's Orders are, which, alone, prohibits any proper appeal, as the Eighth Circuit has no more authority to hear an appeal on a fabricated case and controversy, for which no genuine case or controversy actually exists beyond what the Court fabricated, under U.S. Const. Art. III § 1 and 2; than Plaintiffs have standing under such absurdities:

Since the appeal must be dismissed on the ground that appellant has no standing to litigate the...question[], it is unnecessary to consider whether the record shows the existence of a genuine case or controversy essential to the exercise of the jurisdiction of this Court. Cf. *Nashville, C. St. L. Ry. Co. v. Wallace*, 288 U.S. 249, 259. *Tileston v. Ullman*, 318 U.S. 44, 46 (1943).

[A] federal court [may not] decide the merits of a legal question not posed in an Article III case or controversy. For that purpose, a case must exist at all the stages of appellate review. *Preiser v. Newkirk*, 422 U.S. 395, 401 (1975); *Mills v. Green*, 159 U.S. 651, 653 (1895). But reason and authority refute the quite different notion that a federal appellate court may not take any action with regard to a piece of litigation once it has been determined that the requirements of Article III no longer are (or indeed never were) met [(or that, at some point, were proceeded beyond)]. That proposition is contradicted whenever an appellate court holds that a district court lacked Article III jurisdiction in the first instance, vacates the decision, and remands with directions to dismiss. *U.S. Bancorp Mortg. Co. v. Bonner Mall*, 513 U.S. 18, 21 (1994).

Plaintiffs have no standing to litigate that their Complaint does not support that Joseph Rued argued Jayswal's perjury admissions to Furnstahl because there is no possible controversy related to such, nor are Plaintiffs involved in any case with any such

Complaint that supports that Joseph Rued argued Jayswal's perjury to Furnstahl—such is clearly established on the face of the record.

There is no controversy that Joseph Rued argued Jayswal's perjury admissions to Furnstahl because such has not occurred and there is no admissible record source supporting such here, or in the world, and there is no case in which Plaintiffs' Complaint provides otherwise, as Plaintiffs' Complaint specifically and repeatedly indicates that Furnstahl prohibited Joseph Rued from litigating *anything* related to Jayswal's perjury admissions, so Furnstahl, due to his own determinations and decisions to decline to reach Jayswal's perjury admissions could not reach Jayswal's admissions of perjury that he prevented from entering into the record or being reviewable on appeal (24-CV-1763 R.Doc: 237 on 5-11). Lack of jurisdiction and standing related to this Court's Orders here results in relief via extraordinary writ lying not just as a matter within Eighth Circuit discretion, but as a matter of right for Plaintiffs (*In re Rice, Petitioner*, 155 U.S. 396 (1894); *Minnesota Ontario Paper Co. v. Molyneaux*, 70 F.2d 545, 546 (8th Cir. 1934)).

**Other Issues: the Court's Factual Findings
Related to Jayswal's CHIPS Petition;
Determinations Regarding Sanctions;
Jurisdictional Analyses; and This Court's
Willful Participation in Conspiracy to Deprive
Plaintiffs' Federal Rights and Cover Up the
Same**

One of the Court's Orders states [that Jayswal's petition *determined*]:

There have been false accusations made against Ms. Rued and her other children...over the last two years, which have been investigated and never founded. Those allegations are believed to have been made by Mr. Rued and his parents, which has now established a pattern that they are making false allegations and causing [W.O.R.] to think he has been abused when he has not.

Id. at 3. Ultimately, the Petition concluded that W.O.R. was "in need of protection or services" not because of the allegations against Catrina, but because Joseph had "conditioned [W.O.R.] to believe that he is a victim of sexual abuse" and to "develop negative feelings towards Ms. Rued and [W.O.R.'s] siblings, causing serious and lasting mental and emotional damage." Id. at 5, 12. After an agreement by the parties, however, the state court terminated the CHIPS Petition. 24-CV-1763 R.Doc. 247 on 5-6[].

Making such findings of fact in orders alleging lack of jurisdiction over Plaintiffs' claims is inappropriate for multiple reasons, including but not limited to internal inconsistency related to jurisdictional assertions, as Plaintiffs' 24-CV-1763 Complaint is clear:

Jayswal...has **falsified conclusions** of numerous CPS investigations based upon his own admitted perjury through a CHIPS Petition removing custody, care, and companionship of Joseph Rued's for his natural child, W.O.R. 24-CV-1763 Complaint ¶ 2 (**Emphasis added**).

Allegations that Joseph Rued had "conditioned [W.O.R.] to...develop negative feelings towards Ms. Rued and [W.O.R.'s] siblings, causing serious and lasting mental and emotional damage" are explicitly admitted by Jayswal to be untrue to his own information and belief under oath:

Q: And what did you observe about their [W.O.R.'s] half siblings and W.O.R.'s interactions with each other?

A [Jayswal]: They were playful. They got along. They were nice to each other. Attachments to Plaintiffs' Complaint on -1292-1293-.

Additionally, the allegation that Joseph Rued had "conditioned [W.O.R.] to believe that he is a victim of sexual abuse" is conditioned directly upon the following, which is admittedly perjurious:

There have been false accusations made against Ms. Rued and her other children...over the last two years, which have been investigated and never founded. Those allegations are believed to have been made by Mr. Rued and his parents, which has now established a pattern that they are making false allegations and causing [W.O.R.] to think he has been abused when he has not.

The concept that W.O.R. was conditioned to believe something untrue is supported directly by the perjury that Joseph Rued's allegations regarding abuse are false or unsupported, which is the basis used to ignore the support for Joseph Rued's allegations of maltreatment of W.O.R., including W.O.R.'s own reports of abuse—absent Jayswal's admitted perjury

as affirmative support, there is no basis or any evidence whatsoever to support that W.O.R. was or is conditioned to believe anything untrue. These are all rudimentary epistemic realities (See also Plaintiffs' Emergency Petition for Writ of Prohibition and/or Mandamus at the Eighth Circuit (*In re Joseph Rued I-III*) directed to Judge Tunheim on 17-19).

This Court reaching the merits of Plaintiffs' claims that are dismissed for lack of jurisdiction in a factual section of Orders is jurisdictionally self-defeating. The Court asserting Jayswal's CHIPS Petition determined, versus alleged, anything is also factually untrue. Additionally, the Court reaching the merits to any degree of any of Plaintiffs' claims in anything other than a temporary or emergency order or as necessary for a jurisdictional determination, both of which plainly are not the case here, violates Plaintiffs' Seventh Amendment rights (see *Beacon Theaters, Inc. v. Westover*, 359 U.S. 500, 510-511 (1959); *Lytle v. Household Manufacturing, Inc.*, 494 U.S. 545, 550 (1990)):

Pursuant to U.S. Const. Amend VII, Plaintiffs demand a jury trial, including submission of any and all mixed questions of law and fact, including all questions of law as applied to the facts of this case as well as all claims related to the primary federal claims of Plaintiffs, to jury determinations[,] subject to U.S. Const. Art. VI § 2 and 3 and 42 U.S.C. 1988(a), which mandate common law and statutory construction, interpretation, and application in subjection to the declarations and mandates of the U.S. Constitution, and do not consent to judicially directed determinations regarding

such issues. 24-CV-1763 Complaint ¶ 1
(**Emphasis** added).

These actions by the Court also infringe on Plaintiffs' rights to jury determinations in venues in which any jurisdictional bars purportedly applied could not even hypothetically apply. The fact that such determinations do not reach Plaintiffs' Complaint as pled also violates Plaintiffs' First Amendment right to petition the government, as the record does not support any facial factual challenge to Plaintiffs' Complaint assertions for which the Court is finding in its Orders' factual section, which also is violative of Fifth Amendment due process and equal protections requirements, including fundamental fairness and rights to fair trials and hearings, that is not a requisite fact for any of the Court's jurisdictional determinations. If the Court's goal was to violate Constitutional requirements, Plaintiffs would be hard-pressed to generate any suggested areas of improvement.

As the bases for issuing sanctions against Plaintiffs the Court provides the following:

Plaintiffs' behavior in this matter demonstrates they warrant placement on the District of Minnesota's restricted filers list. It has become plain to virtually every court that has entertained Plaintiffs' lawsuits that they have been filed maliciously and frivolously. See, e.g., *Rued v. Rued*, Nos. A21-0798, A21-1064, 2022 WL 2298992, at *18 (Minn. Ct. App. June 27, 2022) (noting the finding of the district court that "[i]t is very obvious that [Joseph] was trying to bankrupt [Catrina] in hopes that her attorney would withdraw for nonpayment")

(internal quotation marks omitted). Therefore, the Court will place Joseph, Scott, and Leah Rued on the restricted filers list, which will prohibit them from filing additional lawsuits relating to this matter without first receiving permission of the Court or securing the assistance of counsel. 24-CV-3409 R.Doc 103 on 3.

Plaintiffs may believe they have a good-faith basis for this litigation. But that addresses only their subjective belief, and the relevant question here is whether their conduct has an objective good-faith basis. The Court concludes it does not. Plaintiffs have been repeatedly informed—by both Minnesota [(It is worth here reciting the Court of Appeals’] related discussion:

the district court did not abuse its discretion when it imposed sanctions against father, including a security and preconditions, pursuant to its frivolous-litigant determination. The factors are supported by its conclusions and the record: (1) father has pursued endless litigation in this matter and the district court has made hundreds of findings that demonstrate father’s arguments have no chance of success; (2) father repeatedly relitigates issues that are already decided; (3) father acts in bad faith by using litigation to harass mother; (4) the district court has repeatedly awarded mother conduct- and need-based attorney fees, demonstrating the injury she incurs

because of father's endless litigation; (5) the district court identified a dozen instances in which a court has reprimanded or discouraged father from continuing to pursue this litigation, and yet he continues; (6) we can infer that the district court found that sanctions and a security would help filter some of father's frivolous litigation and provide some safeguards for mother, including some assurance of receiving attorney fees; and (7) given the extensive findings and record in this case, it does not appear that any less severe options would provide sufficient protections. Because the district court considered all the factors before it imposed sanctions upon father pursuant to its frivolous-litigant determination, the district court did not abuse its discretion [(citing to an appellate decision for which judgement was not entered relative to any relevant parties until *after* such parties were served in these federal proceedings)]

and federal judges—that their suits cannot proceed, yet they continually disregard these warnings. At this stage, Plaintiffs' conduct is objectively unreasonable. 24-CV-3409 R.Doc. 103 on 4, incorporating 24-CV-3409 R.Doc. 96 on 11-12 (*Emphasis* in relevant clarification of citation source added).

Again, Plaintiffs have demanded jury determinations for anything including factual determinations—the Court is sanctioning Plaintiffs on the basis that

Plaintiffs' claims are malicious and frivolous, citing to claims that Joseph Rued is trying to bankrupt Catrina Rued in a proceeding in which Catrina has paid nominal monies and has also been, by a significant margin, the most lucrative endeavor of Catrina's life, wherein Joseph Rued was prevented from litigating anything related to Jayswal's perjury, in Joseph Rued's direct appeal of Furnstahl's proceedings which relied upon Jayswal's CHIPS Petition perjury to uphold Furnstahl's findings based upon Jayswal's investigations and other co-conspirators here, preventing Joseph Rued from litigating anything related to any Defendants, and could not consider Jayswal's admissions of perjury in the CHIPS Petition, at all, appealed through the United States Supreme Court (see *United States v. Carver*, 260 U.S. 482, 490 (1923)), which does not, by definition, have relevance to Plaintiffs' federal claims. Additionally, the Court is finding Plaintiffs' have no objective good faith basis for these claims because the Minnesota Court of Appeals found Joseph Rued seeking to address that the state courts are relying upon Jayswal's admitted perjury in violation of fourteenth amendment requirements and absent recognizable process of any kind to deprive Joseph Rued's most precious protected rights to be frivolous on the assertion that what had been prevented from being litigated has been litigated and that such fraudulent assertions constitutes Plaintiffs' claims having been litigated, which cannot be done through judicial notice (see *Holloway v. Lockhart*, 813 F.2d 874, 878 (8th Cir. 1987) and Fed.R.Evid. 201, including related advisory committee notes providing "[w]ith respect to judicial notice of adjudicative facts, the tradition has been one of caution in requiring that the matter be beyond reasonable controversy") because such opinions quoted here are also directly

challenged here and the state proceeding remains ongoing for purposes of the relevant Defendants. This Court is free to try to evaluate applying state preclusion principles to try to arrive at the same effective place, blocking litigation of Plaintiffs' federal claims, but, then, this Court, in its own authority, will have to determine state preclusion principles apply to these claims to sustain fraud, fraud upon the court, and rulings for which there self-evidently has been no full and fair opportunity to litigate, according to Minnesota state and family law (see *Halloran v. Blue and White Liberty Cab Co. Inc.*, 253 Minn. 436, 442 (Minn. 1958); *Mach v. Wells Concrete Prods. Co.*, 866 N.W.2d 921, 925 (Minn. 2015); *Johnson v. Johnson*, 243 Minn. 403, 405 (Minn. 1955); *Maranda v. Maranda*, 449 N.W.2d 158, 165 (Minn. 1990); *Matter of Welfare of M.D.O.*, 462 N.W.2d 370, 375 (Minn. 1990); *State v. Sax*, 42 N.W.2d (Minn. 1950); *Angelos v. Angelos*, 367 N.W.2d 518 (Minn. 1985); *In re Welfare of Children*, 769 N.W.2d 297, 303 (Minn. Ct. App. 2009); *Pfizer, Inc. v. International Rectifier Corp.*, 538 F.2d 180, 195 (8th Cir. 1976); *Hazel-Atlas Co. v. Hartford Co.*, 322 U.S. 238 (1944); *Lassiter v. Department of Social Services*, 452 U.S. 18, 27 (1981); *Palmore v. Sidoti*, 466 U.S. 429, 432 (1984); Fourteenth Amendment; Supremacy Clause), which is not possible to do in accordance with Constitutional requirements, which is why this Court has, instead, tried to fabricate essential facts to try to apply a jurisdictional doctrine that cannot be lawfully applied here: Every subsequent state proceeding has relied upon Furnstahl's proceeding and Jayswal's perjury and either explicitly declined to consider Jayswal's perjury admissions or plainly applied estoppel, law-of-the-case, or other preclusion law to Furnstahl's original proceeding, which definitionally means that

Jayswal's perjury admissions, which all of Plaintiffs' federal claims are fundamentally based upon, has never been reached, litigated, or considered by any concluded state judgement and Rooker-Feldman cannot lawfully be applied in concert with Constitutional requirements under the fifth amendment and unambiguous appellate authority:

[N]either Rooker nor Feldman supports the notion that properly invoked concurrent jurisdiction vanishes if a state court reaches judgment on the same or a related question while the case remains sub judice in a federal court. Disposition of the federal action, once the state-court adjudication is complete, would be governed by preclusion law... Variouslly interpreted in the lower courts, the doctrine has sometimes been construed to extend far beyond the contours of the Rooker and Feldman cases, overriding Congress' conferral of federal-court jurisdiction concurrent with jurisdiction exercised by state courts, and superseding the ordinary application of preclusion law pursuant to 28 U. S. C. § 1738. *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280, 281-283 (2005).

Rooker-Feldman application does not require the more searching analysis of application of preclusion principles endowed with inherent Constitutional safeguards and protections, such as a full and fair opportunity to litigate which so obviously has not occurred here and these state proceedings are proceeding in such objectively bad faith that no one, including this Court, is even trying to apply Younger or related abstentions, but Rooker-Feldman

application does require that that the claims were actually litigated and determined, absent requirements of the litigation having occurred in concert with Constitutional requirements, which cannot be asserted here apart from what would be fraud upon the court, which is almost certainly why this Court committed fraud upon the court fabricating its factual finding that Joseph Rued argued Jayswal's perjury to Furnstahl, which did not occur because Furnstahl prohibited it, meaning Furnstahl's proceeding or any proceeding applying preclusion to Furnstahl's proceeding or relying upon Furnstahl's proceeding without reaching Jayswal's perjury admissions, which no relevant proceedings have, cannot support Rooker-Feldman application to Plaintiffs' federal claims. If such is the case in 24-CV-1763, as unequivocally is the case, then the same was also certainly true in 23-CV-2685 and Brasel's, Stras', Shepherd's, and Grasz's application otherwise plainly violates Plaintiffs' fifth amendment rights, including under due process and equal protections requirements through a fraudulent application of judicial doctrine in supremacy of Constitutional requirements, violating requirements of the supremacy clause. The Court also relies on these illegal acts by Brasel, Stras, Shepherd, and Grasz, which are directly challenged in this proceeding, and repeats the actions for which Plaintiffs' federal claims against such Defendants are at issue here, to support sanctions, which is just further Constitutionally prohibited action by this Court depriving Plaintiffs' right of access to the court absent due process and equal protections requirements ("see... *Christopher v. Harbury*, 536 U.S. 403, 415 n.12, 122 S.Ct. 2179, 153 L.Ed.2d 413 (2002) (noting, outside of the context of prisons, the right to access the courts is guaranteed by an amalgam of the

Article IV Privileges and Immunities Clause, the First Amendment Petition Clause, the Fifth Amendment Due Process Clause, and the Fourteenth Amendment Equal Protection and Due Process Clauses)” (*White v. Kautzky*, 494 F.3d 677, 679 (8th Cir. 2007)), based upon this Court’s fabrications regarding what is not genuinely in dispute, fraudulently attesting that Joseph Rued argued Jayswal’s perjury admissions to Furnstahl.

The Court’s analyses and determinations regarding its jurisdictional analysis follows:

“The Rooker-Feldman doctrine provides that, with the exception of habeas corpus petitions, lower federal courts lack subject matter jurisdiction over challenges to state court judgments.” *Mosby v. Ligon*, 418 F.3d 927, 931 (8th Cir. 2005) (internal quotation marks and citation omitted)...Plaintiffs here are dissatisfied with the state court proceedings that awarded Catrina Rued sole legal and physical custody of W.O.R., and they ask this Court to overturn that decision. But the Court lacks the power to do so. See *Bechtold v. City of Rosemount*, 104 F.3d 1062, 1065 (8th Cir. 1997) (noting that “a litigant cannot circumvent Rooker-Feldman by recasting his or her lawsuit as a [42 U.S.C.] § 1983 action.”). 24-CV-1763 R.Doc. 247 on 7-8.

Plaintiffs do not seek to overturn any completed decisions related to Jayswal’s admitted perjury—indeed, there are no relevant decisions to even try to overturn here, as no completed state judgement has ever acknowledged Jayswal’s deposition admissions. Plaintiffs seek damages against Jayswal and those

conspiring with Jayswal for violations of Plaintiffs' protected rights (24-CV-1763 Complaint ¶ 1). Being satisfied or dissatisfied with judgements in which Plaintiffs' federal claims have been prevented from being litigated has absolutely no relevance here—indeed, given the facts, it would be strange and negligent, on a human level, for Joseph Rued to somehow be personally satisfied with any state judgements that are objectively abusing W.O.R., as the case is here, and being satisfied with such would necessarily result in Joseph Rued violating not only legal duties and requirements but also Natural Law.

The Court dismissed all of Plaintiffs' claims and requested relief on jurisdictional grounds, including the emergency injunctive relief Plaintiffs seek:

IT IS HEREBY ORDERED

that...Defendants' Motions to Dismiss...are **GRANTED** because the Court lacks jurisdiction over the entire action under the Rooker-Feldman doctrine...[and] The Amended Complaint...is **DISMISSED** *with prejudice* for lack of jurisdiction. 24-CV-1763 R.Doc. 247 on 8-9 (*emphasis* added), mirrored in 24-CV-2437 R.Doc 106 on 2 and 24-CV-3409 R.Doc. 103 on 4.

Certainly, if preclusion principles cannot be applied in concert with Constitutional requirements, Plaintiffs could seek injunctive relief under 42 U.S.C. § 1983 or the Fourteenth Amendment in courts of general jurisdiction wherein Rooker-Feldman could not apply, but this Court's self-contradicting assertions (no one can stand nowhere) of dismissing Plaintiffs' claims on the merits on the basis of lacking jurisdiction would inhibit such if Plaintiffs had standing under this Order and this Court's Order were lawful and not lacking.

such Constitutionally required jurisdictional requirements. The Court cannot assert lack of jurisdiction and reach the merits of Plaintiffs' claims because it would require the power to do so, which the Court denies possession of. In this case, Plaintiffs may know that Plaintiffs lack standing under this Order and U.S. Const. Art. III § 2 requirements upon this Court inhibit the legality of such order, rendering it a nullity, but this Court's Order has a high likelihood of being used to inhibit Plaintiffs relief sought in venues of general jurisdiction, irrespective of the legal soundness of such utilization—Plaintiffs could choose where to file these claims, either in state or federal court, and, given Plaintiffs seek emergency injunctions against state actors in individual capacity, the choice Plaintiffs have made to file in federal court is natural, but if this Court is not going to lawfully exercise its jurisdiction, as indicated by this Order, then this Court has no authority to inhibit Plaintiffs' claims being filed in another venue on the basis of lack of jurisdiction and being unable to reach the merits of Plaintiffs' claims when Plaintiffs require and are entitled to the emergency relief under federal law Plaintiffs are seeking. While this Court has authority to regulate its Court and issue sanctions, it possesses no authority to do so in a manner violative of Fifth Amendment guarantees, or in ways that are arbitrary, capricious, and unreasonable, or based upon its own fraud upon the court in absence of jurisdiction all of which is the case regarding this Court's determinations supporting imposing sanctions against Plaintiffs. Plaintiffs' right to petition the federal government, including this Court, is protected under the United States Constitution and this Court has no authority to deprive such rights of Plaintiffs in violation of such rudimentary procedural safeguards

by doing so based upon this Court's own fraud upon the court in fabricating that Joseph Rued had argued Jayswal's perjury to Furnstahl and, therefore, Rooker-Feldman applies and it is objectively unreasonable, malicious, and frivolous to believe and assert, as Plaintiffs have, that it does not—with respect to the Court's assertions against Plaintiffs, respectfully, the shoe is on the other foot and this Court's fabrications essential to its determinations are objectively unreasonable, malicious, frivolous, objectively in bad faith, and patently unconstitutional. Plaintiffs understand the Court may wish the facts were different than they are in this case, but, frankly, Plaintiffs could not care less and are here for the law, not this Court's personal or the judiciary's cultural preferences, the Court's fantasies that Joseph Rued argued Jayswal's perjury to Furnstahl when Furnstahl prohibited such from occurring, or its pure will (*Yick Wo v. Hopkins*, 118 U.S. 356, 366 (1886)).

Plaintiffs offer several arguments for why Rooker-Feldman does not apply, but none succeed. First, they argue that this action presents "independent claims" that bypass the Rooker-Feldman bar. Specifically, they assert that their "primary claim, *which all of Plaintiffs' claims fundamentally relate to*, is that [Defendant] Jayswal fraudulently concluded CPS investigations regarding W.O.R. in an under-oath [CHIPS petition] utilized to deprive Plaintiffs' protected rights." ECF No. 130 at 36-37 (emphasis in original); see also, e.g., ECF No. 132 at 8 (using same language). But the only way this claim can succeed is if Plaintiffs show that the Divorce Action improperly refused to consider the

Jayswal-related evidence that Joseph Rued wanted to introduce there. So this “primary claim” is not at all independent of the Divorce Action...The problem with Plaintiffs’ argument, however, is that the Minnesota Court of Appeals’[] entered judgment in the Divorce Action on November 17, 2022—well before this action began. Therefore, Plaintiffs are indeed challenging a state-court judgment entered before this action started...Plaintiffs had an opportunity to persuade Minnesota’s courts—including its appellate courts—of their bedrock claim that certain evidence about Jayswal’s alleged conduct should have been handled differently in the Divorce Action. 24-CV-1763 R.Doc. 247 on 8, incorporating 24-CV-1763 R.Doc. 225 on 15-17.

The Court’s analysis above construes Plaintiffs’ federal claims, all of which fundamentally relate to Jayswal’s perjury admissions, as asserting Furnstahl (the person that is also a state referee over the “divorce action”), “improperly refused to consider the Jayswal-related evidence Joseph Rued wanted to introduce there,” but this is, again, premised on the fabricated assertion by the Court that Plaintiffs’ 24-CV-1763 Complaint asserted Joseph Rued argued Jayswal’s perjury to Furnstahl, which is a fabrication. Furnstahl could not have properly or improperly considered Jayswal’s perjury admissions because he explicitly determined not to consider such or to allow the evidence regarding such to be considered, at all, as Jayswal’s perjury admissions were not allowed in the record and, therefore, could not be legally considered, at all. The only way Plaintiffs’ “primary claim” is not independent of the divorce action, is if it was actually

litigated and determined in the divorce action, which cannot happen when there is not any opportunity to do so, which is precisely what Furnstahl caused to occur by prohibiting Joseph Rued from litigating anything related to Jayswal or any of Plaintiffs' federal claims. After the initial divorce action, estoppel, law-of-the-case, or other preclusion principles have uniformly been applied to the initial divorce action, as if Jayswal's perjury admissions were litigated before and then considered and determined by Furnstahl; in order to not reach Jayswal's perjury admissions, denying any opportunity to litigate these federal claims despite every effort of Joseph Rued to do so.

Plaintiffs argue that during the "initial custody trial" regarding W.O.R., the relevant judge failed to consider properly evidence that undermined the CHIPS Petition. 24-CV-2437 R.Doc. 106 on 2, incorporating 24-CV-2437 R.Doc 104 on 4.

