ORIGINAL

No. 25-175

FILED
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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

Supreme Court of the United States

IN RE, ANDY DESTY,

Petitioner,

ON PETITION FOR A WRIT OF MANDAMUS TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT - APPEAL NO. 24-13600-D

WRIT OF MANDAMUS

ANDY DESTY
Sui Juris of Record
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Representing Self as Petitioner

May 15, 2025

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QUESTIONS PRESENTED

1. Has the authority and ruling of the Supreme Court case between ***Holmberg v. Holmberg*, 588 N.W.2d 720 (Minn. 1999)**, to stop Corporation's child support slavery, process, agreements, program, payment obligations like Georgia Department of Human Services/Child Support Services' Administrative Hearings Child Support hearing process in their unconstitutional delegation of judicial power to an Executive Branch agency, been extinguished **pursuant to** Article 1 Delegation of Legislative Power § 1, because of a U.S. District Court's Judgment or Opinion and Order?

2. Has the authority and ruling in the United States Supreme Court case between ***NODD v. Shalala*, No. 95-1741**, overruled by the U.S. District Court for the Northern District of Georgia Atlanta Division's judgment or decision interpretating the Equal Protection Clause of the Fifth and Fourteenth Amendments to the United States Constitution, permit Georgia Department of Human Services/Child Support Services' use of deprivation of rights and property without due process of law decisions?

3. Does Georgia Department of Human Services/Child Support Services possess a federal due process right over all natural men and women on this land to gain or acquire validation of abusive power from courts to detriment the souls of the American people by violating Separation of Powers Doctrine to build security in- terest **pursuant to** U.S. Const. Amend. V and XIV?

4. Does the holding of ***Penhallow v. Doane's Administrators*, 3 U.S. 54; 1 L.Ed. 57; 3 Dall. 54 (1795)**, render Georgia Department of Human Services/Child Support Services corporate jurisdiction over a natural man?

5. Can a natural person be forced into a contract without his consent?

6. Are Georgia Department of Human Services/Child Support Services with Dun & Bradstreet numbers 043583728, 052512596 and the State of Georgia with EIN 58-0973190 the same corporation?

7. Do magistrate judges, District judges, and Circuit judges have the authority to preside over U.S. Supreme Court's rulings and decisions permit district and appellate courts to provide absolute immunity to the wrongdoers?

8. Can a state or a corporation working under its own authority forcing a bill of attainder on a natural person to force him into slavery?

9. Can a corporation interfere with a natural man's private affairs and report his private affairs to another corporation without his consent whatsoever **pursuant to** 5 U.S.C. § 552a (b)?

10. Can the authority and ruling in the U.S. Supreme Court case between ***U.S. v. Sage*, 92 F.3D 101 (2D CIR 1996)**, be extinguished by a U.S. District Court's Judgment or Opinion and Order? Order?

11. Can district and circuit judges violate the U.S. Constitution, its Supreme Court's rulings and decisions, and federal laws, and refuse Due Process and Equal Protection **pursuant** to ***Stone v. Powell*, 428**

U.S. 465, 483 n. 35, 96 S. Ct. 3037, 49 L.?

12. Can a U.S. Court of Appeals give an instruction, or a ruling or an order to an Appellee to follow where the Appellee failed to follow such order, and later, the same court ruled in favor of that same Appellee?

PARTIES TO THE PROCEEDING AND RULE 29.6 STATEMENT

Petitioner in this case herein is Andy Desty.

Petitioner in this case is Plaintiff in the District Court.

Petitioner in this case is Appellant in the Court of Appeals.

Respondent in this Mandamus case herein is the United States Court of Appeals for the Eleventh Circuit.

Respondent also include **Georgia Department of Human Services/Child Support Services**, hereinafter collectively referred to as Respondent-Defendant in the United States District Court for the Northern District of Georgia Atlanta Division, and real party in interest in the Court of Appeals for the Eleventh Circuit.

With Respondent-Defendant's representatives identified below:

Nia Nzinga Waller-Norwood, Assistant Attorney General, 40 Capitol Square SW, Atlanta, GA 30334 nwaller@law.ga.gov Tel: 404-458-3600, 404-458-3628, Attorney for Respondent, Georgia Department of Human Services/Child Support Services, in her official capacity.

Christopher Michael Carr 112505, Attorney General, Tel: 404-458-3600, 404-458-3628, Representative to Respondent, in his official capacity.

Loretta Pinkson Pope, Deputy Attorney General, Tel: 404-458-3600, 404-458-3628, in her official capacity.

Laura Lones, Senior Assistant Attorney General, llones@law.ga.gov Tel: 404-458-3600, 404-458-3628, in her official capacity.

Respondent, United States Court of Appeals for the Eleventh Circuit and Respondent-Defendant, Georgia Department of Human Services/Child Support Services, are the Respondent and Respondent-Defendant in this Mandamus case and being served as the Respondent and Respondent-Defendant herein.

RELATED PROCEEDINGS

United States District Court (Northern District of Georgia- Atlanta Division):

Desty v. Georgia Department of Human Services/Child Support Services, No. 1:23-cv-03073-SDG-JEM (JUDGMENT issued Oct 8, 2024.)