The Court also describes Furnstahl's proceedings as the "initial custody trial"—again, the Court's assertion here is premised upon Jayswal's perjury admissions having been litigated in Furnstahl's proceeding, in order for Furnstahl to have "failed to consider properly evidence that undermined the CHIPS Petition," but this is only supported by the Court's fabrication that Rued argued Jayswal's perjury, as the information contained in and/or ascertainable from the Complaints are that Rued submitted Jayswal's deposition, which Furnstahl reviewed, then excluded, then Rued subpoenaed Jayswal to testify and Furnstahl did not allow such testimony to occur and dictated the time of trial and witnesses that would be called and order in which they would be called, which the Court does not

contest. Nothing in any of the Complaints relate to Joseph Rued arguing Jayswal's perjury to Furnstahl. Furnstahl had personal knowledge of Jayswal's deposition admissions because he reviewed such but could not legally consider such because he excluded such admissions from the record and prohibited Rued from presenting Jayswal as a witness.

The Court cannot grant any of the relief that Plaintiffs seek here without at least implicitly concluding that Minnesota's state courts mishandled the proceedings determining W.O.R.'s custody. Therefore, Rooker-Feldman appears to strip this Court of jurisdiction over this action. Plaintiffs argue that Rooker-Feldman does not apply here—indeed, they claim it is so clearly inapplicable that anyone who disagrees must be acting in bad faith. See, e.g., ECF No. 33 at 4, 11. But their arguments here mirror those in No. 24-CV-1763, and this Court's prior discussion of those arguments also applies fully here: [citing 24-1763 R.Doc. 225 on 15-17 already reproduced in relevant portion above]. 24-CV-3409 R.Doc. 103 on 4, incorporating 24-CV-3409 R.Doc 96 on 8-9.

The legal conclusions of a state court do not provide any inhibition under Rooker-Feldman to federal litigation of claims the state court declined to reach or, as the case also is here, prohibited such claims from being litigated (*Simes v. Huckabee*, 354 F.3d 823, 829 (8th Cir. 2004); *Hageman v. Barton*, 817 F.3d 611, 615 (8th Cir. 2016)), which is why this Court is fabricating that Plaintiffs' 24-CV-1763 Complaint support that Rued "argued" Jayswal's perjury admissions to Furnstahl:

Nor does § 1257 stop a district court from exercising subject-matter jurisdiction simply because a party attempts to litigate in federal court a matter previously litigated in state court. If a federal plaintiff presents an independent claim, even one that denies a state court's legal conclusion in a case to which the plaintiff was a party, there is jurisdiction, and state law determines whether the defendant prevails under preclusion principles. *Exxon Mobil Corp. v. Saudi Basic Industries Corp.*, 544 U.S. 280, 282 (2005).

There are no completed state judgements in which Jayswal's admitted perjury has been litigated or reached and applying preclusion to Furnstahl's proceedings or proceedings relying upon Furnstahl's proceeding to not reach Jayswal's perjury admissions or allow such to be litigated is, definitionally, not reaching or allowing anything to be litigated beyond what was actually litigated in Furnstahl's proceeding, as such is the very nature of applications of estoppel, preclusion, and/or law-of-the-case. State preclusion principles have no chance of being lawfully applied here, which is why this Court is fabricating that Joseph Rued argued Jayswal's perjury to Furnstahl.

The very existence of Younger and related *abstention* doctrines make clear that federal *jurisdiction* exists to enjoin state proceedings when irreparable harms and Constitutional abuses are occurring, as here ("This exception [to the Anti-Injunction Act] authorizes injunctions against state-court proceedings where the statute in question creates a federal right or remedy that can only be given its intended scope by such an injunction. *Mitchum v.*

Foster, 407 U.S. 225, 238, 92 S.Ct. 2151, 32 L.Ed.2d 705 (1972)" (*In re Bankamerica Corp. Securities Litigation*, 263 F.3d 795, 801 (8th Cir. 2001))—in such circumstances, as here, full bore challenges to such proceedings may well be brought in federal court:

Neither *Rooker* nor *Feldman* elaborated a rationale for a wide-reaching bar on the jurisdiction of lower federal courts, and our cases since *Feldman* have tended to emphasize the narrowness of the *Rooker-Feldman* rule. See *Exxon Mobil*, 544 U. S., at 292 (*Rooker-Feldman* does not apply to parallel state and federal litigation); *Verizon Md. Inc. v. Public Serv. Comm'n of Md.*, 535 U. S. 635, 644, n. 3 (2002) (*Rooker-Feldman* "has no application to judicial review of executive action, including determinations made by a state administrative agency"); *Johnson v. De Grandy*, 512 U. S. 997, 1005-1006 (1994) (*Rooker-Feldman* does not bar actions by a nonparty to the earlier state suit). Indeed, during that period, "this Court has never applied *Rooker-Feldman* to dismiss an action for want of jurisdiction." *Exxon Mobil*, supra, at 287.[] In *Exxon Mobil*, decided last Term, we warned that the lower courts have at times extended *Rooker-Feldman* "far beyond the contours of the *Rooker* and *Feldman* cases, overriding Congress' conferral of federal-court jurisdiction concurrent with jurisdiction exercised by state courts, and superseding the ordinary application of preclusion law pursuant to 28 U. S. C. § 1738." 544 U. S., at 283. *Lance v. Dennis*, 546 U.S. 459, 463 (2006).

Unlike in *Goodrich v. Supreme Court of State of S. D.*, 511 F.2d 316, 317 (8th Cir. 1975), the reason why Younger's principles and abstention should not be applied are as overwhelming and simple as open child abuse and maltreatment by state actors through Constitutionally prohibited action that could never be justified as legitimate government action and are definitionally contrary to the state's cognizable interests, under both state (Attachments to Plaintiffs' Complaint on -125- (R.Doc. 4 on 184)—again, violations of law in *application* of law is precisely not the protection of equal laws and is not equivalent to a state tort against executive actors and would find its equivalence in executive action of prosecuting citizens for *not* violating law, both of which are occurring here) and federal law (*Lassiter v. Department of Social Services*, 452 U.S. 18, 27 (1981); *Palmore v. Sidoti*, 466 U.S. 429, 432 (1984)):

The principles of equity, comity, and federalism that limit the power of the federal courts to intervene in ongoing state criminal proceedings may be less restrictive when the proceeding sought to be enjoined is civil in nature. *Mitchum v. Foster*, 407 U.S. 225, 244, 92 S.Ct. 2151, 32 L.Ed.2d 705 (Burger, J. concurring). State disbarment proceedings are, however, quasi-criminal in nature, *In Re Ruffalo*, 390 U.S. 544, 551, 88 S.Ct. 1222, 20 L.Ed.2d 117 (1968), and the appellant has offered no reason why the principles of *Younger v. Harris*, 401 U.S. 137, 91 S.Ct. 746, 27 L.Ed.2d 669 (1971), should not be fully applicable. *Goodrich v. Supreme Court of State of S. D.*, 511 F.2d 316, 317 (8th Cir. 1975) (**Emphasis added**).

That, in refusing to reach issues essential to the Defendants' own orders or even allow the federal issues to be litigated, as Plaintiffs are alleging, to cover up the federal rights violations of actors under color of state law through so much litigation and so many years, the state apparatus has proven that Plaintiffs cannot expect Constitutionally comporting or enforcement from such state actors, is clearly established, and the state system has rendered itself incompetent and, contrary to circumstances in *Peterson v. Sheran*, 635 F.2d 1335, 1340 (8th Cir. 1980), Plaintiffs' allegations are "substantial enough to make [the federal courts] assume that the court system of Minnesota had been rendered incompetent to decide appellant's federal claims. Compare *Kugler v. Helfant*, 421 U.S. 117, 125-29, with *Gibson v. Berryhill*, 411 U.S. 564, 577-79":

Preliminarily, we must respond to appellees' contention that federal courts generally lack subject matter jurisdiction over deprivations of federal constitutional rights alleged to have occurred in state judicial proceedings. Appellees' argument seems to be that, because decisions of the highest state court on federal constitutional issues can only be reviewed in the United States Supreme Court, relief from deprivations of constitutional rights in state judicial proceedings is not available under 42 U.S.C. § 1983 and 28 U.S.C. § 1343. We reject this contention. **Federal courts have jurisdiction over claims that state judicial proceedings have resulted in deprivations of federal constitutional rights as long as the claims are otherwise properly before**

the federal courts. See, e.g., *Harris County Comm'rs Court v. Moore*, 420 U.S. 77, 88-89, 95 S.Ct. 870, 877, 43 L.Ed.2d 32 (1975); *American Trial Lawyers Ass'n v. New Jersey Supreme Court*, 409 U.S. 467, 93 S.Ct. 627, 34 L.Ed.2d 651 (1973) (per curiam); *Mitchum v. Foster*, 407 U.S. 225, 92 S.Ct. 2151, 32 L.Ed.2d 705 (1972); *England v. Louisiana State Board of Medical Examiners*, 375 U.S. 411, 84 S.Ct. 461, 11 L.Ed.2d 440 (1964) (hereinafter England); *Ex Parte Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908); *Shipp v. Todd*, 568 F.2d 133 (9th Cir. 1978) (per curiam); *Getty v. Reed*, 547 F.2d 971 (6th Cir. 1977); *Timmerman v. Brown*, 528 F.2d 811 (4th Cir. 1975); *Hansen v. Ahlgrimm*, 520 F.2d 768 (7th Cir. 1975); *Goodrich v. Supreme Court*, 511 F.2d 316, 318 n. 8 (8th Cir. 1975); *Neal v. Brim*, 506 F.2d 6 (5th Cir. 1975); see *Jenson v. Olson*, 353 F.2d 825 (8th Cir. 1965). *Peterson v. Sheran*, 635 F.2d 1335, 1338 (8th Cir. 1980) (Emphasis added).

Just as Defendants Brasel, Stras, Shepherd, and Grasz's have previously, and for which suit is already brought against them here, this Court's similar Constitutionally prohibited actions and additional factual fabrications attempting to shoehorn Plaintiffs' Complaints into jurisdictional bars joins what is a substantial conspiracy to deprive Plaintiffs' federal rights and cover up the same, as the Eighth Circuit has held viable for § 1983 actions:

As to the first element, we agree with the district court that S.L. had a constitutional right to bring a § 1983 action for her false arrest and detention by Arnold and Lorthridge. "[T]he

right of access to courts for redress of wrongs is an aspect of the First Amendment right to petition the government,” *Sure-Tan, Inc. v. NLRB*, 467 U.S. 883, 896–97, 104 S.Ct. 2803, 81 L.Ed.2d 732 (1984), which our court has recognized as a “fundamental right of every citizen,” *Gunter v. Morrison*, 497 F.3d 868, 874 (8th Cir.2007) (citation omitted). Individuals who have been falsely arrested are therefore “entitled to ‘free and unhampered access to the courts’” to pursue § 1983 actions. *Id.* (quoting *Harrison v. Springdale Water & Sewer Comm’n*, 780 F.2d 1422, 1427–28 (8th Cir.1986)). In this case it was particularly important that S.L. be able to pursue her § 1983 action because that statute was enacted “to protect the people from unconstitutional action under color of state law,” *Mitchum v. Foster*, 407 U.S. 225, 242, 92 S.Ct. 2151, 32 L.Ed.2d 705 (1972), and to “deter state actors” such as Arnold and Lorthridge “from using the badge of their authority to deprive individuals of their federally guaranteed rights,” *Wyatt v. Cole*, 504 U.S. 158, 161, 112 S.Ct. 1827, 118 L.Ed.2d 504 (1992)...The Supreme Court has long held that “civil rights actions are of ‘fundamental importance...in our constitutional scheme’ because they directly protect our most valued rights,” *Bounds v. Smith*, 430 U.S. 817, 828, 97 S.Ct. 1491, 52 L.Ed.2d 72 (1977) (citations omitted), and has observed that it **was through the enactment of § 1983 that “the role of the Federal Government as a guarantor of basic federal rights against state power was clearly established,”** *Mitchum*, 407 U.S.

at 238–39, 92 S.Ct. 2151. Our court has similarly suggested that “intentional” police misconduct “ar[ising] from a conspiracy” would violate a plaintiff’s clearly established constitutional rights. *Mettler v. Whitledge*, 165 F.3d 1197, 1206 (8th Cir. 1999). We conclude that conspiring to prevent a plaintiff from bringing a viable § 1983 action by covering up a false arrest therefore may amount to a violation of a clearly established right. *S.L. ex rel. Lenderman v. St. Louis Metro. Police Dep’t Bd. of Police Comm’rs*, 725 F.3d 843, 853 (8th Cir. 2013).

And this Court’s Orders and actions, in purporting to reach the merits of claims that it dismisses for lack of jurisdiction based upon its own fabricated factual claims, are abusing its station against Plaintiffs in violation and apart from the United States Sovereign requirements to transparently try to cover up Defendants federal rights violations and, through issuing filing restrictions sanctions against Plaintiffs and knowing attorneys do not want to sue judges, this Court is also covering up its own federal rights violations against Plaintiffs, joining the expansive conspiracy with Defendants.

Relief Requested

Plaintiffs request the Court immediately vacate the Orders issued on March 11, 2025 in 24-CV-1763, 24-CV-2437, and 24-CV-3409 for lack of jurisdiction under U.S. Const. Art. III § 2 given essential elements relied upon, namely that Joseph Rued argued Jayswal’s perjury to Furnstahl, are not found in any case or controversy before the Court, as well as for the

resulting and corresponding fraud, fraud upon the court, and violations of Plaintiffs' protected rights under the First, Fifth, and Seventh Amendments, and vacate all corresponding Judgements entered in the same cases for the same Orders for the same reasons.

Plaintiffs request the Court deny Defendants' Motions to Dismiss for lacking basis in both fact and law and acknowledge the Federal Courts Improvement Act additions to §1983 are plainly unconstitutional, as Plaintiffs have already provided to the record and there is no meaningful contrary response that can be provided to defend Congressional actions so plainly prohibited under the United States Supreme Court holdings in *United States v. Stanley*, 109 U.S. 3, 11 (1883) and *City of Boerne v. Flores*, 521 U.S. 507, 519 (1997) regarding authorization under the Enforcement Clause, as such act does not aim to remedy any injury from any state proceeding or actions at all violating the Fourteenth Amendment, only seeking to restrict enforcement the Fourteenth Amendment, which is the opposite of provisioned authority, as required for authorized action under the Enforcement Clause to comply with Tenth Amendment constraints upon Congress, and results in substantively altering the protections of the Fourteenth Amendment's scope and addressability:

The design of the Amendment and the text of § 5 are inconsistent with the suggestion that Congress has the power to decree the substance of the Fourteenth Amendment's restrictions on the States...Congress does not enforce a constitutional right by changing what the right is. It has been given the power "to enforce," not the power to determine what constitutes a constitutional violation. **Were it not so, what**

Congress would be enforcing would no longer be, in any meaningful sense, the [provisions of [the Amendment...—t]he distinction exists and must be observed. There must be a congruence and proportionality between the injury to be prevented or remedied and the means adopted to that end. Lacking such a connection, legislation may become substantive in operation and effect...The Fourteenth Amendment's history confirms the remedial, rather than substantive, nature of the Enforcement Clause. *City of Boerne v. Flores*, 521 U.S. 507, 519 (1997) (Emphasis added).

It is State action of a particular character that is prohibited[,]...void[ing] all State legislation, and State action of every kind, which impairs the privileges and immunities of citizens of the United States, or which injures them in life, liberty or property without due process of law, or which denies to any of them the equal protection of the laws. It not only does this, but, in order that the national will, thus declared, may not be a mere brutum fulmen, the last section of the amendment invests Congress with power to enforce it by appropriate legislation. To enforce what? To enforce the prohibition...Positive rights and privileges are undoubtedly secured by the Fourteenth Amendment; but they are secured by way of prohibition against State laws and State proceedings affecting those rights and privileges, and by power given to Congress to legislate for the purpose of carrying such

prohibition into effect; and **such legislation must necessarily be predicated upon such supposed State laws or State proceedings, and be directed to the correction of their operation and effect.** *United States v. Stanley*, 109 U.S. 3, 11 (1883) (Emphasis added).

As the Federal Courts Improvement Act Additions to §1983 are plainly unconstitutional, on multiple grounds, such is no impediment to Plaintiffs' emergency relief requested and is a nullity here, and the State Courts have firmly established that they have been rendered incompetent to uphold and apply the United States Constitution and adjudicate Plaintiffs' federal claims, which is demonstrated by all ongoing state court actions for purposes here proceeding objectively in bad faith through continuing to fundamentally and essentially rely upon admitted perjury to deprive Plaintiffs' federally protected rights while refusing to reach or acknowledge that such essential elements relied upon are admitted fraud and perjury, including the proceedings themselves violating numerous criminal statutes and child-maltreatment laws, including denying statutory immunity to Plaintiffs as reporters of abuse, all obviously causing Plaintiffs' irreparable harms and endangering, neglecting, and otherwise mistreating W.O.R., absent any defensible or legitimate government interests to support such ends and, indeed, directly contrary to any cognizable interest the state actually possess or can possess given both Minnesota and United States Constitutions and law. Resultingly, Plaintiffs request that this Court immediately issue an Emergency and/or Temporary injunction against enforcement of all state action that

relies upon or relies upon anything that relies upon Jaykumar Jayswal's admitted perjury in his CHIPS Petition and admittedly falsified investigation conclusions, which will result in W.O.R. being placed in Joseph Rued's care pending further order from this Court and, on timing however may be convenient for the Court, schedule trial on remaining matters.

Plaintiffs have been patient, giving this Court time to realize the inevitable under law, given Plaintiffs understand how much judges want to protect those of their own ilk, but what this Court has done is not acceptable under law or, after waiting for 9 months on emergency claims like these, to just fabricate essential facts and commit fraud upon the court and violate a lot of what the Constitution disallows, on a human level. This Court needs to move quickly and justly, and Plaintiffs will be availing themselves of all available legal remedies to address further unconstitutionality or undue delay, which are not unsubstantial.

Date: March 25, 2024

By:

[s/Joseph Rued, also
o/b/o W.O.R., minor
child

s/Scott Rued

s/Leah Rued]

Appendix EE

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Rued, et al,
Petitioners,

v.

Hatcher, et al,
Respondents

Civil No. 24-CV-0468 (JRT/ECW)

PLAINTIFFS' MEMORANDUM SUPPORTING
MOTION TO AMEND/ALTER/FOR ADDITIONAL
FINDINGS AND/OR MOTION FOR RELIEF FROM
JUDGEMENT FOR FRAUD AND FRAUD UPON
THE COURT AND FOR LACK OF JURISDICTION

MEMORANDUM

It is clear that this action has direct factual and legal relation to 24-CV-1763, 24-CV-2437, and 24-CV-3409, and this Court's Order asserts the following:

This is the fourth of four orders the Court issues simultaneously addressing the same underlying set of facts. Petitioner Joseph Daryll Rued brings this action to overturn an award of sole custody over minor W.O.R. by the Minnesota state courts. As the Court explains in detail in its companion order in *Rued v. Jayswal*, No. 24-1763 (D. Minn.), these suits are entirely frivolous. 25-CV-0468 R.Doc. 11 on 1.

Accordingly, Petitioners incorporate the simultaneously filed Memorandum of law in 24-CV-1763, 24-CV-2437, and 24-CV-3409 here as **Attachment A**.

Petitioners had previously specifically objected to this Court hypothesizing motives and intents for Petitioners absent reasonable basis, such as this Court does, again, claiming “[p]erhaps to exploit the exception to that doctrine for habeas petitions, Rued now transmogrifies his appeal of the adverse custody award into a petition for writ of habeas corpus” (25-CV-0468 R.Doc. 11 on 2) when Petitioners had specifically identified that habeas relief was not adequate for all relief Plaintiffs in related cases required and were entitled to under law:

According to Plaintiffs, their third declaratory-relief claim asks for a declaration that:

Plaintiffs’ federal claims include liberty interests, including, but not limited to, physical confinement and one of the longest recognized liberty interests by the U.S. Supreme Court, which is Rued’s right to care, custody, and companionship with his natural child W.O.R., which current U.S. Supreme Court holdings do not provide relief for under petition for writ of habeas corpus, which does not result in unconstitutional holdings unless the FCIA of 1996 additions to 42 U.S.C. § 1983 restricting enforcement of U.S. Const. Amend. XIV § 1 are not held as unconstitutional.

Compl. 21.

The request is difficult to follow; it seems to involve multiple propositions, making it unclear what specific declaration Plaintiffs seek. In any case, Plaintiffs appear to argue that because of the nature of their claims, habeas corpus cannot provide the relief they need. This would be of no concern if Plaintiffs could seek injunctive relief against Defendants. But because the amended § 1983 seemingly blocks such relief, habeas corpus's limitations become problematic. 24-CV-2437 R.Doc. 247 on 8, incorporating 24-CV-2437 R.Doc. 104 on 9.

Petitioners filed for habeas relief because this Court was taking so long regarding Plaintiffs' emergency claims in 24-CV-1763 and 24-CV-2437 which would have provided effect of the same relief as sought here, and more given the law and Plaintiffs' rights, and Petitioners require immediate relief, some of which is available under habeas relief. Petitioners sought habeas relief because of this Court's undue delay in reaching Plaintiffs' emergency claims, not for the reasons this Court hypothesizes, which Attachment A demonstrates.

**THIS COURT'S DETERMINATION THAT
PETITIONERS SEEK RELIEF FROM CHILD-
CUSTODY DETERMINATIONS THROUGH
PETITION FOR WRIT OF HABEAS CORPUS
AND CORRESPONDING LACK OF
JURISDICTION FOR THIS COURT'S MARCH
11, 2025 ORDER, GENERATING PETITIONERS'
LACK OF STANDING UNDER THE SAME**

The Court determines Petitioners seek relief from child-custody determinations via petition for writ of habeas corpus based upon the following:

Rued claims the state court proceedings that led to his ex-wife earning sole custody of their child are [somehow a form of “confinement.” (See Pet. at 1, 5, Feb. 5, 2025, Docket No. 1.) 25-CV-0468 R.Doc. 11 on 2.

Rued attempts to categorize the state-court orders that he would like to challenge in this proceeding as imposing “confinement” upon him, but they do not; Rued is not subject to detention or any other physical restraint. [The proximate cause of Rued’s habeas petition is an order of the Minnesota Court of Appeals entered February 4, 2025, declining to issue a writ of prohibition. See *In re Rued*, No. A24-2035 (Minn. Ct. App. Feb. 4, 2025); **Petition at 5** (Dkt. 1) (referencing February 4, 2025 order). Nothing in that order subjected Rued to custody.] 25-CV-0468 R.Doc. 11 on 3, incorporating 25-CV-0468 R.Doc. 2 on 2 (**Emphasis added**).

When Petitioners cite documents, the use of ‘on’ indicates page number and the use of ‘at’ or ‘in’ indicates paragraph, prompt, or other numbered delineation apart from page number—we think the Court’s utilization is similar and provide this clarification to limit misunderstanding, as when merely a number is utilized and page and other numbered delineations exist we are unsure about general interpretive conventions utilized. Accordingly,

it appears the basis of the above citations from the Court's Order is as follows:

1. (a) Name and location of court that entered order imposing physical confinement:

Hennepin County Family Court
110 South Fourth Street
Minneapolis, MN 55401

-
- (b) Criminal docket or case number (if you know):

27-FA-16-6630

-
-
5. Identify all determinations upon which physical confinement is imposed in this case:

Child endangerment for reporting abuse of Joseph Rued's son, W.O.R., and seeking medically recommended care of W.O.R.—this is what Joseph Rued and W.O.R. are physicaly confined for by Hennepin County Family Court, although such are not crimes and do not provide lawful basis for confinement and both W.O.R. and Joseph Rued have civil and criminal immunity as reporters of child maltreatment and child endangerment and/or neglect of W.O.R. would have occurred by Joseph Rued if Joseph Rued had not reported such abuse as W.O.R. has made known to him, for which any reasonable or supportable basis to disbelieve does not exist, and

sought such medical care as medically recommended.

Proximate cause is defined as:

1. A cause that is legally sufficient to result in liability; an act or omission that is considered in law to result in a consequence, so that liability can be imposed on the actor.
2. A cause that directly produces an event and without which the event would not have occurred[]—[a]lso termed (in both senses) *direct cause; direct and proximate cause;...Black's Law Dictionary*

It is clear that the primary, initial, first, or remote cause (sense 2 in 2 directly above) of Petitioners' Petition is Respondents Judge Hatcher's and Referee Stebbins' Order imposing physical confinement and/or restraint of Joseph Rued and W.O.R. in a "maximum security supervision center" (R.Doc. 1 on 1), as other Respondent Judges/Justices either upheld or sustained Judge Hatcher's and Stebbins' Order and no other Judges/Justice initiated such or are Judges of Hennepin County Family Court, the name of the "court that entered order imposing [Petitioners'] physical confinement" (R.Doc. 1 at 1)—the information Petitioners' provided related to the basis of physical confinement was based solely upon being "physically confined" (R.Doc. 1 at 5) and makes no mention of child-custody determinations nor is anything related to "*In re Rued*; No. A24-2035 (Minn. Ct. App. Feb. 4, 2025)" (R.Doc. 2 on 2) specified as the proximate cause in Petitioners' Petition, which is clear that such is Hennepin County Family Court ordering Plaintiffs to

be physically confined and restrained in a "maximum security supervision center" (R.Doc. 1 on 1).

Petitioners have not petitioned on any grounds, and the record provides no support for the assertion that Petitioners have petitioned, for relief from child-custody determinations (see the record of this case). Petitioners have Petitioned only for relief from physical confinement and restraint pursuant to a state judgement remanding Petitioners to a "Maximum Security Supervision Center" (see R.Doc. 1 on 1) in violation of the laws and Constitution of the United States (R.Doc. 1 on 2). As Petitioners have previously identified for this Court, Petitioners have no standing, given the case brought to this Court, to challenge the U.S. Supreme Court's holdings in *Lehman* (1982)—to do so, Plaintiffs would have to have brought or bring a petition for writ of habeas corpus on the grounds of asserting physical confinement related to child-custody determinations, as a deprivation of a protected liberty interest protected under the Constitution, which is an unequivocally protected liberty interest that generated controversy that the U.S. Supreme Court believed worthy of their time to address in 1982.

Had Petitioners brought such claim before this Court, Petitioners would challenge the continuation of such holding once federal law had transmogrified to no longer allow for timely addressment of deprived rights far more precious than any property right protected under the Constitution, but such is not the case—indeed, Petitioners have no standing to do so given the case actually brought to this Court. The Court's March 11, 2025 Order rules upon a petition that is petitioned on grounds of confinement related to lack of child-custody of W.O.R. (R.Doc. 11 on 2), citing a petition that only provides grounds related to *physical* confinement and/or restraint of Petitioners, not child-

custody in any way, resulting in this Court's ruling being a fabrication that does not actually relate to any petition before this Court. Being a pure fabrication, such does not relate or bear upon Petitioners' Petition, but is related to a case and/or controversy for which no support exists and indeed is non-existent, rendering this Court's March 11, 2025 Order and accompanying Judgement well outside of the bounds required under U.S. Const. Art. III § 2 for federal judicial action to be confined to and authorizable, as certainly federal courts cannot be roving commissions espousing fabricated facts in cases not before it to become legal conclusions merely because such would be a convenience for the government:

Held...

The merits issue in this case — whether [the statute permits such suits] — is not also "jurisdictional," and so does not occupy the same status as standing to sue as a question that must be resolved first...In no case has this Court called the existence of a cause of action "jurisdictional," and decided that question before resolving a dispute concerning the existence of an Article III case or controversy. Such a principle would turn every statutory question...into a question of jurisdiction that this Court would have to consider — indeed, raise sua sponte — even if not raised below...This Court declines to endorse the "doctrine of hypothetical jurisdiction,"...at least where (1) the merits question is more readily resolved, and (2) the prevailing party on the merits would be the same as the prevailing party were jurisdiction denied. That doctrine

carries the courts beyond the bounds of authorized judicial action and thus offends fundamental separation-of-powers principles. In a long and venerable line of cases, this Court has held that, without proper jurisdiction, a court cannot proceed at all, but can only note the jurisdictional defect and dismiss the suit...**For a court to pronounce upon a law's meaning or constitutionality [or some factual circumstances] when it has no jurisdiction to do so is, by very definition, an ultra vires act...**Standing is the "irreducible constitutional minimum" necessary to make a justiciable "case" or "controversy" under Article III, § 2. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560. It contains three requirements: injury in fact to the plaintiff[/petitioner], causation of that injury by the defendant's **complained-of conduct**, and a likelihood that the requested relief will redress that injury. *Steel Co. v. Citizens for Better Env't*, 523 U.S. 83, 84 (1998) (**Emphasis added**).

Both standing and case and controversy require elements so obvious and profound, meaning foundational, it escapes needing to be specifically delineated, namely, that a plaintiff/petitioner must actually present a pleading which can invoke an actual case and controversy related to what is in the pleading—by presenting any case, no petitioner/plaintiff invokes federal jurisdiction for cases or controversies not presented or thereafter genuinely established in the record. Federal courts cannot determine outcomes of cases on basis that the record demonstrates do not relate to the case and controversies actually before the Court. This Court has

no U.S. Const. Art. III § 2 jurisdiction to rule on a petition or claims Petitioners have not brought, which is precisely what has occurred here, resulting in this Court's March 11, 2025 Order and March 12, 2025 Judgement being rendered in absence of jurisdiction, in addition to excesses of jurisdiction given such Order/Judgement is based upon fabrication and fraud essential to the determination by an officer of the court, resulting also in fraud upon the court, which is additionally in excess of jurisdiction due to violating clear first and fifth amendment requirements upon such actions as these.

This Court is perfectly aware, due to its familiarity with 24-CV-1763 and 24-CV-2437, that the Judges that are the proximate cause of deprivations of Joseph Rued's child-custody (notably not including parental) rights are not even named Respondents in this case. There is no case or controversy related to seeking relief for child-custody versus physical restraint and confinement of Joseph Rued's and W.O.R.'s persons unshared by the public here—the only case and controversy here relates to the imposition of physical confinement by Respondents in violation of the laws and Constitution of the United States, which are the only grounds upon which this Court's judicial power and authority may be lawfully exercised, which this Court refuses to do, in lieu of unlawfully attempting to exercise its judicial power upon cases and controversies of its own fabrication in absence of jurisdiction:

The Constitution limits the exercise of the judicial power to "cases" and "controversies."...A "controversy" in this sense must be one that is appropriate for judicial determination. *Osborn v. United*

States Bank, 9 Wheat. 738, 819. A justifiable controversy is thus distinguished from a difference or dispute of a hypothetical or abstract character; from one that is academic or moot. *United States v. Alaska S.S. Co.*, 253 U.S. 113, 116. The controversy must be definite and concrete, touching the legal relations of parties having adverse legal interests. *South Spring Gold Co. v. Amador Gold Co.*, 145 U.S. 300, 301; *Fairchild v. Hughes*, 258 U.S. 126, 129; *Massachusetts v. Mellon*, 262 U.S. 447, 487, 488. It must be a real and substantial controversy admitting of specific relief through a decree of a conclusive character, as distinguished from an opinion advising what the law would be upon a hypothetical state of facts...Where there is such a concrete case admitting of an immediate and definitive determination of the legal rights of the parties in an adversary proceeding upon the facts alleged, the judicial function may be appropriately exercised although the adjudication of the rights of the litigants may not require the award of process or the payment of damages. *Aetna Life Ins. Co. v. Haworth*, 300 U.S. 227, 239 (1937) (Emphasis added, not all citations included).

The exercise of judicial power under Art. III of the Constitution depends on the existence of a case or controversy. As the Court noted in *North Carolina v. Rice*, 404 U.S. 244, 246 (1971), a federal court has neither the power to render advisory opinions nor "to decide questions that

cannot affect the rights of litigants in the case before them." Its judgments must resolve "a real and substantial controversy admitting of specific relief through a decree of a conclusive character, as distinguished from an opinion advising what the law would be **upon a hypothetical state of facts.**" Ibid., quoting *Aetna Life Ins. Co. v. Haworth*, 300 U.S. 227, 241 (1937). As the Court noted last Term, in an opinion by MR. JUSTICE BRENNAN, *Steffel v. Thompson*, 415 U.S. 452, 459 n. 10 (1974): "The rule in federal cases is that an actual controversy must be extant at all stages of review, not merely at the time the complaint is filed. See, e.g., *Roe v. Wade*, 410 U.S. [113,] 125 [(1973)]; *SEC v. Medical Comm. for Human Rights*, 404 U.S. 403 (1972); *United States v. Munsingwear, Inc.*, 340 U.S. 36 (1950)." *Preiser v. Newkirk*, 422 U.S. 395, 401 (1975) (**Emphasis added**).

Petitioners' Petition could not have been any more clear that the relief sought relates to *physical confinement*:

Petitioners are physically confined on the bases of Judge Charlene Hatcher's and Referee Richard Stebbins' determinations that Joseph Rued has endangered W.O.R. by believing W.O.R.'s reports of maltreatment, including W.O.R.'s reports of sexual abuse, while in the care of another and that Joseph Rued seeks to provide W.O.R. medical care as recommended by every medical professional that has provided input—such actions are deemed endangering because Joseph Rued does not submit to/agree

with/believe such claims of Referee Stebbins and Judge Hatcher, all of which are demonstrably fraudulent, absent basis in fact, reason, or law, and constitute fraud upon the court, all in violation of fourteenth amendment requirements. Judge Hatcher's and Referee Stebbins' determinations, upheld by Judges Rene Worke, Jon Schmidt, and Roger Klaphake of the Minnesota Court of Appeals, are based upon improperly applying state preclusion principles to sustain reliance upon admitted perjury of Hennepin County CPS investigations concluded by Jaykumar Jayswal in a CHIPS Petition that has been admitted to have been fraudulently concluded with respect to under oath claims asserting that Joseph Rued's reports of W.O.R.'s maltreatment are false and that there is no basis for medical diagnosis of dietary restrictions for W.O.R. and/or those Jayswal relied upon, such as CornerHouse, or that relied upon Jayswal's admitted perjury, such as Scott County CPS and Anne Gearity—such are obvious substantive due process violations and prohibited by fundamental fairness requirements given such determinations to deprive protected rights and **impose physical confinement upon Joseph Rued and W.O.R.** are based upon admitted perjury absent any cross-examination. Such determinations are also based upon procedural due process violations because relevant Judges/Referees apply preclusion to not reach that all relevant orders and determinations fundamentally relied upon to unlawfully confine Joseph Rued and W.O.R. are based upon orders and determinations in which Joseph

Rued was prohibited from calling Jayswal as a witness, Jayswal's deposition admissions that the CHIPS Petition allegations against Joseph Rued, **relied upon to physically confine Joseph Rued and W.O.R.**, were deliberately suppressed by the State, intentionally fundamentally relying upon what the State knew was admitted to be untrue and false, and kept out of the record all later preclusion application relates back to, resulting in such preclusion being improper and Constitutionally prohibited action here, and repeatedly prohibited from calling other relevant witnesses or deposing those relied upon such that all individuals relied upon by Stebbins and Hatcher to determine Joseph Rued has endangered W.O.R. either have never been produced as a witness or due process was otherwise violated regarding any purported evidence that such were relied upon for. Additionally, determinations/assertions that are based upon admitted perjury are also prohibited by state statute, in addition to perjury statutes, when alleging child maltreatment and custody is at issue, resulting in equal protection violations when used, as here, in application of law as such results in changing law through its application, which is precisely not the protection of equal laws and is un-authorizable judicial action under Constitution and separations of powers, as long held by the Supreme Court of the United States, resulting in action in absence of jurisdiction, as one of multiple such examples. 25-CV-0468 R.Doc. 1 on 5 (continued on 16) (Emphasis added).

Joseph Rued has sought other remedies to address **Constitutional violations beyond unlawful confinement, but such, including administrative remedies, are not relevant to exhaustion of state remedies for this unlawful confinement at issue here**, which is fulfilled irrespective of ongoing actions seeking to address any related Constitutionally prohibited deprivations and abuses. 25-CV-0468 R.Doc. 1 on 16, responding to the same prompt number as the second half of page 5 responds to (prompt number 12) (Emphasis added).

Response to unnumbered prompt provided as following: Therefore, **[Petitioners ask] that the Court grant the following relief.**

Relief from imposition of any and all physical confinement of Joseph Rued and W.O.R. and the determinations that Joseph Rued has endangered W.O.R. or otherwise acted in any way contrary to W.O.R.'s best interests by justifiably reporting W.O.R.'s maltreatment and abuse, seeking medically recommended care for W.O.R., and not believing and/or agreeing with Respondents' assertions and claims regarding the same that are fundamentally based upon admitted perjury and/or related frauds relied upon to support such impositions of physical confinement all in violation of clear Constitutional

requirements. 25-CV-0468 R.Doc. 1 on 15 reproduced in typed form on 17 (Emphasis added).

Petitioners have no standing under any order, including this Court's March 11, 2025 Order and the corresponding Judgement, ruling upon a habeas petition for relief from child-custody determinations that Petitioners have not filed and that does not exist. No one can have standing under complaints that do not exist or orders based upon complaints that do not actually exist as this Court's Orders are, which, alone, prohibits any proper appeal, as the Eighth Circuit has no more authority to hear an appeal on a fabricated case and controversy, for which no genuine care or controversy actually exists beyond what the Court, fabricated, under U.S. Const. Art. III § 1 and 2 than Plaintiffs have standing under such absurdities:

Since the appeal must be dismissed on the ground that appellant has no standing to litigate the...question[], it is unnecessary to consider whether the record shows the existence of a genuine case or controversy essential to the exercise of the jurisdiction of this Court. Cf. *Nashville, C. St. L. Ry. Co. v. Wallace*, 288 U.S. 249, 259. *Tileston v. Ullman*, 318 U.S. 44, 46 (1943).

[A] federal court [may not] decide the merits of a legal question not posed in an Article III case or controversy. For that purpose, a case must exist at all the stages of appellate review. *Preiser v. Newkirk*, 422 U.S. 395, 401 (1975); *Mills v. Green*, 159 U.S. 651, 653 (1895). But reason and authority refute the quite different

notion that a federal appellate court may not take any action with regard to a piece of litigation once it has been determined that the requirements of Article III no longer are (or indeed never were) met [(or that, at some point, were proceeded beyond)]. That proposition is contradicted whenever an appellate court holds that a district court lacked Article III jurisdiction in the first instance, vacates the decision, and remands with directions to dismiss. *U.S. Bancorp Mortg. Co. v. Bonner Mall*, 513 U.S. 18, 21 (1994).

Petitioners have no standing to litigate that their Petition does not support that Petitioners seek relief from child-custody determinations according to Petitioners' Petition because there is no possible controversy related to such, nor are Petitioners involved in any case with any such Petition that supports Petitioners seek habeas relief related to child custody and not physical confinement and restraint not shared by the public including other children in the custody of a parent—such is clearly established on the face of the record.

OTHER ISSUES

The Court's determinations regarding and/or related to frivolity and objective bad faith of Petitioners are based upon its rulings regarding a petition of its fabrication and similar actions in absence of requisite jurisdictional requirements in related cases and should be immediately vacated due to being based upon fabricated assertions of the Court absent necessary jurisdiction. It is improper for the court to take or effectuate what would be the same as

judicial notice of purported adjudicated facts that are directly challenged as fraud upon the court or based upon the same in related cases 24-CV-1763, 24-CV-2437, 24-CV-3409, and other related cases in state court (A24-1705; A24-1706; A24-1740; A24-1905; A24-2305; A25-0057; A25-0209; A25-0361; A25-0362) (see *Holloway v. Lockhart*, 813 F.2d 874, 878 (8th Cir. 1987) and Fed.R.Evid. 201, including related advisory committee notes which provides “[w]ith respect to judicial notice of adjudicative facts, the tradition has been one of caution in requiring that the matter be beyond reasonable controversy”).

The Court’s determinations regarding § 2254 are, irrespective of the basis upon which such are applied here being fabricated by this Court and, thus, unauthorized under U.S. Const. Art. III § 2, manifestly contrary to existing and unambiguous appellate authority. The Court claims that, for purposes of § 2254, “in custody” is accomplished only when the petitioner(s) are in the custody of a “warden”:

“A bedrock requirement of the federal habeas corpus statute is that the petitioner must be ‘in custody’ in order to pursue habeas relief.” *Spottswood v. St. Croix Cnty.*, No. 21-2258, 2021 WL 6334690, at *1 (D. Minn. Oct. 14, 2021) (citing 28 U.S.C. § 2241(c)(3); 28 U.S.C. § 2254(a)), report and recommendation adopted, No. 21-2258, 2022 WL 79703 (D. Minn. Jan. 7, 2022). Rued claims the state court proceedings...are □ somehow a form of “confinement.” (See Pet. at 1, 5, Feb. 5, 2025, Docket No. 1.) They are not. **Nor are the various judges and referees he names wardens who hold him in custody.** Because the federal habeas corpus statute requires the

petitioner be “in custody” to pursue habeas relief, the Court will adopt the report and recommendation of Magistrate Judge Elizabeth Cowan Wright, overrule the Petitioners’ objections, and deny the petition. 25-CV-0468 R.Doc. 11 on 2.

“A bedrock requirement of the federal habeas corpus statute is that the petitioner must be ‘in custody’ in order to pursue habeas relief.” *Spottswood v. St. Croix Cnty., WI*, No. 21-CV-2258 (WMW/KMM), 2021 WL 6334690, at *1 (D. Minn. Oct. 14, 2021) (citing 28 U.S.C. § 2241(c)(3); 28 U.S.C. § 2254(a)). Rued attempts to categorize the state-court orders that he would like to challenge in this proceeding as imposing “confinement” upon him, but they do not; Rued is not subject to detention or any other physical restraint. Similarly, the persons named as respondents to this action are not wardens holding Rued in custody, *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004), but rather state-court judges and referees who have issued orders and opinions with which Rued disagrees regarding the divorce and child-custody proceedings. In short, this habeas action is frivolous. 25-CV-0468 R.Doc. 11 on 3, incorporating 25-CV-0468 R.Doc. 2 on 2.

Isolating out the factual and jurisdictional issues, the Court’s assertions that § 2254 jurisdiction and access is limited to those in custody of a warden (i.e. a prisoner of a state court via criminal conviction) is, frankly, given Judge Tunheim’s experience level, objectively in bad faith and an openly fraudulent

application of the law to fabricated essential facts determinative to this proceeding:

Nothing in the language of these provisions requires that the state court judgment pursuant to which a person is in custody be a criminal conviction. Nor does 28 U.S.C. § 2254 (1994 ed. and Supp. V) by its terms apply only to those in custody pursuant to a state criminal conviction. See, e.g., § 2254(a) ("a person in custody pursuant to the judgment of a State court"); § 2254(b)(1) ("a person in custody pursuant to the judgment of a State court"); § 2254(d) ("a person in custody pursuant to the judgment of a State court"); § 2254(e)(1) ("a person in custody pursuant to the judgment of a State court").

Incarceration pursuant to a state criminal conviction may be by far the most common and most familiar basis for satisfaction of the "in custody" requirement in § 2254 cases. But there are other types of state court judgments pursuant to which a person may be held in custody within the meaning of the federal habeas statute. For example, federal habeas corpus review may be available to challenge the legality of a state court order of civil commitment or a state court order of civil contempt. See, e.g., *Francois v. Henderson*, 850 F.2d 231 (CA5 1988) (entertaining a challenge brought in a federal habeas petition under § 2254 to a state court's commitment of a person to a mental institution upon a verdict of not

guilty by reason of insanity); *Leonard v. Hammond*, 804 F.2d 838 (CA4 1986) (holding that constitutional challenges to civil contempt orders for failure to pay child support were cognizable only in a habeas corpus action). **These types of state court judgments neither constitute nor require criminal convictions.** *Duncan v. Walker*, 533 U.S. 167, 176 (2001) (**Emphasis added**).

Although most of the cases defining the contours of the exhaustion requirement arise from challenges to state custody following criminal conviction, the Supreme Court's holding that exhaustion requires only a fair presentation that is satisfied "by invoking one complete round of the State's established appellate review process," *O'Sullivan*, 526 U.S. at 845, 119 S.Ct. 1728, applies with equal force when a habeas petitioner seeks to challenge state custody pursuant to a civil commitment, see *Beaulieu v. Minnesota*, 583 F.3d 570, 575 (8th Cir. 2009). *Grass v. Reitz*, 643 F.3d 579, 584 (8th Cir. 2011).

With respect to present confinement appellate authority is unambiguous and clear that such is not inhibitive to habeas relief and that the proper criterion for evaluating habeas claims are for restraint or confinement unshared by the general public:

[T]hat a person released on his own recognizance is not "in custody" for habeas purposes...was disapproved in *Hensley*... (1973), as part of this Court's expanding definition of "custody" under the habeas statute. For...cases

addressing the meaning of "in custody" under...habeas statute, see...*Carats v. LaVallee*, 391 U.S. 234 (1968);...*Jones v. Cunningham*, 371 U.S. 236 (1963). *Rumsfeld v. Padilla*, 542 U.S. 426, 437 (2004).

The codification of the writ into federal law indicates no congressional intent to contract its common-law scope. The sparse legislative history of the predecessor statute to 28 U.S.C. § 2254, the Habeas Corpus Act of February 5, 1867, ch. 28, § 1, 14 Stat. 385, gave "no indication whatever that the bill intended to change the general *nature* of the classical habeas jurisdiction." Bator, *Finality in Criminal Law and Federal Habeas Corpus for State Prisoners*, 76 Harv. L. Rev. 441, 476-477 (1963) (emphasis in original). [To the contrary, the legislators plainly intended to enact "a bill of the largest liberty" that would not "restrain the writ of habeas corpus at all" and would "enable the courts of the United States to enforce the freedom...of the wife and children of soldiers of the United States, and also to enforce the liberty of all persons." Cong. Globe, 39th Cong., 1st Sess., 4151 (1866) (remarks of Rep. Lawrence) (emphasis added).] Nor, since that time, has this Court ever held that the congressional purpose originally underlying the statute barred use of the federal writ to free children from unlawful state custody. [In *Wales v. Whitney*, 114 U.S. 564 (1885), which early delineated the forms of "custody" subject to the writ, the Court stated: "There is no very satisfactory definition to be found in the adjudged cases of the character of the restraint

or imprisonment suffered by a party applying for the writ of habeas corpus, which is necessary to sustain the writ...Wives restrained by husbands, children withheld from the proper parent or guardian, persons held under arbitrary custody by private individuals, as in a madhouse, as well as those under military control, may all become proper subjects of relief by the writ of habeas corpus." *Id.*, at 571 (emphasis added). In *In re Burrus*, 136 U.S. 586 (1890), and *Matters v. Ryan*, 249 U.S. 375 (1919), this Court refused to permit the federal writ to be used in private child-custody disputes, stating in dictum that matters of family law are reserved for the States. As the Court correctly notes, however, ante, at 511-512, those cases dismissed habeas petitions for want of federal-question jurisdiction, and thus did not generally deny the federal courts power to issue writs of habeas corpus in child-custody cases.] The Court's more recent precedents have firmly established § 2254's "in custody" requirement as its most flexible element, stressing that the test of "custody" is not present physical restraint, but whether "there are other restraints on a man's liberty, restraints not shared by the public generally, which have been thought sufficient in the English-speaking world to support the issuance of habeas corpus." *Jones v. Cunningham*, 371 U.S., at 240. *Lehman v. Lycoming County Children's Services*, 458 U.S. 502, 519 (1982) (Dissent, discussing that *Lehman's* holdings do not apply to physical restraint or confinement as ordered by the state, which is what Petitioners' Petition is based upon, and applies only to child-custody

determinations, not imposition of physical confinement or restraint of a child and parent by the state via a state judgement).

Thus, although the scope of the writ of habeas corpus has been extended beyond that which the most literal reading of the statute might require, the Court has never considered it a generally available federal remedy for every violation of federal rights. Instead, past decisions have limited the writ's availability to challenges to state-court judgments in situations where — as a result of a state-court criminal conviction — **a petitioner has suffered substantial restraints not shared by the public generally.** In addition, in each of these cases the Court considered whether the habeas petitioner was "in custody" within the meaning of § 2254. [See *Hensley*, 411 U.S., at 345 ("This case requires us to determine whether a person released on his own recognizance is 'in custody' within the meaning of the federal habeas corpus statute . . ."); *Carafas v. LaVallee*, 391 U.S., at 238 (similar); *Jones v. Cunningham*, 371 U.S., at 236 (similar).] Ms. Lehman argues that her sons are involuntarily in the custody of the State for purposes of § 2254 because they are in foster homes pursuant to an order issued by a state court. Her sons, of course, are not prisoners. Nor do they suffer any restrictions imposed by a state criminal justice system. These factors alone distinguish this case from all other cases in which this Court has sustained habeas challenges to state-court judgments. Moreover, although the children have been placed in foster

homes pursuant to an order of a Pennsylvania court, they are not in the "custody" of the State in the sense in which that term has been used by this Court in determining the availability of the writ of habeas corpus. They are in the "custody" of their foster parents in essentially the same way, and to the same extent, other children are in the custody of their natural or adoptive parents. Their situation in this respect differs little from the situation of other children in the public generally; **they suffer no unusual restraints not imposed on other children.** They certainly suffer no restraint on liberty as that term is used in *Hensley* and *Jones*, and they suffer no "collateral consequences" — like those in *Carafas* — sufficient to outweigh the need for finality. The "custody" of foster or adoptive parents over a child is not the type of custody that traditionally has been challenged through federal habeas. [We express no view as to the availability of federal habeas when a child is actually confined in a state institution rather than being at liberty in the custody of a foster parent pursuant to a court order.] *Lehman v. Lycoming County Children's Services*, 458 U.S. 502, 511 (1982).

Similarly, in the United States the use of habeas corpus has not been restricted to situations in which the applicant is in actual, physical custody. This Court itself has repeatedly held that habeas corpus is available to an alien seeking entry into the United States, although in those cases each alien was free to go anywhere else in the world.

"[H]is movements," this Court said, "are restrained by authority of the United States, and he may by habeas corpus test the validity of his exclusion." Habeas corpus has also been consistently regarded by lower federal courts as the appropriate procedural vehicle for questioning the legality of an induction or enlistment into the military service. The restraint, of course, is clear in such cases, but it is far indeed from the kind of "present physical custody" thought by the Court of Appeals to be required...**History, usage, and precedent can leave no doubt that, besides physical imprisonment, there are other restraints on a man's liberty, restraints not shared by the public generally, which have been thought sufficient in the English-speaking world to support the issuance of habeas corpus.** *Jones v. Cunningham*, 371 U.S. 236, 239 (1963) (Emphasis added).

Certainly, in being remanded to a maximum security supervisory center, Petitioners physical liberty is confined and restrained in a manner not shared by the public generally, and the concept that such could occur absent due process protections and federal habeas remedy merely, as the Court claims in contravention of established and unambiguous law, because the confinement is ordered by a state civil court and not a state criminal court, under *lower* evidential standards than a criminal court, offends reason and the most foundational conceptions of liberty that our society is based upon. Joseph Rued and W.O.R. have no real liberty together under such circumstances, unable to enjoy every activity they enjoy together, like fishing and playing basketball,

further restrained by supervision facilities attempting to prohibit Joseph Rued and W.O.R. from eating food together because they pray before they eat and W.O.R. prays for his freedom with his Father that Hatcher, Stebbins, Barbosa, and Catrina Rued (Defendants in related cases) do not want documented so they can continue to keep their criminal actions and/or tyranny from exposure through punishing Petitioners and systematically silencing W.O.R., all accomplished through flagrant violations of due process so severe the state courts clearly have been rendered incompetent to achieve Constitutional standards or enforcement in this case.

Additionally, naming the Judges exercising authority enforcing physical restraint or confinement is proper absent another direct custodian and lack of present confinement (see *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484 (1973):

The important thing is not the quest for a mythical custodian, but that the petitioner name as respondent someone (or some institution) who has both an interest in opposing the petition..., and...power to give the petitioner what he seeks...—his unconditional freedom. *Spottswood...21-CV-2258*, at *4 (D. Minn. 10/14/2021), citing *Reimnitz...*(7th Cir. 1985).

There is no reasonable debate, indeed, no genuine controversy that Petitioners are physically restrained and confined by a state judgement remanding Petitioners to a “maximum security supervision center”—these are facts that are not subject to fantastical interpretation or discretion. Certainly, the intent of the scope of what is addressable under § 2254

is not for state courts to be able to physically restrain and confine citizens and children in violation of the laws of the Constitution and laws of the United States by confining citizens and children in some novel way, not, for example, in a prison but merely tying citizens or children to trees or physically confining citizens and children for intermittent periods of time which would be the inevitable result of holding § 2254 is not applicable to physical restraint or confinement by state judgements if the addressable physical restraint addressable under § 2254 is specifically qualified, at all, as anything less than what infringes upon citizens' physical liberty. It is a fact that Petitioners are subject to physical restraints and confinement not shared by the public generally in clear violation of express Constitutional requirements under the Fourteenth Amendment. Asserting that Petitioners' assertion that physical restraint and confinement such as they are remanded to is not addressable through writ of habeas corpus is objectively unreasonable and in bad faith given the history and evolution of habeas corpus:

The Framers viewed freedom from unlawful restraint as a fundamental precept of liberty, and they understood the writ of habeas corpus as a vital instrument to secure that freedom. Experience taught, however, that the common-law writ all too often had been insufficient to guard against the abuse of monarchical power. That history counseled the necessity for specific language in the Constitution to secure the writ and ensure its place in our legal system. Magna Carta decreed that no man would be imprisoned contrary to the law of the land. Art. 39, in Sources of Our Liberties 17 (R. Perry & J. Cooper eds. 1959) ("No free man shall be taken

or imprisoned or dispossessed, or outlawed, or banished, or in any way destroyed, nor will we go upon him, nor send upon him, except by the legal judgment of his peers or by the law of the land”). Important as the principle was, the Barons at Runnymede prescribed no specific legal process to enforce it. Holdsworth tells us, however, that gradually the writ of habeas corpus became the means by which the promise of Magna Carta was fulfilled. 9 W. Holdsworth, *A History of English Law* 112 (1926). *Boumediene v. Bush*, 553 U.S. 723, 739 (2008).

RELIEF SOUGHT

Petitioners request this Court vacate its Order issued March 11, 2025 in 24-CV-0468 for lack of jurisdiction under U.S. Const. Art. III § 2 given essential elements relied upon, namely that Petitioners do not seek relief from physical confinement or restraint but instead seek relief from child-custody determinations, are not found in any case or controversy before the Court, as well as for the corresponding fraud, fraud upon the court, and violations of Plaintiffs’ protected rights under the First and Fifth Amendment, and vacate the Court’s corresponding Judgement. In the event the Court immediately issues an emergency and/or temporary injunction sufficient to procure the relief Petitioners seek in this case in either 24-CV-1763 or 24-CV-2437, Petitioners request the Court stay this case pending further order from this court. In the event this Court does not immediately issue such emergency and/or temporary injunction in 24-CV-1763 or 24-CV-2437 Petitioners request this Court immediately issue an Order to show cause that Petitioners are not physically

confined and/or restrained in violations of the laws and
Constitution of the United States to Respondents.

Date: March 25, 2024

By:

[s/Joseph Rued, also
o/b/o W.O.R., minor
child

Appendix FF

[JUDICIAL IMMUNITY IS INAPPLICABLE TO PROSPECTIVE RELIEF SEEKING CESSATION OF CONSTITUTIONALLY PROHIBITED ACTIONS AND THE ADDITIONS FROM THE [FEDERAL COURTS IMPROVEMENT ACT] [“]FCIA[“] OF 1996 TO §1983 (“TFCIAA§1983”) IS THE ONLY AVAILABLE AUTHORITY SUPPORTING ASSERTING PLAINTIFFS’ CLAIMS COULD BE LEGALLY INHIBITED AND TFCIAA§1983 WILL BE INAPPLICABLE IRRESPECTIVE OF DECLARATORY RELIEF AVAILABILITY DETERMINATIONS FOR PLAINTIFFS, DUE EITHER TO STATUTORY INAPPLICABILITY OR UNCONSTITUTIONALITY

[Persons that are also state judicial officer Defendants] [“]PTAASJOD[“] rely upon *Hamilton* (8th Cir. 2020) to support their claims of judicial immunity, which states at 927 following below, conclusively establishing immateriality of such authority with respect to supporting Defendants’ claims of judicial immunity:

When the § 1983 plaintiff is seeking injunctive and declaratory relief, this can be a serious issue...However...only *Hamilton’s* damage claims are at issue. The district court concluded that [Defendant-Respondent] is entitled to absolute judicial immunity because [claims remaining are subject to judicial discretion.] We agree.

Plaintiffs agree judicial immunity generally applies to discretionary acts of PTAASJO—such is not at issue and irrelevant to PTAASJOD' Motion to dismiss emergency claims.

Epistemic discipline is essential to proper construction of law applicable to Plaintiffs' claims—the Eighth Circuit provided relevant and current analysis of law related to these issues, but, notably similar to many federal circuits related to these subjects, the language used, while effectively harmless IF TFCIAA§1983 is Constitutionally sound and adequate declaratory relief is available, is imprecise, vacillating between attributing statutory enactment by Congress as inherent to judicial immunity doctrine and properly distinguishing the source of any injunction inhibition, in addition to relying upon quotes of a Senate report that provides claims that are inherently untrue in supersession of TSCOTUS' holdings to the contrary. Eighth Circuit judges certainly should be some of the better legal minds regarding our law and Constitution—that the Eighth Circuit believes a Senate report indicating an obviously lacking comprehension of the necessary nuances, including with respect to basic history, of these issues somehow trumps TSCOTUS' holdings, given *Marbury* (1803) (Ex.AA-77-) related to interpretations of Constitutionality lacks credibility, especially when the same Senate report also militates against application of misapprehensions the Circuits have attempted to support with such report, as discussed herein:

This Court has consistently favored that interpretation of legislation which supports its constitutionality...That reason is impelling here so that if at all possible [the congressional

act] may be allowed to serve its great purpose the protection of the individual in his civil liberties. *Screws v. United States*, 325 U.S. 91, 97 (1945).

Justice Network Inc. v. Craighead Cnty., 931 F.3d 753, 762-764 (8th Cir. 2019), explains:

Our conclusion that [Defendant-Respondents] are entitled to judicial immunity does not resolve whether [Appellant] may seek injunctive and declaratory relief...[Appellant] argues that it is entitled to injunctive relief because the judges' conduct was not a judicial act...It also argues that declaratory relief is available in actions brought against judicial officials...[Respondents] respond that judicial immunity prohibits [Appellant]'s claims for declaratory and injunctive relief. Specifically, they argue that their absolute judicial immunity bars all relief...In *Pulliam*...[TSCOTUS] held that a judicial officer acting in his or her judicial capacity is not immune from actions under § 1983 seeking prospective injunctive relief...Congress responded to *Pulliam* in 1996 by amending §1983 to abrogate its holding. Section 1983 provides that "in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable."...§1983. **In other words, "judicial immunity typically bars claims for prospective injunctive relief against**

judicial officials acting in their judicial capacity. Only when a declaratory decree is violated or declaratory relief is unavailable would plaintiffs have an end-run around judicial immunity."[(citation omitted)]. (Emphasis added).

At the outset of this quote, the Eighth Circuit acknowledges and explains that TFCIAA§1983 inhibits injunctive relief against judicial persons not judicial immunity, then ends melding TFCIAA§1983 into immunity doctrine which is untrue and misleading, though immaterial unless any following criterion are met: (1) violations of declaratory decrees; (2) unavailability of declaratory relief; and/or (3) TFCIAA§1983 are unconstitutional and standing exists to challenge such because (1) or (2) is not the case. *Justice* (2019) continues:

The Senate report indicates...the amendment "restores the doctrine of judicial immunity to the status it occupied prior to...*Pulliam* "because *Pulliam* had departed from "400 years of common-law tradition and weakened judicial immunity protections."

What is stated above is not false, if reciting only what this senate report claimed, but is false if claiming 400 years of common law tradition prior to *Pulliam* had prohibited injunctive relief against judicial persons under Constitutional law:

The legislative history makes evident that...[Congress realized] state officers might...be antipathetic to...vindication of [federal] rights...[including] state courts...The

very purpose of §1983 was to interpose the federal courts between the States and the people...—to protect the people from unconstitutional action..., “[including] judicial.”...[T]his court recognized long ago that federal injunctive relief against a state court proceeding can...be essential to prevent great, immediate, and irreparable loss of a person’s constitutional rights. *Mitchum v. Foster*, 407 U.S. 225, 241-242 (1972).

[W]here the officer's powers are limited by statute [or Constitution], his actions beyond those limitations...individual and...the sovereign has [not] empowered him to do or...has forbidden. His actions are ultra vires his authority and...may be made the object of specific relief...without impleading the sovereign,...because of the officer's lack of delegated power. *Larson v. Domestic Foreign Corp.*, 337 U.S. 682, 690 (1949).

[A] suit may fail, as one against the sovereign,...if...[requested relief] can[]not be granted by merely ordering the cessation of the conduct complained of. *North Carolina v. Temple*, 134 U.S. 22 (1890).

[W]e have never held that judicial immunity absolutely insulates judges from declaratory or injunctive relief with respect to their judicial acts...§1983 was designed to enforce the provisions of the Fourteenth Amendment against all state action, [including] judicial. *Supreme Court of Va. v. Consumers Union*, 446 U.S. 719, 736 (1980).

Justice (2019) continues:

[Appellant] has not alleged that declaratory relief was unavailable or that a declaratory decree was violated; thus, § 1983 bars [Appellant]'s claim for injunctive relief...The question then becomes whether [Appellant] is entitled to declaratory relief post-[]Congress's amendment to §1983.

Upon determination above, Appellants in *Justice* would have standing to challenge TFCIAA§1983 if injunctive relief was properly sought. *Justice* continues:

[M]ost courts hold that...§1983 does not bar declaratory relief against judges...[(citations in following quotes omitted)]...([J]udicial immunity does not bar declaratory relief...);...[J]udicial immunity protects the Defendants only from Appellant's request for injunctive relief. But § 1983 does not explicitly bar Appellant's request for declarative relief.);...[T]he amendment to § 1983 limits the type of relief available to plaintiffs who sue judges to declaratory relief."); ("[T]he 1996 amendment to § 1983 would limit the relief available to plaintiffs to declaratory relief."). The Tenth Circuit has concluded that...[t]he only type of relief available to a plaintiff who sues a judge is declaratory relief, but not every plaintiff is entitled to this remedy...A declaratory judgment is meant to define the legal rights and obligations of the parties in anticipation of some future conduct, not simply to proclaim liability for a past act."...A

complaint "seeking ... a declaration of past liability" against a judge instead of "future rights" does not satisfy the definition of "declaratory judgment" and renders declaratory relief unavailable..."Furthermore," retrospective declaratory relief cannot "be granted as [t]he Eleventh Amendment does not permit judgments against state officers declaring that they violated federal law in the past.'...[D]eclaratory relief is limited to prospective declaratory relief...("[J]udicial immunity also does not shield judges from claims for prospective declaratory relief..."

Loose lexicon regarding whether injunctive relief is inhibited by doctrine or TFCIAA§1983 utilized across the circuits is counterproductive for legitimate interests, but it is clear from the totality of this opinion, law under Constitution, and credible conceptualizations related to each that TFCIAA§1983 is the source of inhibitions against issuing injunctive relief against judicial persons and any misconceptualizations/mis-representations in Circuit language appears related to the fact that TFCIAA§1983 inhibitions relate to judicial persons, which is demonstrable because if TFCIAA§1983 were inapplicable due to adequate declaratory relief being unavailable or the fact that it is a clearly unconstitutional act then there is no authority available supporting inhibitions related to such injunctive relief against PTAAJO. The same senate report cited in *Justice* also states the following, consistent with the treatment of the issues related to availability of declaratory relief referenced in the quote following in *Justice* and other circuits, despite the utilization of the word 'is' and not 'was':

§1983 [is amended] to bar...injunctive relief against a State judge, unless declaratory relief *IS* unavailable...This...does not provide absolute immunity for judicial officers...[for]...any conduct "clearly in excess" of a judge's jurisdiction, even...in a judicial capacity. S. Rep. 104-366, at *37, 1996 U.S.C.C.A.N. (*EMPHASIS* added).

Plaintiffs believe it is clear from the Circuit holdings related to TFCIAA§1983 that the second 'was' as utilized in §1983 is time operative upon the time of federal filing, not the time in which the ongoing illegal action was initiated. Such difference may appear material but would only expand the unconstitutionality in the Act, extending standing grounds. If the second 'was' in §1983 were interpreted to mean 'at the time of the initiation of the ongoing act sought to be restrained,' then the effect would be if *any* declaratory relief was available back at *that* time of initiation injunctive relief would be prohibited. If this were the interpretation Plaintiffs irrefutably have standing to challenge TFCIAA§1983 even if declaratory relief is available at the time of federal filing because standing would be dictated by opportunity for appeal having been provided and would also have additional challenges that TFCIAA§1983 had the effect of statutorily defining process due under the fourteenth amendment as 'having provided opportunity for appeal' invalidating many, if not most or all, of TSCOTUS' holdings related to due process for state action that includes judicial processes with respect to enforcement as well as being in conflict with TSCOTUS regarding scope for

Enforcement Clause's prophylactic authority, and conflicting with the tenth amendment.

Plaintiffs think it is reasonable to conclude that reasonably adequate declaratory relief is unavailable for Plaintiffs' claims related to irreparable harms given Plaintiffs have repeatedly sought such relief both in state court and under state and federal jurisdiction at TSCOTUS. Plaintiffs are sure the actionability of Plaintiffs' emergency restraining order and preliminary injunction sought is unaffected by such determinations, but such determinations are threshold with respect to Plaintiffs' standing to challenge the Constitutionality of TFCIAA§1983, unless the second 'was' in §1983 is time-operatively interpreted to apply to initiation of action(s) sought to be restrained, in which case Plaintiffs have challenge standing for TFCIAA§1983. Upon determinations that Plaintiffs do not otherwise have reasonably adequate declaratory relief available, TFCIAA§1983 are inapplicable and no statutory or any other inhibition to Plaintiffs' relief sought here exists. If the Court determines that Plaintiffs do have declaratory relief available, Plaintiffs have standing to challenge the Constitutionality of TFCIAA§1983 and do so consistent with Plaintiffs' Rule 5.1(a)(1)(A) Notification based upon such legislation being unprovisioned and prohibited by the tenth amendment, consistent with TSCOTUS' holdings:

The design of the [Fourteenth] Amendment and the text of §5 are inconsistent with the suggestion that Congress has the power to decree the substance of the Fourteenth Amendment's restrictions on the States...Congress does not enforce a

constitutional right by changing what the right is. It has been given the power "to enforce," not the power to determine what constitutes a constitutional violation. Were it not so, what Congress would be enforcing would no longer be, in any meaningful sense, the [p]rovisions of [the Amendment...—t]he distinction exists and must be observed. There must be a congruence and proportionality between the injury to be prevented or remedied and the means adopted to that end. Lacking such a connection, legislation may become substantive in operation and effect...The Fourteenth Amendment's history confirms the remedial, rather than substantive, nature of the Enforcement Clause. *City of Boerne v. Flores*, 521 U.S. 507, 519 (1997).

Congress has authority to inhibit private rights of enforcement of their acts, but the authority to inhibit enforcement of the fourteenth amendment does not flow from the fifth clause:

[I]n order that the national will, thus declared, may not be a mere brutum fulmen, the last section of the fourteenth amendment invests Congress with power to enforce it by appropriate legislation. To enforce what? To enforce the prohibition...Positive rights and privileges...are secured by way of prohibition against State laws and State proceedings affecting those rights and privileges, and by power given to Congress to legislate for the purpose of carrying such prohibition into effect; and **such legislation must necessarily be predicated upon such supposed State laws**

or State proceedings, and be directed to the correction of their operation and effect. *United States v. Stanley*, 109 U.S. 3, 11 (1883). (Emphasis added).

The Enforcement Clause provides no authority to inhibit enforcement of fourteenth amendment guarantees or alter their substance and Congress' attempts to do both with TFCIAA§1983 constitutes laws made not only not in the pursuance of the Constitution, but explicitly antithetical to Constitutional authority provisioned and Constitution:

This government is acknowledged by all, to be one of enumerated powers....But this question is not left to mere reason: the people have...decided it[:] "this constitution, and the laws of the United States, which shall be made in pursuance thereof," "shall be the supreme law of the land,"[] *McCulloch v. Maryland*, 17 U.S. 316, 404-405 (1819). (Emphasis added).

It is not extreme to consider TFCIAA§1983 an effective amendment to the fourteenth amendment because if something is unactionable at law it does not exist at law and Plaintiffs do not believe Congressional authority to pass the TFCIAA§1983 inhibiting fourteenth amendment enforcement under the Enforcement Clause exists under both U.S. Const. Art. VI §1 and the tenth amendment and §1983 is for citizens' enforcement per Enforcement Clause directives. TFCIAA§1983 has the effect of an amendment, especially absent identifiable executive oversight enforcing such issues, and certainly is not a

law passed in pursuance of the Constitution inhibiting citizens from procuring enforcement of the fourteenth amendment related to irreparable harms sustained by PTAASJO and allowing for the abusive delays that will inevitably follow given:

[Human beings] being what [they are] cannot safely be trusted with complete immunity from outward responsibility in depriving others of their rights...such is the conviction underlying our Bill of Rights...*Joint AntiFascist Committee*, 341 U.S. 123, 171 and 161 (1951).

Plaintiffs believe this determination of whether Plaintiffs have declaratory relief available for their irreparable harms claims turns on whether 'declaratory relief in §1983 is defined as 'reasonably adequate declaratory relief to achieve the same results as sought in this injunction,' in which case the answer would be Plaintiffs do not, or 'any conceivable declaratory relief at any time,' in which case Plaintiffs clearly are seeking declaratory relief in the action consolidated with this action and that declaratory relief will be available in the future but cannot be considered adequate to achieve the results Plaintiffs seek here. Plaintiffs' primary concern is W.O.R., his welfare, and causing Plaintiffs' irreparable harms to cease. Intuitively, Plaintiffs think such interests requiring immediate and emergency remedy may be best served without complication of invalidating TFCIAA§1983, despite obvious unconstitutionality, and Plaintiffs' formal position is presented accordingly in our proposed order (ECF Doc. 10) and supported by Joseph Rued's June 23, 2024 Declaration, especially ¶10, but Plaintiffs' position is also that irrespective of any specific determinations regarding these

interrelating issues there is no inhibition at law for the relief Plaintiffs seek and are entitled by Constitution, including directly *under* the Constitution if necessitated (Ex. -98-).[]

Date: March 25, 2024

By:

[s/Joseph Rued, also
o/b/o W.O.R., minor
child

s/Scott Rued

s/Leah Rued]

Appendix GG

**¶ PLAINTIFFS' DEMAND JURY
DETERMINATIONS RELATED TO ALL MIXED
QUESTIONS OF LAW AND FACT AND LAW AS
APPLIED TO ANY FACTUAL
DETERMINATIONS IN THIS CASE**

In asserting immunity here, CornerHouse is definitionally also claiming reasonable basis for these October 3, 2018 assertions to establish good faith and objective reasonableness of such actions, which does not exist. Given the totality of evidence in the record, CornerHouse was aware that custody proceedings and CPS investigations were ongoing where these claims would be utilized and given CornerHouse's interactions with the investigators and CornerHouse's represented role related to investigative functions in the record, there is no reasonable way CornerHouse could not have known protected rights were at issue, in addition to the basic dictates under the fourteenth amendment on action under color of state law that fabricating fraudulent evidence in child abuse investigations in concert with government is not lawful action and is inherently unlawfully endangering to any such child-victim (in this case a repeatedly-victimized child) of such action under color of state law. Still, in this case, along with all other Defendants, factual determinations relating to whether CornerHouse's actions are reasonable are effectively the same for purposes of jury trial demands and with respect to CornerHouse's assertions of immunity in this §1983 action.

Plaintiffs acknowledge that, generally, immunity determinations should be handled as early as possible, but are also sure where questions of fact

exist and seventh amendment assertions are made at least such facts *must* be determined by the jury. Plaintiffs also acknowledge that the Eighth Circuit has generally held that in such circumstances interrogatories for the jury should be crafted so as to allow the legal issues of immunity to be resolved upon the jury determinations of all factual issues—fundamentally, Plaintiffs, despite past experience, are also aware that prior experience has nothing to do with this Court and do not see any issue with this typical procedure properly followed in this case. Still, Plaintiffs believe it is viable to request jury determinations on all mixed questions of fact and law, which Plaintiffs reassert with respect to all Defendants, including CornerHouse, and all applications of doctrine to these facts, including both jurisdictional and immunity doctrines.

While [the Supreme Court of the United States] [“(TSCOTUS”)”] has affirmatively held it is improper to “routinely place questions of immunity in the hands of the jury” and “[i]mmunity should ordinarily be decided by the court long before trial” (*Hunter v. Bryant*, 502 U.S. (1991), relating to agents protecting the President), such statements are definitively qualified and Plaintiffs do not believe TSCOTUS has ever held that placing determinations of immunities in the hands of the jury is always improper and taking contrary action could be improper when seventh amendment protections are implicated in any specific case (see *Byrd v. Blue Ridge Cooperative*, 356 U.S. (1958) discussing seventh amendment under Constitutional Supremacy). Further, while it may be a deviation from the norm to fulfill Plaintiffs demands regarding jury determinations for immunity and jurisdictional applications, which may be heavily

based upon factual interpretations, within the Eighth Circuit's jurisdiction such is not unprecedented:

The district court relied on Fifth Circuit precedent when it submitted the qualified immunity question to the jury...("So, if...there remain disputed issues of material fact relative to immunity, the jury, properly instructed, may decide the question.") *Littrell v. Franklin*, 388 F.3d 578, 586 (8th Cir. 2004).

Indeed, Plaintiffs have a difficult time understanding how such issues properly submitted to a jury could be held to affect the integrity of the judicial process, while Plaintiffs not only easily can conceptualize but actually have experienced, repeatedly, how applications of law to facts, including these facts, by PTAAJO, including persons that are also federal judicial officers, can so easily be invidious and fraudulent despite Constitutional mandates otherwise and the devastating effect such can have on citizen's rights, welfare, and safety, and the unmitigated and irreparable harms associated with such fraudulent actions prohibited by law flagrantly abusing Plaintiffs' federally protected rights.

When Plaintiffs allege the serious Constitutionally prohibited actions by so many Defendants, including Co-Conspirators, under color of state law as well as at all levels of the state judiciary and Constitutional abuse by multiple levels of the federal judiciary, as brought in this case, the serious undertones of the seventh amendment protections against government tyranny are asserted not just as a right, but as the last bastion to protect against government abuse and tyranny and no Defendant, among many, has even acknowledged such claims, as

Defendants ask this Court to make factual determinations, many of which would be unreasonable and are absent good faith, which clearly are reserved for the jury, and are asking this Court to do so in a manner that would sustain flagrant unconstitutionality and violate clear Constitutional dictates and protections for Plaintiffs. Plaintiffs believe, on the whole, these Memorandums of Law are indicative of deep perversion clearly metastasized throughout the government and those representing it, demonstrating the value and need of the seventh amendment not just as right, but as the only non-circular tether holding governments to dictates of our Constitution. Plaintiffs know every issue of fact must be determined by the jury regarding Plaintiffs' non-emergency/preliminary claims and anything relating to or based upon any aspect of factual determinations must be made on the basis of, bound by, jury determinations.[]

Date: March 25, 2024

By:

[s/Joseph Rued, also
o/b/o W.O.R., minor
child

s/Scott Rued

s/Leah Rued]

Appendix HH

**JOSEPH RUED'S DECLARATION
SUPPORTING PETITIONERS' PETITION FOR
WRIT OF PROHIBITION AND ALTERNATIVE
RELIEF SOUGHT**

Joseph Rued states:

1. I am over 21 years of age, am a party to this proceeding as a Petitioner, and, if called to testify to the following I could and would competently testify as such.
2. Petitioners' Petition for Writ of Prohibition also seeks relief in the alternative under Rule Nisi:
3. Petitioners' Complaints in 24-CV-1763 (JRT/TNL), 24-CV-2437 (JRT/TNL), and 24-CV-3409 (JRT/TNL) were dismissed fundamentally based upon the factual assertion of the Minnesota District Court that Petitioners' Complaint asserted that I argued Defendant Jayswal's perjury admissions to Defendant Furnstahl in paragraph 2 of Petitioners' Complaint in 24-CV-1763 (JRT/TNL).
4. Petitioners' Complaint in 24-CV-1763 (JRT/TNL) paragraphs 2 provides the following:

Defendant person Jaykumar Jayswal, acting on behalf of the county agency Hennepin County Human Services and Public Health Department Child Protection Services, which is a county agency overseen by the Minnesota

Department of Human Services, has falsified conclusions of numerous CPS investigations based upon his own admitted perjury through a CHIPS Petition removing custody, care, and companionship of Joseph Rued's for his natural child, W.O.R. (See Attachments to Plaintiffs' Amended Complaint on -1170-1173- and -1276-1298-), who share parallel and intertwined injuries in fact and whose proximity of relationship is self-evident (Attachments to Plaintiffs' Amended Complaint on -22-26-), of which numerous persons and/or individuals acting on behalf of the State of Minnesota and the United States of America have Co-Conspired with, through such individuals' own violations of U.S. Const. Amend. XIV and/or U.S. Const. Amend V, to further and sustain the violations of U.S. Const. Amend. XIV of Jaykumar Jayswal, depriving Plaintiffs' federally protected rights, including Joseph Daryll Rued's rights to care, custody, and companionship with his natural child, W.O.R., in reckless disregard to Plaintiffs' rights and/or safety causing severe emotional distress to all Plaintiffs, endangerment and medical neglect of W.O.R., and substantial financial damage to Plaintiffs among other injuries. See Attachments to Plaintiffs' Amended Complaint 5-21 and -302-351-. 24-CV-1763 (JRT/TNL) R.Doc.26 on 5.

5. Additionally, none of the citations in paragraph 2 to Petitioners' Complaint in 24-CV-1763 (JRT/TNL) provide any support that Joseph Rued argued Defendant Jayswal's perjury or Jayswal's perjury admissions to Defendant Furnstahl.
6. Petitioners' Petition in 25-CV-0468 (JRT/ECW) has been denied fundamentally based upon the factual assertion of the Minnesota District Court that Petitioners' sought relief from child-custody determinations and not physical confinement.
7. Petitioners' Petition in 25-CV-0468 (JRT/ECW) sought only relief from physical confinement imposed in violation of the laws of the United States, with the following providing the relief sought in the Petition for Habeas Corpus:

Relief from imposition of any and all physical confinement of Joseph Rued and W.O.R. and the determinations that Joseph Rued has endangered W.O.R. or otherwise acted in any way contrary to W.O.R.'s best interests by justifiably reporting W.O.R.'s maltreatment and abuse, seeking medically recommended care for W.O.R., and not believing and/or agreeing with Respondents' assertions and claims regarding the same that are fundamentally based upon admitted perjury and/or related frauds relied upon to support such impositions of physical confinement all in violation of clear Constitutional requirements. 25-CV-

0468 (JRT/ECW) R.Doc.1 on 15,
reproduced in type on 17.

8. The Eighth Circuit summarily affirmed the actions of the Minnesota District Court identified in these four cases and this declaration all of which are not based upon any genuine case or controversy actually before such courts in 25-1614, 25-1620, 25-1623, and 25-1651.
9. The lower federal court determinations are based upon objectively and demonstrably fabricated assertions by Judge Tunheim of the Minnesota District Court, definitionally resulting in fraud and fraud upon the court as matters of fact for which discretion does not exist to believe or represent otherwise under the constraints of reason and logic.

I declare upon penalty of perjury that the foregoing is true and correct. Signed October 22, 2025 in Hennepin County, Minnesota.

s/ Joseph Rued
Joseph Rued
9007 Avila Cove
Eden Prairie, MN 55347
ruejoseph@yahoo.com
239) 276-4056

Appendix II

Pathways Psychology on Grand

1123 Grand Avenue, Suite 301

St. Paul MN 55105

Phone: 651-287-0931 Fax: 651-287-0967

January 20, 2023

My name is Dr. Jill LeBlond. I am a licensed psychologist working with Joseph Rued. I have had 32 sessions with Mr. Rued since we started working together on 6/8/22. Mr. Rued has been participatory and engaged in all of our sessions.

By way of background, I am the owner of Pathways Psychology on Grand where I have worked for the last sixteen and a half (16 ½) years as the owner and psychologist. Prior to that, I worked as a psychologist for Project Pathfinder, Inc. for approximately six (6) years as a forensic evaluator and outpatient sex offender specific treatment therapist from November 2000 through October 2006 and as a private practice independent contractor at River City Clinic for a little over five (5) years from March 2001 through May 2006. Additionally, I held the county contract with Dakota County Community Corrections for over 13 years to complete court ordered evaluations and forensic assessments. I did the same for a couple of years for Ramsey County Community Corrections. With regards to my education, I received a Bachelor of Arts Degree from the University of Minnesota, a Master's Equivalent in Clinical Psychology from the Minnesota School of Professional Psychology, and a

Doctorate Degree in Clinical Psychology from the Minnesota School of Professional Psychology.

Mr. Rued came to me with court directives in the Order filed April 14, 2022 (hereinafter the "Therapy Order"), to "address his beliefs about [Ms. Rued.]"³² It was my understanding from the Therapy Order that...our work was to focus on helping Mr. Rued change his narrative from that of a father attempting to protect his son by sharing with the proper authorities what his son reports and to quit trying to have his son stop being fed things that he potentially has an allergy or intolerance to - to a narrative of quietly accepting the reports from his son of being abused and illegally not report it and silently watch his son experience symptoms of allergic or intolerant food reactions and not try to stop it.

Mr. Rued has supplied me with a vast amount of information in written, electronic, and verbal form outlining the atrocities his son has suffered over the past several years and his attempts to help provide [W.O.R.] with a safe environment. After speaking to Mr. Rued and reading all the information put forth it was clear to me that the task set forth by the courts was not in [W.O.R.]'s best interests. I could not in good conscience read numerous medical documents from physicians clearly recommending that [W.O.R.] have an allergy/intolerance/sensitivity evaluation completed by a qualified medical professional, while knowing that the child has been prescribed an Epi pen, seeing pictures and videos of the child exhibiting symptoms of reactivity (difficulty breathing,

³² Mr. Rued has provided me with all of the Orders he was directed to provide me with per the Therapy Order, along with almost all of the other Orders in the parties' divorce case, including all related Orders from the Minnesota Court of Appeals as well as the most recent Appellate Court Order from January 17, 2023.

congestion, exhaustion, rashes, etc.), and hearing and seeing his father and his father's family report repeatedly that [W.O.R.] is showing symptoms and THEN order the father to stop saying [W.O.R.] has intolerances and allergies and order the father to stop asking for his child to be properly and thoroughly evaluated by medical professionals.

No amount of therapy could shift a father's love and concern for his son being harmed (that is factually supported) to that of a silent bystander to actions and behaviors that are clearly hurting his son.

After reading the actual medical records from numerous medical professionals, it is quite clear to me that [W.O.R.] Rued needs to have an evaluation completed for food allergies, intolerances and/or sensitivities. Not because I hold some great knowledge about allergies or intolerances but because the doctors that do have that knowledge and training have recommended it for [W.O.R.] numerous times. To draw any other conclusion after reading all the medical records would be harmful to [W.O.R.]. [W.O.R.] experiencing an anaphylactic reaction corroborates how truly dangerous this is to [W.O.R.].

Mr. Rued's persistence in having [W.O.R.] fully tested and diagnosed by medical professionals utilizing the tests they deem necessary as they are the trained professionals is rational and logical. In my opinion as a licensed psychologist with over 20 years of experience, Mr. Rued is doing what is right to help his son and does not need help to ignore these very serious issues. He is doing what a loving, caring parent should do. I would certainly deem it abusive if a child is showing signs of difficulty breathing, rashes, exhaustion, congestion, upset stomach and diarrhea and the parent did not try and investigate what was causing these issues. I would also recommend that

since it is a medical issue, the parent should investigate this with trained medical professionals and not the courts, home experiments, schools or daycare. As far as I can tell, this has been recommended numerous times by numerous evaluators and still has yet to be completed. This is blatantly abusive to [W.O.R.]. Given that sometimes allergic reactions can be deadly, Mr. Rued is behaving completely appropriately and logically.

I have conducted court ordered evaluations for over 20 years. I have an expertise at assessing underlying motives, belief systems, and maladaptive desires. Utilizing this skill in my private practice allows me to help my clients gain insight to their behaviors and allow them to move forward in their lives in the most helpful and productive ways. When working with Mr. Rued, I have repeatedly "peeked behind the curtain" and have never uncovered anything but a loving father trying to protect his son and afford him with the best in all areas that life has to offer. As someone who is trained in assessing and estimating intelligence, I can easily say Mr. Rued is exceptionally intelligent. Those that may be intimidated by his intelligence may misread his demeanor as defensive, entitled or off-putting, but they would be wrong. Mr. Rued feels deeply and often protects his deep feelings by intellectualizing. Intellectualizing is a coping mechanism where an individual analyzes a situation intellectually or rationally in effort to decrease feeling emotions that may be overwhelming or produce anxiety. Subsequently, in stressful situations Mr. Rued can appear to others as detached or removed or like he is seeking a goal, not realizing the goal is to not be overcome by emotions versus an external goal. Individuals who utilize this mechanism need to make

sure to process the avoided emotions post event and Mr. Rued does this emotional processing with me. When allowed to openly and safely process his emotions, it is clear Mr. Rued is a kind, loving, dedicated, protective father who has tried extensively and repeatedly to provide his son with a safe and loving environment - free from foods that may make [W.O.R.] wheeze or cause difficulty breathing, safe from threats of physical harm by stepsiblings or maternal family members, free from fearing that he will not see his father again, free from missing opportunities to be with his paternal family members, free to attend to schools that might provide him with the best opportunities, free to play sports and be with friends. When working with Mr. Rued it is evident he loves his son very much and when [W.O.R.] reports being hurt by others, it breaks his heart. When [W.O.R.] cannot play basketball, which he loves, because he is exhausted and is unable to breathe normally, it breaks Mr. Rued's heart. When [W.O.R.] is unable to attend a sporting event, go to the cabin, participate in a friend's birthday party, it breaks Mr. Rued's heart. When [W.O.R.] repeatedly screams in terror after learning he is to return to his mother's care and leave his father, it breaks Mr. Rued's heart.

I have read court documents, depositions and custody and psychological evaluations from numerous sources that repeatedly labeled and demonstrated that Ms. Rued has lied, changed her narrative, offered openly contradictory statements, recanted events and has been identified by experts as being not credible. The same documents, depositions, and evaluations all support Mr. Rued and his parents as being significantly more credible, consistent, and forthcoming. Their narratives have not wavered, altered or changed through years of documentation

and have been confirmed in my work with Mr. Rued. As an expert forensic evaluator, I can easily tell you that consistency is the key to deciphering if one is truthful. A skill I have perfected over years of doing evaluations is listening very closely to the words individuals choose to explain difficult or traumatic situations. I then use that information to challenge or question that individual later with those same words to gain clarification. Often, if the person is being truthful or honest the response remains consistent. If the person is being deceptive the narrative shifts upon challenge. When someone repeatedly lies, they get caught, as they easily get tangled up and verbally trip over themselves. Mr. Rued's version of events in sessions with me and in all the documentation I have reviewed has never vacillated and yet unbelievably the courts seem intent on painting him as the liar and Ms. Rued as the truth teller. When experts clearly delineate Mr. Rued as more credible and Ms. Rued as the least credible and she has been caught numerous times blatantly lying, it is completely confusing why any critical thinker would give more veracity to her version and less to Mr. Rued.

In an effort to share my knowledge and understanding with regards to [W.O.R.]'s reporting of sexual abuse, I would like to offer some insights I have gained in my 20 plus years of evaluating sexual offenders and perpetrators. In evaluating and providing treatment to offenders I have learned a significant amount about people victimized by them. Perpetrators repeatedly identified that children are often chosen as victims because they "forgive and forget" fairly quickly and easily. Children often offer unconditional love even when they are perpetrated against. Depending on the child's age/development they do not have the understanding, words or

knowledge of what is transpiring so they do not report in consistent/coherent fashion making it difficult for authorities to conclude abuse. Often children are unaware that what is happening to them is horrendous until an adult weighs in. They tend to block out and not persevere on things they do not understand, making them the easiest of targets.

If you consider [W.O.R.]'s actions and reports of victimization in light of these insights, you can clearly see the patterns. [W.O.R.] has reportedly not perseverated on the actions he has reported others have done to him. He reports that he loves his reported abusers even though they have perpetrated against him. [W.O.R.] did not need prompting when writing about the horrible events in his life, but rather a place where he felt safe to do so. To be clear prompting is significantly different from source monitoring. The reader is reminded that an expert on source monitoring, Dr. Michael Shea, has found that source monitoring and coaching have NOT occurred.³³ There is NO evidence of coaching, interrogating, directing, or suggesting [W.O.R.] to make false allegations. Although [W.O.R.] has consistently reported abuse for years, it comes in the disjointed, vague and detail deficient manner often found in victimized children.

Also, to be clear, no expert has said [W.O.R.] was not sexually abused. They have only said the sexual abuse is unfounded. They cannot and therefore do not decisively conclude abuse did not occur because they do not know. For anyone to take this finding as confirmation that abuse has not occurred, clearly demonstrates their lack of understanding of the process of sexual assault investigation. Clearly, they

³³ The parties' custody evaluator Mindy Mitnick also determined that coaching had not occurred and that Mr. Rued was not reporting the abuse to gain advantage in the custody proceeding.

have little insight into the complexity of sexual offenses. If the investigator could conclusively say sexual abuse did or did not happen – they would. Since they do not, unfounded then means just that unfounded.

Based on the provided information, Mr. Rued remains sober and aware of the consequences of using alcohol or an illicit substance in the future. He has insight and awareness about how his addiction has impacted his family and those around him and he demonstrates a strong desire to remain sober.

Mr. Rued has had excessively limited time with his son for the past year and has had all visits supervised by Christine Davis. Ms. Davis has never documented in all that time that Mr. Rued or his parents have physically or emotionally harmed [W.O.R.]. She has described a loving, supportive, affectionate, and deep relationship between [W.O.R.] and his father. It is unclear to me why supervision continues to be necessary as an expert has NEVER opined that Mr. Rued has harmed his son. This seems abusive to [W.O.R.], Mr. Rued and Mr. Rued's family.

In conclusion, there is no way to stop or change Mr. Rued's narrative of what is happening to his son when you consider the facts. The facts support [W.O.R.] needs to have a complete evaluation on allergies, intolerances, and sensitivities. The facts say Catrina Rued is not credible and Mr. Rued and his family are credible. The facts support that [W.O.R.] needs his father and that nothing his father has done has harmed [W.O.R.] in any way, shape, or form. The experts have weighed in and are united that [W.O.R.] does not suffer from source monitoring and there is no evidence that he has ever been coached, directed, or interrogated over claims of sexual abuse. Upon reading court documents as compared with the reports

from third parties, Mr. Rued's frustrations are easily understandable. It seems likely that future opinions on [W.O.R.]'s future should be based on facts and not prior rulings based on just prior rulings that were grounded on baseless opinions, dropped proceedings, and on contrived conclusions that somehow Mr. Rued is at fault for repeatedly trying to do what is best for his son.

Sincerely,

Dr. Jill LeBlond

Licensed Psychologist

Appendix JJ

United States District Court
District of Minnesota

Rued[, et al]

-v-

Hudson[, et al] Case No. 24-CV-2437 [(JRT/TNL)]

**DECLARATION OF DR. JILL LEBLOND IN
SUPPORT OF PLAINTIFFS' MOTION FOR
EMERGENCY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

1. I submit this declaration in support of Plaintiffs' motion for preliminary injunction. I am over 21 years of age and am not a party to this action. I have personal knowledge of the facts set forth herein and, if called as a witness, I could and would testify competently to the facts set forth and my expert opinions in this Declaration.

2. I have previously submitted a declaration in this Court and expert reports regarding this situation, which is attached as **Exhibit A** to this declaration. I am aware that W.O.R. has not seen his Father since 2023 and such deprivations, alone, are trauma inducing for all parties, but especially W.O.R. Nothing has changed from my prior reports and declaration except that these unreasonable deprivations have continued, causing further irreparable harms to Plaintiffs, especially W.O.R. The relief Plaintiffs seek will cause these irreparable harms to cease and it is my professional opinion that absent prompt intervention severe, irreparable harms wi[ll] continue

to be unreasonably and unjustifiably inflicted upon Plaintiffs, including upon W.O.R., a minor child.

3. As previously reported in my declaration, I have read, and continue to read, the majority of information submitted to the courts about this incredibly horrific situation. It is clear to me that the Defendants are not doing the same. If the Defendants actually read what I have read there is no possible way they would be ruling the way they are ruling. It is completely insane how the court and those associated with it continue to inaccurately villainize Mr. Rued and his parents when they are truly the only people who have done the right thing[—]ethically, morally, and legally for W.O.R. W.O.R. is the one who suffers the most from courts failing to read and incorporate the true facts, instead continuing to base their rulings and responses on wholly unsupported and fraudulent claims or, even worse, failing to reach the issues at hand. How the courts have missed the fact that there is no evidence or expert testimony against the veracity of what Joseph Rued, Leah Rued, and Scott Rued, and W.O.R. have truthfully reported is a complete mystery.

4. This Father and Son have been separated for absolutely no justifiable reason based upon evidence. The bottom line is that W.O.R. reported he was being physically abused in the care of his Mother, Catrina Rued, by her first ex-husband, Ted Reppas, and repeatedly sexually and physically abused by his step-siblings, to his Father and Paternal Grandparents. They, in turn, took appropriate action reporting such issues to the authorities. Over time, the child reported the abuse to numerous people and professionals (at least 12 by my count). Furthermore, W.O.R. reported his mother would punish him by not letting him see his father if he reported the abuse. The child bravely reported it anyways and what happens[—]the courts

take his father away from him just as the mother threatened! Where is the justice in that? The psychological trauma caused by the courts['] actions is enormous. The emotional terrorism brought on by the Defendants is mind boggling and needs to be stopped immediately.

5. W.O.R. has been very clear. The person he trusts the most in this world is he father, Joseph Rued. He told his father he was being abused. He told his grandparents, the nanny, his great-grandmother, his aunt, and his uncle he was being abused. He told Judge Webber, Corner[H]ouse, and several CPS workers he was being abused. The court appointed psychologist who completed the Psychological Assessment of the adults involved indicated Leah Rued was the gold standard of credibility, closely followed by Joseph Rued and Scott Rued. The least credible was Catrina Rued. Yet the courts fail to repeatedly listen to those found by the experts to be most credible. Why? No explanation is given. And, most importantly, none of the Defendants are listening to W.O.R.

6. The immense harm caused by Defendants needs to be stopped immediately. The reliance on fraudulent claims, unsupported beliefs, uneducated opinions and inaccurate reporting needs to be stopped immediately. The unjustified separation of Father and Son and Grandparents and Grandson needs to be stopped immediately. There is absolutely no threat to W.O.R. by Joseph Rued, Scott Rued, and Leah Rued as assessed by myself and all of the experts who have offered an opinion in the file.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 23, 2024.

s/Dr. Jill LeBlond
Dr. Jill LeBlond[]

Appendix KK

Exhibit Z

Transcript of recording on 11/5/2021 when W.O.R.'s OFP in Scott County District Court was dismissed, and Charles Webber ordered W.O.R. into Catrina Rued's care in reliance upon Jaykumar Jayswal's admitted perjury and fraud in his CHIPS Petition regarding W.O.R. Alex Rued is W.O.R.'s paternal aunt.

W.O.R.: Dada! [(saying hello, excited to see his father who was unable to even drive to the house and had to park at a nearby park and run to see W.O.R. because Webber ordered Catrina Rued to immediately pick up W.O.R. and Catrina Rued was at the gatehouse screaming at the security guard, which is memorialized by the security guard in an affidavit)].

Joseph Rued: Hey, [W.O.R.]—hey, you're going to have to go to Catrina's... You are going to have to go.

W.O.R.: No! [(W.O.R. is terrified and begins sobbing)].

Joseph Rued: You are going to have to go—I'm sorry.

W.O.R.: No, Dada! I love you!

Joseph Rued: I know.

W.O.R.: I love you.

Joseph Rued: I know.

W.O.R.: No...Dada.

Joseph Rued: I'm so sorry, [W.O.R.]—I'm so sorry. I tried and you did so good. I don't know what's going on—it's...

W.O.R.: Am I ever going to be able to see you again?

Joseph Rued: Yes, I'm—we're never going to quit—you just keep telling the truth, ok.

W.O.R.: No, I want to stay with you.

Joseph Rued: I know.

W.O.R.: I want to [(stay with you)].

Joseph Rued: I know.

W.O.R.: I want to [(stay with you)].

Joseph Rued: I know.

W.O.R.: Dada, I—I, Dada, Dada, Dada...

Alex Rued: [W.O.R.], we will never stop fighting for you.

W.O.R.: Dada, Dada, I—I, Dada, why did the judge NOT LISTEN?! [(screaming and sobbing)]

Joseph Rued: He says that he really listened to and you're not—you and you didn't say it. I don't—something is going on and God will fix it. You are wonderful and it's not you[r] fault. You did great—I'm sure.

W.O.R.: Why? Dada—I don't want to... [sobbing]...

Joseph Rued: You did great—you are the bravest little boy in the world.

W.O.R.: Um, when am I going to see you again? When?

Joseph Rued: You are going to see me on Thursday—ok. [(This did not occur because Catrina Rued and Beth Barbosa sought an ex parte motion to remove parenting time from Joseph Rued based upon Joseph Rued having sought an OFP for W.O.R., dismissed in reliance upon Jayswal's admitted perjury and fraud in his CHIPS Petition, and based upon submitting Jayswal's admitted perjury and fraud in his CHIPS Petition—W.O.R. would not see his dad again for months and, now, Catrina Rued and Beth Barbosa have willfully kept W.O.R. from Joseph Rued for over 18 months, and every time Joseph Rued has sought to enforce court orders being violated against Joseph Rued Hennepin County Family Court has removed the right Joseph Rued sought to enforce, claimed Joseph Rued was frivolous, or unlawfully applied judicial doctrine)].

W.O.R.: What day is it today?

Joseph Rued: Today is Friday. I'm going to get a transcript of what you said to the judge—I know you are telling the truth. I love you...I love you...I love you. [(hugging W.O.R.)].

W.O.R.: Why did they [(the judge/court)] not listen? [(sobbing)] Why?

Joseph Rued: I don't know, [W.O.R.], but it's not your fault. I don't know and I believe you—that they [(the judge/court)] didn't listen to you.

W.O.R.: [(sobbing)]

Joseph Rued: I believe you, [W.O.R.].

W.O.R.: [why did the judge not]...listen?

Joseph Rued: The judge says he listened to and...

W.O.R.: Then why did he NOT!?! [(screaming)].

Joseph Rued: The judge says he listened to you and I'm going to get the transcript. [W.O.R.]—I know, I know that he [(the judge)] didn't [(listen to you)]...[(W.O.R. sobbing)]... What didn't the judge listen to about?

W.O.R.: What do you mean?

Joseph Rued: You are saying he [(the judge)] didn't listen—what...

W.O.R.: Why didn't he [(the judge)] listen...

Joseph Rued: To who?

W.O.R.: To me and you, because he [(the judge)] said I had to go...[(W.O.R. sobbing)]...with Katrina.

Joseph Rued: Son, you just stay true—you just hold on. You just hold on—don't give up. Pray to God.

W.O.R.: [(sobbing)] Why [do] I have to go to Katrina's?

Joseph Rued: The judge said so.

W.O.R.: What if you did not listen [(to the judge)]?

Joseph Rued: Him [(the judge)] or me?

W.O.R.: What happens if...

Joseph Rued: If I didn't listen to him [(the judge)]?

W.O.R.: Yeah.

Joseph Rued: Someone would come take you—
someone would come take you, ok, and I'm we're going
to fix it, [W.O.R.]. [(W.O.R. and Joseph Rued hugging)]
God is with you, ok.

W.O.R.: Ok.

Joseph Rued: Ok—hey, let's pray.

W.O.R.: Are...are...um, am I going to see when.

Joseph Rued: On Thursday.

W.O.R.: But how long am I going to see you on
Thursday?

Joseph Rued: You will be with me for the weekend.

W.O.R.: Are you going to go back to Wy work? [(‘Wy
work’ is what W.O.R. calls Joseph Rued working to get
W.O.R. safe from all of abuse W.O.R. has reported to
Joseph Rued, Petitioners and many third-parties)].

Joseph Rued: Of course, of course—it's not over and the judge said that these investigations have to proceed.

W.O.R.: Did the judge say he listened to me?

Joseph Rued: You know what, the judge said a couple different things.

W.O.R.: What did he say?

Joseph Rued: He said that no one told you what to say and what to say to him, and then today he said it seemed like you didn't really know. Is that true?

W.O.R.: No.

Joseph Rued: I know—and he [(the judge)] did that for some reason that has nothing to do with you—it's got nothing to do with you, or me, ok. You did great. You just keep going. Would you like to pray?

W.O.R.: I hope that Dada does good Wy work and when all the Wy work is done all the time in my life gets spent with my Dada. Amen.

Joseph Rued: Amen—I love you.

This evidence of egregious harm and emotional terrorism perpetrated upon W.O.R. by the Minnesota Judiciary's reliance upon Jayswal's admitted perjury in his CHIPS Petition and related frauds in conspiracy with Catrina Rued and Beth Barbosa, fulfilling the threat by Catrina Rued that if W.O.R. reported abuse he would no longer see his Father, which the Minnesota Judiciary was aware was the "scariest

thing" in W.O.R.'s life, has already been evaluated by multiple forensic psychologists (Exhibit A on -321- and -343-). [25-CV-3333 (PJS/DLM), which should have been included by Defendants through removal in R.Doc.1 Att:1 as an attachment included with and referenced in the Complaint. See also, publicly available, W.O.R.'s writings of the abuse he suffered (24-1763 (JRT/TNL) R.Doc.4-6 on 201-210) and W.O.R.'s testimony to Defendant Webber regarding the abuse he suffered (23-CV-2685 (NED/DJF) R.Doc.25-3 on 65-125)].

Appendix LL

February 13, 2024 discussion between Joseph Rued
and U.S. Supreme Court Clerk:

Joseph Rued: Joe Rued

Ms. Walker: Hi, my name is Emily. I'm giving you a
call back from the clerk's office at the U.S. Supreme
Court.

Rued: Hi Emily—thank you for doing so.

Ms. Walker: No problem—how can I help you today?

Rued: I'm wondering just how I can, or we can, comply
with what you requested we do in your February 7
letter to us. So, I'm wondering what about the Petition
fails to conform with 9.1?

Ms. Walker: Yes, so the issue was on the cover of the
Petition it lists your name, I believe, on behalf of a
minor child.

Rued: Right.

Ms. Walker: And so that is not allowed. So, it was like
that on the cover and in the parties to the Petition. And
so, it is clear to me that it looks like maybe there was
a minor child at some point a Petitioner in the lower
court, but you are not allowed to put yourself as
proceeding on behalf of a minor child here in the
Supreme Court.

Rued: And so that comes from Rule 9.1 and I assume
that first sentence, right?

Ms. Walker: Yes.

Rued: And so, that's about an attorney and I'm not an attorney.

Ms. Walker: Right, it doesn't matter and that's my entire point. So, because you are not an attorney you cannot proceed on behalf of anyone.

Rued: Even when our interests are exactly aligned and—

Ms. Walker: one hundred percent.

Rued: And so, *Singleton v. Wulff* is not controlling here?

Ms. Walker: I have no idea what your question is, but I'm just letting you know that that would need to be corrected in order for the Petition to be placed on the docket. I mean, that's not something that's debatable.

Rued: So, if I send this back to you won't correct it or you won't docket it?

Ms. Walker: If it was sent back in the exact same way it was sent to us, correct, because myself and my colleagues reviewed it and it did not comply.

Rued: And you understand that I'm challenging the Constitutionality of the holding that I can't represent my child in this matter?

Ms. Walker: It does not matter. You cannot proceed on behalf of a child here in the Supreme Court if you are not an attorney.

Rued: And you are not aware of *Singleton v. Wulff* (1976)?

Ms. Walker: It's not my job to defend the rules of the court. I'm just letting you know that that would not be able to be docketed in the way that it was submitted to us previously.

Rued: Ok, and do you view that as a judicial or quasi-judicial determination given that—

Ms. Walker: I'm not sure I understand your question. I mean the bottom line remains that the way that it was submitted to the clerk's office, it is not able to go on the docket. In order for it to go on the docket it needs to comply with the rules of the court in all aspects.

Rued: Right, but you are reading Rule 9.1 and you are changing the word 'attorney' to be 'non-attorney person.'

Ms. Walker: Any person seeking to file here in the Supreme Court under representative capacity must be admitted to the bar of the court. So, it doesn't matter. If you are not counsel and not admitted to the bar of the court you cannot proceed on behalf of someone.

Rued: Where can I find *that* Rule?

Ms. Walker: It's Rule 9.1.

Rued: Ok, do you understand that in order for us to comply with what you are asking us to do, we have to change the substance of our Petition which you also said we could not do?

Ms. Walker: The substance of the Petition is not changing. You are representing yourself as on behalf of someone and so you are not able to proceed on behalf of someone.

Rued: Yes, it is—it is, though, because I'm challenging the Constitutionality of not allowing me to represent my son in this capacity in this Court. That's the substance—that's in the Petition. And so, I'm going to have to change the substance of the Petition in order to comply with your application of Rule 9.1. And you are telling me that—

Ms. Walker: So, the only issue is that there is a minor child being represented by someone who is not counsel admitted to the bar of the court. That's the issue—it is not in any of the substance of the Petition. The issue is the way that the lists of the parties is listed and the way that the cover of the Petition is presented.

Rued: So, you are saying that there are no circumstances in which a person can represent their child in the Supreme Court or federal court.

Ms. Walker: I'm saying if you are not counsel and you are not admitted to the bar of the Court you cannot represent a child. It doesn't matter if you are a parent or not.

Rued: And you are not aware of *Singleton v. Wulff*?

Ms. Walker: Again, I can't go down this road with you. This is the rules of the court and I understand that this is not the answer you wanted, and I understand that you may be frustrated but that's the bottom line. Did you have any other questions?

Rued: No, you aren't giving me much of a choice here.

Ms. Walker: Ok, well, so that's the answer that I have for you, unfortunately. If you have other questions, you are welcome to give me a call.

Rued: Alright, thank you.

Ms. Walker: No problem, bye.

Joseph Rued is a party to this proceeding, is over 21 years old, and, if called to testify could and would testify competently support what is attested to herein, and, at the time of this transcribed discussion was in Minnesota with reason to believe Ms. Walker was in Washington D.C. and/or on federal property.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Hennepin County, Minnesota on December 22, 2025.

s/Joseph D. Rued
Joseph Daryll Rued
9007 Avila Cove
Eden Prairie, MN 55347
239)276-4056
rued.joseph@yahoo.com

Appendix MM

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

February 7, 2024

Joseph Rued
9007 Avila Cove
Eden Prairie, MN 55347

Re: Joseph Rued, et al. v. Judge Charlene
Hatcher, et al.
USAP8 No. 23-3092

Dear Mr. Rued:

Returned are all booklet copies of the petition and accompanying documents in the above-entitled case postmarked on January 29, 2024 and received on February 5, 2024, which fails to comply with the Rules of this Court.

A person seeking to file a document in this Court in a representative capacity must first be admitted to practice before the Court. Rule 9.1.

Kindly correct the petition so that it complies in all respects with the Rules of this Court and return it to this office promptly so that it may be docketed. Unless the petition is submitted to this officer in corrected form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

When making the required corrections to a petition, no change to the substance of the petition may be made.

Three copies of the corrected petition must be served on opposing counsel. Rule 29.3.

Your check in the amount of \$300 is returned here within.

Sincerely,
Scott S. Harris, Clerk
By:
s/Emily Walker
Emily Walker
(202) 479-5955

Enclosures

Appendix NN

December 22, 2025 Declaration of Joseph Rued:

Petitioners are submitting their Petition for Writ of Prohibition signed December 22, 2025 to the Office of the Clerk of the Supreme Court of the United States along with appropriate certifications and fees around or after the time that Petitioners' Petition for Writ of Mandamus signed December 22, 2025 is filed with the Office of the Clerk of Court for treatment consistent with this Court's determination related to Petitioners' Petition for Writ of Mandamus. Petitioners' also note the Clerk's December 5, 2025 letter indicates Petitioners' Petition for Writ of Prohibition signed December 22, 2025, upon being docketed by the Clerk, would be considered filed on November 4, 2025. While Petitioners added context to this Petition, including in response to the Clerk's letter to preserve our rights, we note the substance and substance regarding relief sought has not changed. While a petition for extraordinary writ will not be distributed after docketing until certain thresholds are met generally inapplicable to rehearing, which should ensure rehearing is disposed of here prior to any determination on extraordinary writ, unless repeatedly redistributed, which is publicly available information for all other petitioners, including ourselves previously, and there is no reason Petitioners or Petitioners' actions should receive different treatment or policy, which, assuming equal treatment, would ensure that even if timing were manipulated between rehearing and extraordinary writ determinations by significant periods of time, Petitioners will be able to ensure that relief sought on extraordinary writ will be determined after

determination on rehearing, given the inhibitions on extraordinary writ and on rehearing are not identical, and a successive extraordinary writ could be appropriate under certain change(s) in circumstance(s), separate from any available rehearing, in the event of unforeseen, extreme alterations of general timelines. This means that, unless this Court operates entirely differently, and secretly or furtively, regarding Petitioners here, Petitioners will be able to ensure relief sought on extraordinary writ will be before this Court and in aid of active appellate jurisdiction even if it not filed pursuant to Rule 14.5, via Rule 20.2, despite relief not being the same as appellate review and only existing under extraordinary writ criterion, and decided after rehearing has been disposed of in the event rehearing is not granted. Providing this is no indication of expectation of this Court to do anything untoward, but we have seen much worse and merely identify that any effort in such direction would be easily counteracted, in hope we would never have to do as much.

I am over 21, a party to this proceeding and could and would testify competently to information provided herein if called to. I declare under penalty of perjury that the foregoing is true and correct. Executed on December 22, 2025 in Hennepin County, Minnesota.

s/ Joseph Rued
Joseph Daryll Rued
9007 Avila Cove
Eden Prairie, MN 55347
239)276-4056
rued.joseph@yahoo.com

Appendix OO

SPRUEME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

December 5, 2025

Joseph Daryll Rued
9007 Avila Cove
Eden Prairie, MN 55347

RE: "Petition for Writ of Prohibition and,
Alternatively, Rule Nisi"
In Re Rued, et al.

Dear Mr. Rued:

Returned are all 40 booklet copies and on 8.5 by 11-inch copy of your "Petition for Writ of Prohibition and, Alternatively, Rule Nisi" postmarked on November 4, 2025 and received on November 12, 2025, which fails to comply with the Rules of this Court.

The Rules of this Court make no provision for filing a petition for writ of prohibition and, alternatively, rule nisi. To the extent you are seeking to file a petition for an extraordinary writ of prohibition, the cover and body of your petition must reflect only that.

Please be advised only an attorney practicing before the United States Supreme Court may file a document in representative capacity. Rule 9.1. Names of persons other than attorneys or a party

appearing pro se may not be listed on the cover of the petition, list of parties, or signature lines. Rule 9.1. Additional text should be removed (e.g., "o/b/o W.O.R.; a minor child).

Your check in the amount of \$300 is herewith returned.

Kindly correct the petition so that it complies in all respects with the Rules of this Court and return it to this Office promptly so that it may be docketed. Unless the petition is submitted to this Office in corrected form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

Three copies of the corrected petition must be served on opposing counsel. Rule 29.3.

Sincerely,
Scott S. Harris, Clerk
By: *s/Pipa Fisher*
Pipa Fisher
(202) 479-3019

Appendix PP

SPRUEME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

January 23, 2026

Joseph Daryll Rued
9007 Avila Cove
Eden Prairie, MN 55347

RE: "Petition for Writ of Mandamus to the
Office of the Clerk, United States Supreme
Court"

"In Re Rued, et al."

Dear Mr. Rued:

Returned are all 40 booklet copies and on 8.5
by 11-inch copy of your "Petition for Writ of
Mandamus to the Office of the Clerk, United States
Supreme Court" postmarked on January 7, 2025 and
received on January 13, 2026, which fails to comply
with the Rules of this Court.

The Rules of this Court make no provision for
filing a petition for an extraordinary writ of
mandamus directed to the Supreme Court of the
United States.

Your check in the amount of \$300 is herewith
returned.

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Sincerely,
Scott S. Harris, Clerk
By: s/Pipa Fisher
Pipa Fisher
(202) 479-3019

Appendix QQ

SPRUEME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

February 13, 2026

Joseph Daryll Rued
9007 Avila Cove
Eden Prairie, MN 55347

RE: "Petition for Writ of Prohibition"
In Re Rued, et al.

Dear Mr. Rued:

Returned are all 40 booklet copies and on 8.5 by 11-inch copy of your petition for an extraordinary writ of prohibition originally postmarked on November 4, 2025 and received again on January 13, 2026, which fails to comply with the Rules of this Court.

They are returned for failure to reflect the changes requested in prior correspondence.

The Rules of this Court make no provision for filing a petition for writ of prohibition and, alternatively, rule nisi. To the extent you are seeking to file an extraordinary writ of prohibition, the jurisdiction section and body of your petition must reflect only that.

Please be advised only an attorney practicing before the United States Supreme Court may file a

document in representative capacity. Rule 9.1.
Names of persons other than attorneys or a party
appearing pro se may not be listed on the cover of the
petition, list of parties, or signature lines. Rule 9.1.
Additional text should be removed (e.g., "o/b/o
W.O.R., a minor child).

Your check in the amount of \$300 is herewith
returned.

Kindly correct the petition so that it complies
in all respects with the Rules of this Court and return
it to this Office promptly so that it may be docketed.
Unless the petition is submitted to this Office in
corrected form within 60 days of the date of this
letter, the petition will not be filed. Rule 14.5.

Sincerely,
Scott S. Harris, Clerk
By: s/Pipa Fisher
Pipa Fisher
(202) 479-3019

Appendix RR

SPRUEME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

February 26, 2026

Joseph Daryll Rued
9007 Avila Cove
Eden Prairie, MN 55347

RE: "Motion to Direct the United States
Supreme Court to Docket..."
"In Re Rued, et al."

Dear Mr. Rued:

Returned are all 11 copies of your above-referenced on February 25, 2026, which fails to comply with the Rules of this Court.

The Rules of this Court make no provision for filing a "motion to direct the United States Supreme Court Clerk of Court to file either or both of petitioners' petitions for extraordinary writ (re)-submitted January 7, 2026."

Please be advised that the Clerk receives documents for filing with the Court and has authority to reject any submitted filing that does not comply with these Rules. Rule 1.1.

Your documents are herewith returned.

- 339 -

Sincerely,
Scott S. Harris, Clerk
By: s/Pipa Fisher
Pipa Fisher
(202) 479-3019

Appendix SS

SPRUEME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

February 26, 2026

Joseph Daryll Rued
9007 Avila Cove
Eden Prairie, MN 55347

RE: "Petition for Writ of Mandamus to the
Office of the Clerk, United States Supreme
Court"

"In Re Rued, et al."

Dear Mr. Rued:

Returned are all 40 booklet copies and on 8.5
by 11-inch copy of your "Petition for Writ of
Mandamus to the Office of the Clerk, United States
Supreme Court" postmarked on January 7, 2025 and
received again on February 25, 2026, which fails to
comply with the Rules of this Court.

As previously stated, the Rules of this Court
make no provision for filing a petition for an
extraordinary writ of mandamus directed to the
Supreme Court of the United States.

Your check in the amount of \$300 is herewith
returned.

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Sincerely,
Scott S. Harris, Clerk
By: s/Pipa Fisher
Pipa Fisher
(202) 479-3019

Appendix TT

No. _____

IN THE
SUPREME COURT OF THE UNITED
STATES

In re Rued, et al, I & II

**Motion to Direct the United States Supreme
Court Clerk of Court to Docket Petitioners'
Petition for Writ of Mandamus to the United
States Supreme Court Clerk of Court Submitted
on January 7, 2026 Which Adequately Complies
With the Rules of This Court and Petitioners'
Petition for Writ of Prohibition to the Eighth
Circuit Re-Submitted on January 7, 2026 Which
Also Adequately Complies With the Rules of
This Court**

**MOTION TO DIRECT THE UNITED
STATES SUPREME COURT CLERK OF
COURT TO FILE EITHER OR BOTH OF
PETITIONERS' PETITIONS FOR
EXTRAORDINARY WRIT
(RE-)SUBMITTED ON JANUARY 7, 2026**

Joseph Rued, also o/b/o W.O.R., a minor child; Scott
Rued; Leah Rued Common Contact Point:
9007 Avila Cove
Eden Prairie, MN 55347

(239)276-4056
rued.joseph@yahoo.com

Pro Se Movants

QUESTION PRESENTED

Pursuant Supreme Court Rule 21, Movants and Petitioners Joseph Rued, also o/b/o W.O.R., a minor child, Scott Rued, and Leah Rued respectfully request the Court to direct its Clerk to file Petitioners' Petitions for Extraordinary Writ, *In re Rued, et al I and II*. Petitioners filed a Petition for Writ of Prohibition which the Clerk refuses to docket on the basis of Joseph Rued's failure to comply with Rule 9.1 and because Petitioners' Petition for Writ of Prohibition also seeks relief in the alternative under §1651. Joseph Rued is not an attorney and the Rules of this Court, as well as a litany of this Court's precedent, provide no support that a writ of prohibition cannot be also pled in the alternative under mechanisms that can also adequately achieve targeted relief requested, which regularly occurs in this Court. Given the unreasonable and invidious application of the Rules of this Court applied to Petitioners by the Clerk, Petitioners filed a Petition for Writ of Mandamus seeking to require the Clerk to perform the ministerial duty of docketing Petitioners' Petition for Writ of Prohibition which adequately complies with the Rules of this Court. The Clerk refused to docket Petitioners' Petition for Writ of Mandamus on the basis of its own fraudulent assertion that such Petition targeted relief, not against Mr. Harris and Ms. Fisher, but this Court, itself. Petitioners now seek relief under Motion.

THE QUESTION PRESENTED IS:

Should the Court direct its Office of the Clerk to docket Petitioners' Petition for Writ of Prohibition and/or Petition for Writ of Mandamus?[]

OPINIONS BELOW

Petitioners' Motion is based upon letters from the United States Clerk of Court issued on January 23 and February 13, 2026 returning Petitioners' respective Petitions for Writ of Mandamus and Prohibition undocketed on grounds of failing to comply with the Rules of this Court (App-1-; -3-), relates to both proceedings for extraordinary writ, and may be adequately addressed through either proceeding.

The Orders below at issue in 25-420 for which Petitioners seek a Writ of Mandamus requiring the Clerk[] to docket Petitioner's Petition for Writ of Prohibition in support of jurisdiction under §1254(1) are from the Eighth Circuit Court of Appeals in *Rued, et al v. Jayswal, et al*, *Rued, et al v. Hudson, et al I and II*, *Rued, et al v. Judge Hatcher, et al*, and *In re Rued, et al I-IV*, which were all petitioned for rehearing and denied, and, with respect to Petitioners' relief sought in the alternative, under Rule Nisi also from the Minnesota District Court in the same proceedings. App.-6-.

The Orders below at issue in 25-420 for which Petitioners seek Writ of Prohibition are from the Eighth Circuit Court of Appeals in *Rued, et al v. Jayswal, et al*, *Rued, et al v. Hudson, et al I and II*, *Rued, et al v. Judge Hatcher, et al*, and *In re Rued, et al I-IV*, which were all petitioned for rehearing and denied, and, regarding Petitioners' alternative relief sought, also from the Minnesota District Court in the

same proceedings excepting *In re Rued, et al I-IV*. App-46.

JURISDICTION

Petitioners' Petitions for Writ of Mandamus (*In re Rued, et al I* (App.-5-)) and Writ of Prohibition (*In re Rued, et al II* (App.-45-)) were returned undocketed based upon determinative via letter by the Clerk on January 23, 2026 (App.-1-) and February 13, 2026 (App.-3-), respectively. Petitioners' Motion is sought pursuant to Supreme Court Rule ("Rule") 21.

The jurisdiction of this Court for Petitioners' Writ of Mandamus[] to docket Petitioners' Petition for Writ of Prohibition []is invoked under 28 U.S.C. §1651(a) and, for Petitioners' Writ of Prohibition, under 28 U.S.C. §1651(a) and, alternatively, also under §1651(b). The relief sought in Petitioners' Petition for Writ of Mandamus is in support of this Court's appellate jurisdiction under 28 U.S.C. §1254(1) (see 25-420). Petitioners filed Petition for Writ of Prohibition related to the following cases at issue in 25-420 on November 4, 2025: *Rued, et al v. Jayswal, et al.* (order and judgement entered April 9, 2025; rehearing denied on May 6, 2025; mandate issued May 14, 2025), *Rued, et al v. Hudson, et al I and II* (orders and judgements both entered on April 9, 2025; rehearing(s) were denied on May 6, 2025; mandates both issued May 14, 2025), *Rued, et al v. Judge Hatcher, et al* (order and judgement entered April 9, 2025; rehearing denied on June 4, 2025; mandate issued June 12, 2025), and *In re Rued, et al I-IV* (orders, judgements, and mandates all entered March 31, 2025; rehearing(s) were denied on May 14, 2025), which were all petitioned for rehearing and denied, and, with respect to Petitioners' relief sought in the

alternative, also from the Minnesota District Court in the same proceedings, excepting extraordinary writs, with all Orders issued March 11, 2025 and Judgements issued March 12, 2025, except for *Rued, et al v. Hudson, et al II*, which issued March 14, 2025. Such Petition for Writ of Prohibition in this Court (*In re Rued, et al I*) was returned undocketed with directions to correct and refile within 60 days, pursuant to December 5, 2025 Letter from the Clerk of Court (App-96-). This Court denied Certiorari on December 8, 2025 and Petitioners filed for Rehearing on December 22, 2025. Petitioners have complied with the Clerk of Court's December 5, 2025 letter with respect to everything the Clerk has requested that is reasonably supported under rules and law and does not unlawfully require Petitioners to forfeit protected rights and[] refiled Petition for Writ of Prohibition within 60 days of the Clerk's letter while this Court's appellate jurisdiction over these actions remains operative in 25-420, the docketing of which relief sought in Petitioners' Petition for Writ of Mandamus targets. App.-7-8-.

The jurisdiction of this Court for Petitioners' Petition for Writ of Prohibition is invoked under §1651(a) and, alternatively, through Rule Nisi, under §1651(b). The relief sought herein is in support of this Court's appellate jurisdiction under §1254(1) in 25-420. Petitioners filed Petition for Writ of Prohibition related to the following cases at issue in 25-420 on November 4, 2025: *Rued, et al v. Jayswal, et al* (order and judgement entered April 9, 2025; rehearing denied May 6, 2025; mandate issued May 14, 2025), *Rued, et al v. Hudson, et al I and II* (orders and judgements both entered on April 9, 2025; rehearing(s) were denied on May 6, 2025; mandates both issued May 14,

2025), all included in the Appendix, *Rued, et al v. Judge Hatcher, et al* (order and judgement entered April 9, 2025; rehearing denied on June 4, 2025; mandate issued June 12, 2025), and In re Rued, et al I-IV (orders, judgements, and mandates all entered March 31, 2025; rehearing(s) were denied on May 14, 2025), which were all petitioned for rehearing and denied, and, with respect to Petitioners' relief sought in the alternative, also from the Minnesota District Court in the same proceedings, excepting extraordinary writs, with all Orders issued March 11, 2025 and Judgements issued March 12, 2025, except *Rued, et al v. Hudson, et al II*, which issued March 14, 2025. Such Petition was returned undocketed with directives to correct and refile within 60 days. This Court denied Certiorari on December 8, 2025 and Petitioners filed for Rehearing on December 22, 2025. Petitioners have complied with directives from the Clerk with respect to everything the Clerk has requested that is reasonably supported under rules and law and does not unlawfully require Petitioners to forfeit federally protected rights and refile[] Petition for Writ of Prohibition within 60 days of the Clerk's letter []while this Court's appellate jurisdiction over these orders remains operative. App.-46-47-

CONSTITUTIONAL AND STATUTORY PROVISIONS

U.S. Const. Amend. I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

U.S. Const. Amend. V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

28 U.S.C. §1651(a)

The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

28 U.S.C. §2072(b)

(b) Such rules shall not abridge, enlarge or modify any substantive right. All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect.

MOTION

Petitioners (Joseph Rued (also "Rued"), also o/b/o W.O.R., a minor child; Scott Rued; Leah Rued, also "Movants") move the Court to direct its Clerk to file one or both of Petitioners' Petitions for Extraordinary Writ submitted to this Court through the Clerk's Office on January 7, 2026 and again on February 19, 2026.

I. RELEVANT FACTS

Petitioners filed a Petition for Extraordinary Writ to the Eighth Circuit in 2025—the Clerk returned the Writ undocketed and requested changes in concert with Rule 14.5 in order for such Petition to be filed, which included Joseph Rued not representing W.O.R. pursuant to Rule 9.1. Rule 9.1 does not apply to Joseph Rued, a non-attorney, and there is no basis to construe this Court's third-party standing holdings as authorized from or through attorney or counsel status or the Rules of this Court. Accordingly, such provisions the Clerk with no basis or discretion to inhibit the docketing of Petitioners' Prohibition Petition and, absent authorization to not docket Petitioners' Prohibition Petition due to lack of compliance with Court Rules, the Clerk has no discretion to not docket Petitioners' Petition for Writ of Prohibition and Petitioners have a right for such Petition to be docketed. Resultingly, when Petitioners refiled their Petition for Writ of Prohibition (*In re Rued, et al II* (App.-45-87-)), Petitioners, either concurrently or prior to filing *In re Rued, et al II*, also filed a Petition for Writ of Mandamus directed to the Clerk to require Petitioners' Petition for Writ of Prohibition to be docketed (*In re Rued, et al I* (App.-5-44-)).

In re Rued, et al I was received by the Clerk on January 13, 2026 and on January 23, 2026 the Clerk returned Petitioners' Petition for Writ of Mandamus undocketed for "fail[ing] to comply with the Rules of this Court" on the basis that Petitioners' Petition sought a writ of mandamus, not to specific officers of the court, but to the Supreme Court of the United States, itself.

The Rules of this Court make no provision for

filing a petition for an extraordinary writ of mandamus directed to the Supreme Court of the United States. App.-1-

Of course, the Clerk of Court is not the Supreme Court, which is only a plurality or more of the Justices of the Supreme Court, as the Clerk is an officer of the court, just like an individual justice or dissenting segments of Justices are not the Supreme Court and cannot unilaterally issue anything on behalf of or under authority of the Supreme Court, apart from temporary orders preserving the issues for the Supreme Court to decide, and other employees of the Supreme Court are not, themselves, the Court. *In re Rued, et al II* was received by the Clerk January 13, 2026 and returned undocketed on February 13, 2026 based upon Rule 9.1 and such Petition also seeking relief in the alternative, requesting corrections within 60 days pursuant to Rule 14.5:

The Rules of this Court make no provision for filing a petition for writ of prohibition and, alternatively, rule nisi. To the extent you are seeking to file a petition for an extraordinary writ of prohibition, the jurisdiction section and body your petition must reflect only that. Please be advised only an attorney practicing before the United States Supreme Court may file a document in representative capacity. Rule 9.1. Names of persons other than attorneys or a party appearing pro se may not be listed on the cover of the petition, list of parties, or signature lines. Rule 9.1. Additional text should be removed (e.g., "o/b/o W.O.R., a minor child). App.-3-4-

Clerk directives related to the jurisdiction section,

while new, are essentially encompassed as the body of the Petition (see Rule 33.1(d): “[v]erbatim quotations required under Rule 14.1(f) [], if set out in the **text of a brief** rather than in the appendix, are also excluded” (emphasis added), so there is no meaningful difference in the directives of the Clerk in its December 5, 2025 and February 13, 2026 letters (App.-95-96-); except that there is as little support for asserting including 28 U.S.C. 1651(b) as alternative or additional jurisdiction inhibits docketing of the Petition, as pleading alternatively in the body, if the two can be separated, because alternative or additional jurisdiction may be included and the relevant issue for docketing would be if jurisdiction was not specifically or adequately asserted, not whether any additional/alternative jurisdiction(s) are also identified. Petitioners have no need to update the Mandamus Petition to include the jurisdictional section directive because Petitioners address directives related to the body of the Petition and specifically addressed such issues under equal protections with other litigant’s utilization of alternative jurisdiction (App.-28-), which was docketed for other litigants and the Clerk claims such prevents Petitioners’ Petition from being docketed.

In the end, the only relief sought on mandamus or fundamentally through this Motion is for Petitioners’ Petition for Writ of Prohibition to be docketed, so facts like Rued is not an attorney are relevant and Petitioners incorporate Appendix letters LL and OO, other than by reference, from Petitioners’ Petition for Writ of Mandamus. Regarding application of Rule 9.1, the Clerk is utilizing the same mechanics as Petitioners have previously dealt with and previously had their petitions docketed (see 25-420;

23-986; 23A829), including only after filing for relief under mandamus:

[Rued]: I'm wondering what about the Petition fails to conform with 9.1?

[Clerk]: Yes, so the issue was on the cover of the Petition it lists your name, I believe, on behalf of a minor child...And so that is not allowed. So, it was like that on the cover and in the parties to the Petition. And so, it is clear to me that it looks like maybe there was a minor child at some point a Petitioner in the lower court, but you are not allowed to put yourself as proceeding on behalf of a minor child here in the Supreme Court.

Rued: And so that comes from Rule 9.1 and I assume that first sentence[]?

[Clerk]: Yes.

Rued: And so, that's about an attorney and I'm not an attorney.

[Clerk]: Right, it doesn't matter and that's my entire point. So, because you are not an attorney you cannot proceed on behalf of anyone.

Rued: Even when our interests are exactly aligned and—

[Clerk]: one hundred percent.

Rued: And so, *Singleton v. Wulff* is not controlling here?

[Clerk]: I have no idea what your question is, but I'm just letting you know that that would need to be corrected in order for the Petition to

be placed on the docket. I mean, that's not something that's debatable.

Rued: So, if I send this back to you won't correct it or you won't docket it?

[Clerk]: If it was sent back in the exact same way it was sent to us, correct, because myself and my colleagues reviewed it and it did not comply.

Rued: And you understand that I'm challenging the Constitutionality of the holding that I can't represent my child in this matter?

[Clerk]: It does not matter. You cannot proceed on behalf of a child here in the Supreme Court if you are not an attorney.

Rued: And you are not aware of *Singleton v. Wulff* (1976)?

[Clerk]: It's not my job to defend the rules of the court. I'm just letting you know that that would not be able to be docketed in the way that it was submitted to us previously.

Rued: [D]o you view that as a judicial or quasi-judicial determination given[]—

[Clerk]: I'm not sure I understand your question. I mean the bottom line remains that the way that it was submitted to the clerk's office, it is not able to go on the docket. In order for it to go on the docket it needs to comply with the rules of the court in all aspects.

Rued: Right, but you are reading Rule 9.1 and you are changing the word 'attorney' to be 'non-attorney person.'

[Clerk]: Any person seeking to file here in the Supreme Court under representative capacity must be admitted to the bar of the court. So, it doesn't matter. If you are not counsel and not admitted to the bar of the court you cannot proceed on behalf of someone.

Rued: Where can I find *that* Rule?

[Clerk]: It's Rule 9.1.

[Rued]: So, you are saying that there are no circumstances in which a person can represent their child in the Supreme Court or federal court.

[Clerk]: I'm saying if you are not counsel and [admitted to the bar of the Court you cannot represent a child. It doesn't matter if you are a parent or not.

Rued: And you are not aware of *Singleton v. Wulff*?

[Clerk]: Again, [t]his is the rules of the court and I understand that this is not the answer you wanted, and I understand that you may be frustrated but that's the bottom line. Did you have any other questions?

Rued: No, you aren't giving me much of a choice here.

[Clerk]: [T]hat's the answer [I] have for you, unfortunately. App.-88-91-.

II. REASONS THE COURT SHOULD GRANT RELIEF REQUESTED

Docketing of a petition is simply the

consummation of its filing—one cannot genuinely file in this Court if the Clerk does not docket the filing, rendering the action of docketing essential to and well within this Court's appellate jurisdiction, including for purposes of the All Writs Act. In *In re Lyon*, 519 U.S. 1075, 117 S. Ct. 735, 136 L. Ed. 2d 675 (1997), a petitioner sought to include a patent drawing that could not easily be reproduced in booklet format in a petition for writ of certiorari, which this Court denied—this establishes motions to direct filing or docketing of petitions that *do not comply* with Rules may be filed and ruled upon, but does not establish that because a motion *can be* filed certain relief should not be addressed through mandamus (e.g., *Dep't of Homeland Sec. v. D. V. D.*, 145 S. Ct. 2627, 2630, 222 L. Ed. 2d 1155 (2025)). Movants believe the proper procedure for causing the Clerk to docket a petition that *does comply* with the Rules of this Court is mandamus because there is no discretion on the part of the Clerk to not docket such Petition and Petitioners have a corresponding right to such docketing under the First and Fifth Amendments in conjunction with 28 U.S.C. §1651, unless the Clerk is not subject to Constitution, which is both legally untenable and not the case. Irrespective of reality, by filing this Motion, Petitioners ensure that whatever the case may be with respect to addressing un-authorized actions or the lack thereof of necessary actions of this Court's Clerk the waterfront is covered and Petitioners/Movants will be able to achieve the relief sought, which is merely the docketing of Petitioners' Petition for Writ of Prohibition.

The relief sought under this Motion could be achieved by directing the Clerk to docket *In re Rued, et al I*, Petitioners' Petition for Writ of Mandamus to

the Clerk, which will then cause ruling facilitating the docketing of Petitioners' Petition for Writ of Prohibition—either way, the relief fundamentally targeted under Mandamus and this Motion is identical. This creates no fundamental problem for Movants/Petitioners because the Clerk's letter or determinations are not reviewable on appeal or otherwise and if this Motion does not lie to procure Movants' relief requested, Mandamus absolutely will—this Court can grant relief under Motion or Mandamus and Movants/Petitioners do not care which mechanism might be used. For these reasons, the bases for granting Movants' Motion overlap with and include the reasons for granting Petitioners' Petition for Writ of Mandamus, which Movants incorporate, not by reference, with citation provided only to avoid self-plagiarism, though the following is not provided as a technical quotation and alterations from Mandamus Petition are bracketed only for ease of reference for the reader of both.

[MOVANTS] RIGHT [FOR THEIR PETITION FOR WRIT OF PROHIBITION TO BE DOCKETED] IS CLEAR AND INDISPUTABLE.

This Court has both authority and duty to oversee its officers and ensure that such officer's actions comply with Constitutional requirements:

There is inherent in every court a power to supervise the conduct of its officers[.] [*Griffin v. Thompson*, 43 U.S. 243, 257, 11 L.Ed. 253 (1844).]

If the Clerk's Office did not have to abide by Constitutional requirements or was un-subject to this Court's authority, then such would be superior to this Court and the Constitution, and this Court would be impotent, apart from dependence upon the discretion

of its Clerk, to ensure its provisioned processes, including appellate jurisdiction, comply with rule, statute, Constitution, reason, and purpose.

It is clear that the Clerk of Court for the Supreme Court of the United States is an officer of this Court (see, publicly available, <https://www.supremecourt.gov/about/about.aspx> under tab "Court Officers," specifically identifying "Clerk Scott S. Harris" as a court "officer"): At least the Eighth and D.C. Circuits have also adduced what is clear and Petitioners also assert regarding this Court's duty and authority to oversee the conduct of its Clerk's Office (e.g., *In re Lyon*, 519 U.S. 1075...(1997)):

The Supreme Court...has inherent supervisory authority over its Clerk....See...*Chambers v. NASCO, Inc.*, 501 U.S. 32, 111 S.Ct. 2123, 2132...(1991)...[generally]...recognizing that courts possess powers that "are governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases"...**Thus**, "it is the right and duty of the [Supreme] Court...to correct the irregularities of its officer and compel him to perform his duty." *In re Marin*, 956 F.2d 339, 340 (D.C. Cir. 1992) (last alteration in original; all but one citation omitted; **emphasis** added [(see also] *Borntrager v. Stevas*, 772 F.2d 419, 420 (8th Cir. 1985)]).

Petitioners have a clear and indisputable right to petition this Court for redress of grievances in accordance with Constitution, statute, and rule regarding unlawful actions of the Eighth Circuit or the Supreme Court's Clerks via extraordinary writ

(§1254(1); §1654; *Cheney v. U.S. Dist. Court for D.C.*, 542 U.S. 367, 380 (2004)). Such right to petition can only be vindicated with the Clerk docketing Petitioners' Petitions. Actions invidiously depriving Petitioners of the right to petition this Court for redress, absent rationale, violate plain requirements under the Fifth Amendment [to not invidiously discriminate in application of law] (*Washington v. Davis*, 426 U.S. 229, 239 (1976))—the Clerk attempting to prohibit Petitioners from seeking relief in this Court for W.O.R. is contrary to this Court's caselaw and [lacks support in] th[i]s Court[s Rules], [result[ing] in invidious deprivations of rights in violation of equal protections that also deprives due process rights[, including claims against the Eighth Circuit], of Petitioners and W.O.R. [here], absent any, much less adequate, rationale.

The Clerk's sole basis for asserting Rued cannot represent W.O.R.'s interests is application of 9.1 to Petitioners' Petition for Writ of Prohibition, which is entirely inapplicable to Rued, who is not an attorney, and the Clerk has provided no basis for the assertion that relief under extraordinary writ cannot be petitioned to be construed alternatively—both assertions by the Clerk are arbitrary, capricious, unreasonable, and result in invidious application of law depriving Petitioners' and W.O.R.'s rights to petition this Court for redress. Such actions violate equal protections applying rules and authority to Petitioners which are not applied to others similarly situated, including even with respect to Petitioners, themselves, when identically situated, inhibiting Petitioners petitioning this Court for redress that is adequately petitioned.

[] RULES [] PROVIDE THE CLERK [] WITH [NO] BASIS TO

NOT DOCKET PETITIONERS' PROHIBITION [PETITION
DUE TO RUED] REPRESENT[ING] W.O.R.'S INTERESTS:

While Rule 12 [universally] applies specifically to certiorari, 12.6 has application to documents filed, beginning "[a]ll parties to the proceeding in the court whose judgment is sought to be reviewed are deemed parties entitled to file documents in this Court" and ending with the following, which is not necessitated as applying to specific mechanism[s], appearing generally applicable, unlike 12.4:

Parties who file no document will not qualify for any relief from this Court.

W.O.R. is a party to all proceedings below and apparently, if served by Petitioners, [which should occur if not joining the Petition(s),] by rule would become a de facto respondent here, absent any possible standing, absent Rued also representing W.O.R.'s interests. The Clerk's directives for Petitioners necessarily would deprive W.O.R.'s rights to petition this Court and Rued's rights to petition on W.O.R.'s behalf, which is also protected as a right to care for his son in accordance with law.

[S]uch actions by the Clerk are independently unlawful on a number of further bases. This Court's holdings regarding third-party standing are clear—the Clerk's application of this Court's Rules here, apart from the unreasonable and invidious application of 9.1 to non-attorneys, is action also prohibited by statute in that such application of this Court's Rules results in a substantive alteration of law affecting established rights (28 U.S.C. §2072(b); see also *Washington-S. Nav. Co. v. Baltimore & Philadelphia Steamboat Co.*, 263 U.S. 629, 635-36 (1924)), generating multi-dimensional separations of powers

violations, including on behalf of Congress and this Court through necessarily imputing un-authorizable delegation]. These actions by the Clerk are also prohibited under equal protections on multiple bases, as this Court's holdings regarding third-party standing are applied differently to Petitioners, despite Rued and W.O.R.'s interests being parallel and intertwined, Rued's and W.O.R.'s independent injuries in fact, and the proximity of Rued and W.O.R.'s relationship, than to similarly situated parties in this Court's caselaw (*Singleton v. Wulff*, 428 U.S. 106, 114, 115, and 117 (1976)—these circumstances between W.O.R. and Rued clears even dissents in *Singleton v. Wulff* (1976) and *Powers v. Ohio* (1991), comports with concurrence in judgement in *Unified School Dist. v. Newdow* (2004), highlighting what the federal domestic relations exception is, and is also supported by the holdings of the Court in *Georgia v. McCollum* (1992)), and, additionally, such is applied differently to Petitioners in 23-986, 25-420, 23A829, and 25A571 wherein Petitioners are *identically situated with respect to these issues as to themselves here*.

In order to delink W.O.R.'s and Rued's shared injuries and resulting parallel and interwoven interests and claims, one would have to determine that W.O.R.'s interests should be served only through denying due process related to his abuse and maltreatment, also violating child maltreatment laws, for determinations regarding his own welfare, through basing determinations of association and W.O.R.'s confinement upon demonstrable perjury, and, through federal actors joining such conspiracy to deprive his rights, denying W.O.R. redress afforded under law in violation of Fifth Amendment requirements. The Supremacy Clause inhibits any such applications of

law that result in subordinating Constitution to other considerations—it is beyond judicial power to determine that the Constitution should not apply to W.O.R., in addition to being contrary to this Court's caselaw, which, generally, applies with equivalent force *in this Court*, as well as any other venue [(*Palmore v. Sidoti*, 466 U.S. 429, 432 (1984))]. Rued cannot play basketball or fish with his son *and* W.O.R. cannot do the same with his Father, who is W.O.R.'s closest relationship in the world—Petitioners have a Constitutional right to liberty, which may not be unlawfully deprived, as it is here, with which Petitioners may play basketball together and enjoy other rights of association and liberty. Petitioners also have a Constitutional right to seek vindication of such liberty interests. Clearly, requirements under equal protections are violated by the Clerk (or this Court) depriving Rued's ability to represent W.O.R.'s interests absent adequate rationale (*Village of Willowbrook v. Olech*, 528 U.S. 562 (2000); 18 U.S.C. §241, §242).

This Court has provided analysis of what constitutes an attorney relevant to these circumstances supporting Petitioners' assertion that the Clerk's application of Rule 9.1 is arbitrary, capricious, unreasonable, invidious, and absent adequate rationale (*Kay v. Ehrler*, 499 U.S. 432 (1991)), highlighting an inherent differentiation between litigant and attorney held by this Court, even when both are subjected to bars, generating further bases upon which the Clerk violates equal protections requirements here. The Court's analysis of the incompatibility of litigant as counsel highlighted the following differences (*Ibid.* at 434-435 and 437):

- Paying relationships exist between

attorneys and clients.

- Attorneys are not both claimant and advocate.
- The question regarding “whether a lawyer who represents himself should be treated like **other pro se litigants** or like a **client** who has had the benefit of the advice and advocacy of **another independent attorney**” is at issue (**emphasis added**).[]
- “[A]n organization is not comparable to a *pro se* litigant [in such analysis], because the **organization is always represented by counsel**, whether in house or *pro bono*, and thus there is always an **attorney-client relationship**” (**emphasis added**).

It would be strange [and unreasonable] for claimant status to eclipse attorney essence for attorneys at such time and place when one is both and then for such same mechanics to generate attorney substance for non-attorneys because such are claimants, as is necessitated by the Clerk’s assertions here. Petitioning in this Court cannot cause non-attorneys to become attorneys subject to rules cognizably applicable only with respect to attorneys subjected to bar requirements. Such is easily demonstrable: Rued, upon vindication of petitioning, will still not be subjectable nor establish admissibility to any relevant jurisdiction’s bar.

The word ‘attorney’ in 9.1 utilized by the Clerk in application to Rued implicitly defines an ‘attorney’ as subsection-able to a bar, when Rued is not—9.1 inhibits any *attorney* practicing here absent

admittance to this Court's bar. Rule 5 relates only to attorneys and counselors. W.O.R. is not Rued's 'client,' Rued is not an 'attorney,' and no Petitioner is subjected to any bar anywhere, as, certainly, neither are Petitioners' Constitutional rights or rights to petition this Court for appropriate redress[:]

An attorney seeking to file a document in this Court in a representative capacity must first be admitted to practice before this Court as provided by Rule 5[] 9.1—first sentence.

Under a logically integrated and cogent application of the determinations of the Clerk applied to Petitioners here, Petitioners would not be able represent their own persons in this Court without being admitted to the bar, as all *representations* are defined to adopt the role of counselor or attorney subject to a bar in the Clerk's application of 9.1 to Petitioners here. Negating Petitioners' own ability to represent their own person in petitioning this Court on the basis that such persons are not admitted to the bar of this Court is inconsistent with this Court's holdings (*Securities & Exchange Commission v. Sloan*, 436 U.S. 103 (1978)) and would require this Court to alter Constitutionally sound legislation (§1254(1), §1651, and §1654), violating separations of powers (*Ex Parte United States*, 242 U.S. 27, 51-52 (1916)).

All of these logical absurdities derive from the Clerk claiming to determine that Rued is both an attorney and non-attorney at the same time and place for purposes of the Clerks' application of 9.1, which requires both to be true at the same time. No one can utter "I am not speaking" as factually declarative of the veracity of such utterance with such being accurate, true, or not unreasonable because such is

internally inconsistent, or definitionally false. Yet, this is the authority the Clerk effectively asserts possession of in the application of Rules to Petitioners here, claiming not merely superpowers, but *supra*-power—power that is beyond what is conceivable, which is arbitrary, capricious, and unreasonable.

While all petitioners to Petitioners' Petition for Writ of Prohibition, except for W.O.R. who Joseph Rued stands for, may, in essence, stand in the place of attorney (*Business Guides v. Chromatic Comm. Enterprises*, 498 U.S. 533, 558 (1991)), in that they are a representative (of themselves) in the proceeding, such does not somehow cause them to be alchemized and subjectable to any bar or to become an attorney for purposes of applications of Rules. The concept that citizens' Constitutional rights would be subject to bar admittance, or a bar in any way, would be deeply unconstitutional and result in citizens' Constitutional rights being subject to a lack of separations of powers by the judiciary, which has been known to be inherently tyrannical prior to ratification of the Constitution [(*Loving v. United States*, 517 U.S. 748 (1996) (see also *The Federalist* No. 47, p. 324...(Madison) as cited in *INS v. Chadha*, 462 U.S. 919, 960 (1983) (Concurrence))]. Petitioners' claims are intertwined with W.O.R.'s and Petitioners' Petition for Writ of Certiorari, Rehearing, and Prohibition are the only means of asserting W.O.R.'s rights, which are all actionable under law.

W.O.R. is a person and is not an artificial entity. Rued is not being paid for his services and there are no *pro bono* actions by Petitioners here. Petitioners have no relation to 9.1 beyond that such's "party[] name, address, and telephone number shall appear," which was moved in the latest iteration of Supreme Court

Rules from headings confining such directives to petition "cover[s]" in 34(1)(f) to 9.1 with specific indication that no substantive change is reflected—this language applies to filing(s)' covers. Petitioners selecting a single point of contact for ease for themselves, Respondents, and this Court is not prohibited, and any requisite names, addresses, or telephone numbers appear in Petitioners' Petition for Writ of Prohibition.

[THIS COURT'S RULES DO NOT PROVIDE THE CLERK'S OFFICE WITH BASIS TO NOT DOCKET PETITIONERS' PETITION FOR WRIT OF PROHIBITION ON THE GROUNDS THAT SUCH SEEKS RELIEF THAT COULD BE OTHERWISE CONSTRUED TO ACHIEVE AN EQUIVALENT EFFECT.

The Clerk's directives to cause the body[, including the jurisdiction section,] of Petitioners' Petition for Writ of Prohibition to not mention other mechanisms of relief under which Petitioners' claims may be alternatively construed and adjudicated in order for such Petition to be docketed has no support in the [R]ules, nor does the Clerk even cite to any possible support, and results in effecting an invidious application of law depriving Petitioners' right to petition in accordance with clear precedent from this Court and contrary to other litigants sufficiently similarly situated. As is clear from this Court's precedent, along with regular occurrence from numerous litigants and filings in this Court, there is no inhibition against petitioning for relief under a specific mechanism and identifying that such relief can be alternatively construed or requesting consideration of such alternative means under which adequate relief may be construed, even when relief is sought in application through exceptions to booklet requirement, including even when relief may

alternatively be construed under...mechanisms that can only be properly petitioned through booklet [format (*Nken v. Mukasey*, 555 U.S. 1042, 129 S. Ct. 622, 172 L. Ed. 2d 474 (2008))].

In 22A17, the Solicitor General filed the following with this Court, which was docketed:

The Application for a stay of the district court's judgement vacating the Guidance should be granted. At a minimum, the Court should stay the district court's judgement outside Texas and Louisiana. In addition, the Court may wish to construe this application as a petition for a writ of certiorari before judgement, grant the petition, and set this case for argument in the fall. Cf. *Nken v. Mkasey*, 555 U.S. 1042 (2008). July 8, 2022 Application[].

Neither the Court nor Clerk held or asserted such could not be *docketed* because the Rules of this Court make no provision for also seeking relief in the alternative under such mechanisms, despite lack of specified provisions authorizing such under rule(s) [(Rule 22, 23; e.g., *United States v. Texas*, 143 S. Ct. 51, 213 L. Ed. 2d 1138 (2022))].

Similarly, petitions pursuant to 28 U.S.C. §1651 can be treated as petitioned under 28 U.S.C. §1254, which specifically provides no distinction between any party, type of case, or whether before or after rendition of any judgement or decree. In 18-557, in October 28, 2018 Petition for Writ of Mandamus, the litigant filed the following, which also was docketed (**emphases added**)[, and Page 2 elucidates the different treatment of Petitioners from other litigants violating equal protections from the Clerk refusing to docket Petitioners' Petition for employing the same

mechanisms that were not considered to prohibit docketing by the Clerk in 18-557]:

[A]lternative[ly], the Court could construe this [as a petition for writ of certiorari, grant the writ, and reverse] refusal to grant mandamus]. Page 15.

In the **alternative**, the solicitor general respectfully **requests** that the Court treat this petition as a petition for a writ of certiorari to review the judgements of the United States Court of Appeals for the Second Circuit in this case denying mandamus relief. Page 1.

The jurisdiction of this Court is invoked under 28 U.S.C. 1651 or, **in the alternative**, 28 U.S.C. 1254(1). Page 2. (**emphasis** on 1, 2, 15 added).

Again, the Court found no inhibition to also requesting alternative relief proscribing the *docketing* of such petition, as the Clerk purports to impose against Petitioners [(*In re Dep't of Com.*, 586 U.S. 1018, 139 S. Ct. 566, 202 L. Ed. 2d 400 (2018))].

It is unreasonable that an extraordinary writ could be alternatively petitioned under certiorari, or another writ, both as commonly occur and are docketed, and Petitioners could not file for relief under §1651(a) and alternatively under §1651(b), especially when Rule Nisi is mechanically intertwined and may be effectively construed by the Court in response to a petition under §1651(a) as the entire Court is required for final determinations (*Kimble v. Swackhamer*, 439 U.S. 1385...(1978)) and is essentially an order to show cause for why a writ under §1651(a) should not issue, that merely delays effect for basis to be provided

showing the writ should not be final at which point rule nisi is effected, which is basically a peremptory writ of some form, actionable under §1651(a), requiring compliance *while* providing an opportunity to respond. Petitioners are unaware of any indication that an individual justice could have jurisdiction to entertain claims that the broader Court would not also exercise—Rules do not mention ‘injunction,’ inhibiting docketing according to the Clerk’s logic here, yet the broader court can entertain such requests (see 25A571).

Petitioners file alternatively under §1651(b) because §1651(a) embeds traditional extraordinary writ criterion in the statutory prescription, which dictates no other adequate means of relief exist for issuance and with the existence of §1651(b), obviously equating and overlapping with (a) in form and effect, it is prudent to alternatively include (b) to avoid assertion or legal application that (a) is not available because statutorily prescribed (b), whether on application or otherwise, is available—by covering the waterfront and including alternative relief, Petitioners avoid such shenanigans as no one can reasonably assert that neither can be available because relief could be found under either, and such is entirely within Petitioners discretion to do because the Rules provide no basis to inhibit such, with the Clerk’s unreasonable actions here amounting to inhibiting the All Writs Act’s statutorily prescribed procedures on the basis that the “Rules[] make no provision” for such.]

While [Rule] 12.4 specifically limits relief seeking *certiorari* from being joined to unexcepted pleadings, such is inoperative upon relief sought under §1651 or application,[and filings subject to Rule 12.4

can include requests also in the alternative, which does not amount to joined pleadings]. There is no reasonable basis to support that the Clerk could docket petitions also seeking relief in the alternative for some forms of relief under the All Writs Act but not others [(e.g., *Chandler v. Jud. Council of Tenth Cir.* of U. S., 398 U.S. 74, 90 S. Ct. 1648, 26 L. Ed. 2d 100 (1970), *Ex parte Fahey*, 332 U.S. 258 (1947), *In re Chicago, R.I. & P. Ry. Co.*, 255 U.S. 273, 41 S. Ct. 288, 65...Ed. 631 (1921), all of which were *docketed*)]. A blanket policy applied by the Clerk that only actions specifically provisioned under the Rules of this Court may be taken by litigants would run roughshod over a litany of Constitutionally sound Congressional Acts, resulting in numerous violations of separations of powers, including altering §1651, and Rule Nisi would not be able to be sought in this Court, as the Rules do not even mention Rule Nisi or §1651(b). Of course, the fact that the Rules do not mention Rule Nisi or §1651(b) dictates that such Rules can provide no specific or additional delineation upon §1651(b) from any other mechanisms under §1651. The Clerk's attempts to impose limitations of its own devising upon Petitioners is arbitrary, capricious, unreasonable, and, given consistent precedent that other litigants are not prohibited from having petitions docketed due to also seeking relief in the alternative, irrespective of whether the alternative mechanisms are sought under §1651 or §1254, invidious action that does not comply with requirements under equal protections depriving numerous of Petitioners' rights.

[THERE ARE NO OTHER CONSIDERATIONS THAT COULD PROVIDE ADEQUATE SUPPORT FOR THE ACTIONS OF THE CLERK INHIBITING PETITIONERS' RIGHT... FOR ...

PETITIONERS' PETITION FOR WRIT OF PROHIBITION TO
BE DOCKETED SO THAT IT MAY BE DECIDED[].

The letter and directives of the Clerk can be reasonably construed as operating upon a theory that representative capacity necessary to establish third-party standing can only be exercised by an attorney, which would be true if the non-attorney litigant did not have an injury in fact[, in which case the attorney would represent another also *appearing*]—to the extent such theory is being espoused as justification for the Clerk's actions here, such is easily demonstrated as baseless and unreasonable. Additionally, Petitioners address the concept that due process for W.O.R. and Rued's right to care for his natural child would not be violated through the Clerk's actions here because Rued's rights to care for his natural child and W.O.R. would have another avenue for vindication of the rights at issue in Petitioners' Petition for Writ of Prohibition, which cannot be reasonably supported given the facts of this case. [Representative capacity of attorneys is impotent to support and irrelevant with respect to third-party standing, which can only attach through and be supported by a litigant for any other person not *appearing*].

Status as bar-admitted attorney does not confer or support anything related to third-party standing—being a bar-admitted attorney does not mean one can just file and then appear on behalf of non-clients that are also not appearing that have genuine controversies, purportedly pursuant to 9.1, any more than it would necessitate authorization to represent a person as next of friend. The only means under which an attorney could represent the interests of another that is not appearing is if the attorney also had an

injury in fact parallel and intertwined with such person that, for some reason, was impeded from asserting rights, which means the attorney *would be a litigant*. This Court's caselaw is perfectly clear regarding third-party standing attaching only to a litigant:

□ We have recognized the right of **litigants** to bring actions on behalf of third parties, provided□: the **litigant** must have suffered an "injury-in-fact," thus giving him or her a "sufficiently concrete interest" in the outcome of the issue in dispute□; the **litigant** must have a close relation to the third party□; and there must exist some hindrance to the third party's ability to protect his or her own interests. *Powers v. Ohio*, 499 U.S. 400, 410 (1991) (emphasis added).

There is no basis to construe third-party standing as possibly attaching through *representative capacity of an attorney* and not a litigant—representative capacity of attorneys and 9.1 are irrelevant to third-party standing, generally and here. [These circumstances rebut presumption that counsel would generally be available to present Petitioners' meritorious Constitutional claims, that W.O.R.'s rights could be adequately vindicated at a future time when W.O.R. is of age to bring such claims on his own behalf, or that Rued is not best positioned to litigate W.O.R.'s claims].

Given irreparable harms W.O.R. is suffering, future suits for damages against [Defendant/] Respondents once W.O.R. is of age to bring such himself does not provide adequate basis for not addressing Constitutional violations causing

irreparable harms now. No judicial officer or amount of money will be able to provide W.O.R. his childhood back or take back the abuse Respondents have wrought upon him or the impact of depriving and unduly delaying vindication of his federal, protected and statutory rights. W.O.R. has rights to and in these enforcement and protective actions and related genuine controversies for which Congress has granted concurrent state-federal jurisdiction and state law preclusion principles cannot inhibit, which cannot be properly vindicated through future damages actions. Of course, damages are not even at issue in Petitioners' Petition for Writ of Prohibition, and where damages are at issue W.O.R.'s damages claims inextricably intertwined with Rued's could be inhibited under preclusion necessitating that even legal claims can be inhibited through delay to when W.O.R. is of age to bring such[] claims.

Statutory incentivization provisioned for retainment of independent counsel subject to bars is less than forceful related to Petitioners' actions for a number of reasons and complicated further by the nature of [Defendant/]Respondent [persons]. This case has an extremely large record of relevance that would take an attorney some time to get through. Petitioners already know the record and there is great urgency in these circumstances. An attorney taking Petitioners' case(s), upon success, still risks impairment of their practice through retaliation from judges and any accompanying negative economic impact[,] mitigating...normal [statutory] incentivization[] and is []relevant[] in any analysis here applied relying simply upon potential economic gain for any independent counsel, as such force has countervailing factors present only in limited circumstances such as

these. Human nature[], and the fact that the records below demonstrate unethical, illegal, and unconstitutional conduct by persons that are judicial officers supports Petitioners raising the reality of such issues and asserting such concerns are reasonable with respect to independent counsel's evaluation of taking cases against persons that are judicial officers. These circumstances are extraordinary, generating greater complexity than for which applying analysis as if Petitioners could just zip over to the attorney store to get representation for a case of this nature to facilitate their Petition for Writ of Prohibition could justly be applicable with respect hereto.[]

Reality, here, demonstrates that it is not always true that attorneys are able to take any meritorious claims, as Petitioners have not yet found the attorney who is able to represent relevant Constitutional, both federal and state, administrative, family, juvenile, Minnesota, Federal, civil, §1983, Congressional authority, and separations of powers expertise to Petitioners also willing to take on entrenched unconstitutional positions of the judiciary at all levels of the State of Minnesota and below this Court; federally, as required here (see, publicly available, <https://rumble.com/v6y1deg-social-security-crisis-explained-child-custody-battles-are-fathers-set-up-t.html>). []These complexities have no inherent relation to Petitioners, Petitioners' claims, or the meritoriousness of Petitioners' claims. No judicial officer at every possible level in the state and country has reached Petitioners' federal claims, which inherently supports the validity of Petitioners' federal redress sought, and also mitigates against applying concepts that pro se barriers to litigation entry provide no filtering impact or holding certain claims cannot be

brought pro se is Constitutional because attorneys are always available for any meritorious claims, all of which cannot reasonably apply here where so much time, energy, and resources are required to even present these federal claims. Holding all pro se litigation to be 'cheap' or 'free' is untrue applied absolutely or in disregard to the fact that pro se litigation could be circumstantially more costly in opportunity cost than paying attorneys. The costs in dollars, energy, and time required just procuring docketing for Petitioners' Petition for Writ of Prohibition, as Petitioners petitioned, are not inconsequential and possibly, even likely, inhibitive to many non-indigent citizens, absent even considering the informational or intellectual requirements that, alone, can be barriers to many citizens.

Reviewing the breadth of comprehension of law requisite to enforce *the docketing* of Petitioners' Petition of Writ of Prohibition demonstrates the staggering requirements unlawfully forced upon pro se litigants by the legal system in plain hopes of generating forfeit of federal claims, by some technical default or otherwise, through capriciously erecting barriers in expectation that pro se litigants will not be able to surmount such obstacles or that such impositions will result in other obstacles, including through manipulating requirements with respect to timing, thereby generated. What the Clerk requires of Petitioners, just to seek enforcement against lower judiciaries committing fraud upon the court through fabricating facts because they know Petitioners' claims cannot be inhibited, is well into five figures in cost and far exceeds the most extreme forms of literacy tests for rights far more foundational than suffrage—enforcement of Constitutional requirements

restraining tyranny and abuse that no federally elected official has power to establish/alter. Obviously, this far exceeds Jim Crow requirements—Congress does not need to pass some specific law to inhibit the Officers of the Supreme Court of the United States from imposing five figure expenditures and these extreme comprehension of law and time requirements to petition this Court upon pro se litigants or Petitioners that could not be condoned or supported under either *Lassiter v. Northampton County Board of Elections*, 360 U.S. 45 (1959) or *Plessy v. Ferguson*, 163 U.S. 537 (1896) because the Constitution already exists and inhibits such. If the Solicitor General or any other litigant can petition also for alternative relief and have such petition docketed, pro se petitioners and Petitioners are entitled to the same under our law—holding or effecting otherwise is neither separate but still *equal* nor applying requirements *equally* to litigants, resulting in unconstitutionality on the face of such actions never possessed even by Jim Crow laws. Legally, this is worse.

It is a sad reflection on the state of America that this [Motion] even has to be brought to the country's highest court—history will clearly see the last 30[+] years in this Country as an era dominated by judicial tyranny and abuse in blatant disregard of Constitutional requirements for the sole purpose of amalgamation of judicial and governmental power, the exhibition of which is so obviously targeted at the antithesis of the law and Constitution that it cannot be reasonably accounted for absent consideration of and explanation from some underlying, furtive, coordinated scheme to undermine the Constitution and the rights and welfare of the American people, including children. The Constitution and this house of

cards fabricated by the judiciary placing themselves above the Constitution cannot cohabit—one must give way; America will either be governed, as required under law, by Constitutional Supremacy or by unauthorized, unlawful judicial supremacy and tyranny—not both.

Constitutionality is not conditioned upon a lack of un-unique burdens to the system which exists, in paramount reason, to apply and uphold the Constitution (Art. III §2, 3) [and whether unconstitutional tyranny is imposed by Courts or Clerks the result is identical. Constitution is un-subject] to purported conveniences, efficiencies, or preferences of any kind and its requirements are not subject to state or federal judicial or clerk discretion (Supremacy Clause; *Armstrong v. Exceptional Child Ctr., Inc.*, 135 S. Ct. 1378, 1383 (2015); *Smith v. Hooy*, 393 U.S. 374, 377 (1969)):

[Foreclosing or p]rocedure by presumption is [easier than individualized determination. But when, as here, the procedure forecloses the determinative issues[,] it needlessly risks running roughshod over the important interests of both parent and child. *Stanley v. Illinois*, 405 U.S. 645, 656 (1972).

Petitioners are unrepresented principally due to [unique requirements of this litigation and []factors inherent to the legal community, unrelated to Petitioners or the merits of their claims, in conjunction with[Petitioners' extreme motivation] seeking protection for and liberty with W.O.R. in a way no attorney could ever compete with, resulting in []dedication to understanding how such unconstitutionality is[] unaddressed [and] how to

address it. No person other than [Rued] can compete with Petitioners' resolve to protect their child in need, as such a fundamental duty under Natural Law Rued has is unshared by anyone, including attorneys and any [Defendant/Respondent]—this Court has retracted its previous prudential standing holdings that violated separations of powers (*Lexmark Int'l, Inc. v. Static Control Components, Inc.*, 572 U.S. 118, 134 S. Ct. 1377, 188 L. Ed. 2d 392 (2014)), which would not be applicable here, even if such were controlling, given the evidence and W.O.R.'s clear need and support for requested relief[(see App.-70-74-)].

Petitioners cannot help the nature and number of Constitutional claims Respondents [generate] or the unconstitutional actions of [lower courts]. Such reality may exist in no small part because so few attorneys are willing to take on [the abuse of Clerks or] judicial tyranny requiring addressment of improper [immunity assertions under] law, the Constitutionality of [FCIA additions to §1983, and that the Constitution restrains federal judges from altering [federal] jurisdiction[or purporting to ordain state judges with such authority], furtive subordinations of [Constitution to [doctrine unlawfully denying [Constitutional claims, or perpetrating fraud upon the court to protect their ilk, [exacerbated by judicia[] quasi-legislative, executive regulatory, and judicial authority over attorneys.

It is obvious that there may be easier ways for attorneys to make a living than suing judicial persons. Entwining citizens' rights and bars generates Constitutional issues. There is a reasonable argument that because Rued is *not* subject to any bar, he is uniquely positioned in this case to *best assert* W.O.R.'s needs, interests and claims, as such claims inherently

require Constitutionally sound addressment of judicial immunity and seeking application of Constitutionally sound interpretation of and determinations regarding legislation intentioned to appease the judicial lobby through Congressional authority reserved only for action protecting citizens against unconstitutional actions of state actors, given attorneys' genuine incentivization/dis-incentivization. Inhibiting Rued from doing so would generate the serious Constitutional issue discussed in *Webster v. Doe*, 486 U.S. 592, 603 (1988) when it is clear that W.O.R. has colorable Constitutional claims, parallel and intertwined with Rued's, though not always identical, [such that assertion here is necessarily duplicative,] and Rued is W.O.R.'s closest relationship on this earth.

When previously presented with the opportunity, [Defendant/]Respondent[s] have repeatedly and uniformly denied/deprived W.O.R. federal rights, instead maltreating, endangering, neglecting, and emotionally terrorizing him, while Rued has uniformly attempted to protect and vindicate W.O.R.'s federally protected rights and W.O.R.'s welfare in accordance with reason, law, and Natural Law. Rued is the proper party to assert the interests and claims of W.O.R. in these circumstances, not the abusers of W.O.R. and/or his rights. There is simply no reasonable basis to prevent Petitioners from raising claims related to W.O.R.'s interests in their Petition for Writ of Prohibition or for Petitioners to assume that such claims could be raised and addressed by this Court if Petitioners do not assert Rued is *also* asserting W.O.R.'s interests directly parallel to his own, for which both have an injury in fact, and of which W.O.R. cannot assert absent Rued doing so, when any presumption of available counsel is rebutted

by extraordinary circumstances in this case.

If Petitioners are presenting qualifying, colorable, serious, non-frivolous federal claims, which is the case[], and there is no specific counsel anyone could point to as able and willing to take on Petitioners' claims, inhibiting Petitioners from pursuing such because Petitioners are not attorneys/indigent is unconstitutional. Only serious attention from this Court consistently imposing Constitutional requirements or the Federal Executive Branch through continuous enforcement actions could alter present legal community societal influences regarding actions necessary to enforce Constitution, including against judicial persons, because, only then, would the justified concerns regarding retaliation through blackballing or collusive, power-defending practices regularly facilitated by the Government and, especially, the judiciary, also exhibited in these circumstances by multiple Respondents, be practicably mitigable for attorneys.

□NO OTHER MEANS EXIST FOR PETITIONERS TO OBTAIN ADEQUATE RELIEF□.

With the return of *In re Rued, et al I*, Petitioners cannot procure relief requested in any other manner—with the Clerk refusing to docket Petitioners' Petition for Writ of Mandamus, seeking mandamus to require the Clerk to docket Petitioners' Petition for Writ of Mandamus would be effectively the same proceeding the Clerk refuses to docket. Petitioners generally, under presumption of Constitutionally comporting action from this Court, agree with the Eighth and D.C. Circuits that only this Court has authority over its Clerk:

We believe □supervisory responsibility □□over

its Clerk] is exclusive to the Supreme Court[.]
In re Marin, 956 F.2d 339, 340 (D.C. Cir. 1992).

Where discretion[] is targeted, a motion[] would be appropriate, but where[] action(s) targeted are ministerial[] mandamus is appropriate, [when] no other mechanism exists to *require* performance of [duty (Rule 1.1, 20.2)] (*Wilbur v. U.S....Kadrie*, 281 U.S. 206, 218...(1930)). [With Clerk refusal to docket Petitioners' Petition for Mandamus seeking to require the Clerk to perform its non-discretionary functions, Mandamus cannot be considered a viable alternative to this Motion, and Mandamus being the most appropriate mechanism to procure the relief Petitioners target here, does not inhibit Petitioners from filing for such relief via this Motion.

ISSUING REQUESTED RELIEF] IS APPROPRIATE UNDER
THE CIRCUMSTANCES.

Petitioners' Petition for Writ of Prohibition adequately complies with this Court's rules to be docketed—accordingly, Petitioners have a right for such Petition to be docketed and ruled upon by this Court. The inverse supports the same—it would be deeply inappropriate for this Court to not provide for Petitioners' Petition for Writ [o]f Prohibition to be docketed, ensuring that this Court may properly exercise its invoked jurisdiction [(*New Orleans Pub. Serv., Inc. v. Council of City of New Orleans*, 491 U.S. 350, 358 (1989)). Similarly, the Clerk has not even cited to a Rule supporting the refusal to docket Petitioners' Petition for Writ of Mandamus and the refusal to docket Petitioners' Petition is based upon the egregious factual misrepresentation that Petitioners seek mandamus against a majority of this Court and not Scott Harris and Pipa Fisher, which is

flatly fraud by the Clerk, violating fundamental fairness—even if the All Writs Act did not exist, it would still be appropriate for Mandamus to issue (*Kendall v. U.S. ex rel. Stokes*, 37 U.S. 524, 650–51...(1838)), which bears upon the necessity of granting relief requested under Motion here with the Clerk refusing to docket the Petition for Mandamus against itself.]

Petitioners should not be forced to forfeit their Constitutional claims properly preserved to be petitioned for adjudication in this Court. The Clerk utilizing unintuitive and unreasonable interpretations of words in applying the rules of this Court such that the rules are applied oppositely of what the words in the [R]ules mean to support effectuating judicial Constitutional determinations prohibiting Petitioners' ability to petition this Court regarding serious Constitutional issues in contravention of well-established holdings of this Court violates Petitioners' rights in a number of ways—arbitrarily, capriciously, and unreasonably depriving Petitioners of such rights is unlawful government action (First and Fifth Amendments; §1654). Certainly, such Clerk actions should not be unexceptional. App.-16-43-.

The Clerk's assertion mandamus petitions can only be docketed when respondents are parties specified from rules is objectively unreasonable and would mean mandamus could never be docketed, as the Rules do not specify any specific parties. Such assertions also clearly violate Separations of Powers requirements given the Clerk fundamentally purports to invalidate the All Writs Act and the Rules, unreasonably construing and abrogating codified law, which is unauthorized *judicial* action the Clerk lacks discretion to perform, much less abuse, unless the

Clerk purports to alter the All Writs Act/Rules *only* with respect to Petitioners/Movants which would plainly violate equal protections under the Fifth Amendment, as well as necessarily infusing language equivalent to 'excepting the Rued's' into the All Writs Act's statutory language, resulting in separations of powers violations. It is the role of the *Courts*, not clerks, to construe and apply statutes regarding substantive law, which must be performed in subjection to reason and not so as to defeat the clear legislative purposes (see *Sorrells v. United States*, 287 U.S. 435, 449-50...(1932)).

If the Clerk is attempting to assert something different than its factual fraud regarding the parties of Petitioners' relief targeted under mandamus, the only reasonable interpretation Movants can ascertain is that the Clerk would likely then be trying to make a judicial determination based upon common law principles, in conjunction with defining itself as the United States Supreme Court, that the Clerk has no authorization to make—such would have to be made by this Court, not the Clerk, and would, at least, result in this Court defining its officers as superior to itself or misrepresenting what is requisite for this Court to exercise its appellate jurisdiction, generating a litany of Constitutionally inconsistent issues, either way. This Court cannot delegate its judicial authority for what are effectively the same reasons (U.S. Const. Art. III §1) that Congress cannot delegate its legislative authority and the Clerk cannot usurp this Court's judicial authority or Congress' legislative authority, at least one of which unreasonable applications of Rules results in and both are usurped whenever the Clerk exercises quasi-judicial authority making determinations that cannot be deduced from or

supported by Rules of this Court and law in purported relation to procedural issues within the Clerk's authorizable purview. Reasonably applying the Rules of this Court, as written, comes nowhere near usurpation of judicial or legislative authority and that is where the Clerk is authorized to operate, which is not what is occurring in these cases.

Rule 1.1 authorizes the Clerk to "receive documents for filing" and "authority to reject any submitted filing that does not comply with these Rules"—this is a proper delegation of authority and effectively codified statute that has no relation to anything beyond compliance with Rules into substantive law. The Clerk is treating this Court's Rules as if the Rules were the sole source of jurisdiction for this Court and anything not explicitly specified by the Rules cannot be docketed—such effects a rats nest of illegality including what would be unlawful delegation by Congress of legislative authority beyond procedural matters and into substantive law, even jurisdiction of this Court, which cannot be laundered to lawfulness, even with effective codification post-Rule promulgation. "[Congress] is not permitted to abdicate, or to transfer to others, [essential legislative functions]" (*Panama Refining Co. v. Ryan*, 293 U.S. 388 (1935)) and delegation requirements are clear:

[I]t [is] [sufficient] if Congress clearly delineates [general policy, [agency] to apply it, and [boundaries of] delegated authority.[] *Mistretta v. United States*, 488 U.S. 361, 371–73... (1989) (citation omitted; **emphasis added**).

Congress fulfilled criterion delineated in *Mistretta* in

§2072, but only with respect to *procedural matters*. Deployment of this Court's Rules in a manner altering rights, including petitioning, alters substantive law and cannot be authorized under §2072:

□Congress cannot alter the procedures set out in Article I, § 7, without amending the Constitution...[See *Sibbach v. Wilson & Co.*, 312 U.S. 1, 10...(1941) (stating that □rules □this Court promulgates, "*if they are within the authority granted by Congress*, repeal" a prior inconsistent *procedural* statute); see also *Henderson v. United States*, 517 U.S. 654, 664...(1996)□. In □§□2072(b), □Congress expressly provided □laws inconsistent with □pro[mulgated] rules □repeal□ upon □enactment□.] *Clinton v. City of New York*, 524 U.S. 417, 446...(1998) (*emphasis* added).

When Rules promulgated under §2072 do not reside within the lawfully delegated authority of Congress, affecting substantive law and rights, as the Clerk's application does here, Congress' effective codification of such Rules as superior to pre-existing statutory or other law cannot provision lawfulness to such enactments necessarily resulting in an unconstitutional delegation of authority by Congress. Of course, this also applies equally to the first sentence of Rule 21.1 (App.-78-79-) and Rued's *right* to represent W.O.R.—even if Rule 9.1 applied to non-attorneys, superseded this Court's caselaw, and was effectively a statute, such actions of this Court and Congress would be unconstitutional usurpation/delegation violating separations of powers. The Clerk's application of the Rules must comport with what is *authorizable*.

CONCLUSION

With respect to docketing *this Motion*, this Court's public docket establishes that Motions may be docketed absent another active case number (e.g., 25M58), an issue separable from the right to a ruling, which Petitioners possess here. This Court's failure to address Constitutional abuses will not inhibit such being addressed as is necessary in accordance with law. This Court should exhibit better leadership than to place or allow Ms. Fisher and Mr. Harris to be in the center of this or allow either to undertake actions that cannot be supported under Constitution, even if such might facilitate preferences of members of this Court to limit exposure of the debauchery and Constitutional abuse of the federal judiciary for a time.

If this Court does not want to deal with Petitioners' Petition for Writ of Prohibition, the only lawful way around doing so will be to adequately address the issues on Certiorari through Rehearing in 25-420—absent doing as much, this Court must, at least, direct Petitioners' Petition for Writ of Prohibition (*In re Rued, et al II*) or Petitioners' Petition for Writ of Mandamus (*In re Rued, et al I*) to be docketed. This Court should direct both Petitions to be docketed, deny/dismiss the Mandamus Petition as moot, and rule upon the Prohibition Petition in accordance with the Constitution's requirements. Petitioners resubmit *In re Rued, et al I* and *II*, with respective fees, that have already been served upon respective Respondents concurrently with, though neither joined to nor referencing, this Motion.

Respectfully Submitted,

Date: February 19, 2026.

s/Joseph Rued

Joseph D. Rued, also o/b/o
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February 19, 2026

Pro Se Movants

Appendix UU

SPRUEME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

March 16, 2026

Joseph Daryll Rued
9007 Avila Cove
Eden Prairie, MN 55347

RE: Petition for Writ of Prohibition
In Re Rued, et al.

Dear Mr. Rued:

Returned are all 40 booklet copies and on 8.5 by 11-inch copy of your petition for extraordinary writ of prohibition postmarked on November 4, 2025 and received again on February 25, 2026, which fails to comply with the Rules of this Court.

They are returned for failure to reflect the changes requested in prior correspondence.

The Rules of this Court make no provision for filing a petition for writ of prohibition and, alternatively, rule nisi. To the extent you are seeking to file a petition for an extraordinary writ of prohibition, the jurisdiction section and body of your petition must reflect only that.

Please be advised only an attorney practicing before the United States Supreme Court may file a document in representative capacity. Rule 9.1.

Names of persons other than attorneys or a party appearing pro se may not be listed on the cover of the petition, list of parties, or signature lines. Rule 9.1. Additional text should be removed (e.g., "o/b/o W.O.R., a minor child).

Your cashier's check in the amount of \$300 is herewith returned.

Sincerely,
Scott S. Harris, Clerk
By: s/Pipa Fisher
Pipa Fisher

(202) 479-3019