United States Court of Appeals (11th Cir.):

Andy Desty v. Georgia Department of Human Services/Child Support Services, No. 24-13600 (Decided May 8, 2025.)

CORPORATE DISCLOSURE STATEMENT

The Georgia Department of Human Services/Child Support Services is a corporation/agency that has over it, Gerlda Hines, as the agency's current commissioner since July 1, 2025. The agency was formed in July 2009 as part of the reorganization of the former Georgia Department of Human Resources since 1972. The agency (DHS) employs approximately 9,500 employees, with an annual operating budget of $2.3 billion, and has no parent company and no public held corporation holds 10% or more of its shares.

VENUE

Venue lies in the United States Supreme Court which has geographical jurisdiction over the entire United States territories including location where Petitioner-Appellant resides (state of Georgia), the Respondent, U.S. Court of Appeals (11th Cir.), and the Respondent-Appellee is a corporation conducting business within said jurisdiction assuming under the permission of the state of Georgia.

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STATE LAW

The 2020 Georgia Code Title 9 – Civil Practice Chapter 11 –

Civil Practice Act, Article 6 – Trials § 9-11-55. Default Judgment –

Universal Citation: GA Code § 9-11-55 (2020).

PETITION FOR A WRIT OF MANDAMUS

Petitioner-Appellant, Andy Desty, *sui juris in lex*, in *propria persona*, one natural man alive, as one of the People, respectfully approaches this honorable Court in truth, with clean hands and respectfully petitions for this Writ of Mandamus to the United States Court of Appeals for the Eleventh Circuit, requesting that the Eleventh Circuit be directed to remand this case to the District Court against the Respondent-Defendant, Georgia Department of Human Services/Child Support Services.

OPINIONS

The first JUDGMENT in error of the U.S. District Court for the Northern District of Georgia Atlanta Division is dated October 1, 2024. (**Appendix** 39)

The Dis- trist court JUDGMENT dated October 8, 2024. (**Appendix** 40)

The District Court's OPINION AND ORDER denying all Petitioner-Plaintiff's motions and Complaint and unlawfully granting the Respondent-Defendant's motions are dated September 30, 2024. (**Appendix** 38)

The District Court's ORDER (**Appen.** 4), proved that the Respondent was in Default. (***See*** **U.S.D.C. Doc.** 4)

JURISDICTION

This action arises under the Constitution of the United States, the Treaty of Peace and Friendship of 1836 A.D. Article 20, and the Administrative Procedure Act ("APA"), 5 U.S.C. § 701, et seq. Furthermore, the United States Supreme Court has absolute jurisdiction and authority **under** the Article III S.2 C.2. of the United States

Constitution, in ***Cohens v. Virginia***, and the **All-Writs Act** ("AWA") codified in **28 U.S.C. § 1651(a)**, 5 U.S.C. § 702 to issue all writs including this Writ of Mandamus **pursuant to** the Civil Rights Act of 1871 codified in 42 U.S.C. § 1983, et seq.

This Court has jurisdiction of final orders and decisions from all U.S. District Courts under 28 U.S.C. § 2101(a)(b), the Bankruptcy Act of 1841, the Short-lived Judiciary Act of 1801/1803, and the 1891 Act.

This Court may grant relief **pursuant to** 5 U.S.C. § 702, Rule 60, and the All-Writs Act, 28 U.S.C. § 1651.

This Court's jurisdiction is in- voked under 28 U.S.C. § 1651, 42 U.S.C. § 1983 and 1988, 28 U.S.C. § 1983, Rule 4, the V and XIV Amends. to the U.S. Const., and Article III S.2 C.2 *Cohens v. Virginia.*

CONSTITUTIONAL PROVISIONS INVOLVED

U.S. Const. amend. V:

No person shall be deprived of life, liberty, or pro- perty, without due process of law.

U.S. Const. amend. VII:

The right for citizens to have a jury trial in suits at common law in federal courts where the claim exceeds twenty dollars, shall be preserved. No person (or natural person) shall be deprived of that right.

U.S. Const. amend. XIV:

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States;

nor shall any state deprive any person of life, liberty, or property, **without due process** of law...

STATUTORY PROVISIONS INVOLED

42 U.S.C. § 1983

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

STATE LAW IN QUESTION

GA Code § 9-11-55 (2020)

The 2020 Georgia Code Title 9 - Civil Practice Chapter 11 - Civil Practice Act, Article 6 – Trial § 9-11-55. Default Judgment.

When *case in* ***default****; opening as matter of right; judgment. If in* ***any case*** *an answer has not been filed within the time required by this chapter,* ***the case shall automatically become in default*** *unless the time for filing the answer has been extended as provided by law. The default may be*

opened as a matter of right by the filing of such defenses within 15 days of the day of default, upon the payment of costs. If the case is still in default after the expiration of the period of 15 days, ***the plaintiff at any time thereafter shall be entitled to verdict and judgment by default,*** *in open court or in chambers, as if every item and paragraph of the complaint or other original pleading were supported by proper evidence,* ***without the intervention of a jury.***"

CASE LAW IN QUESTION

***NODD v. Shalala*, No. 95-1741 (1996):**

"**It** has been ruling that the Supreme Court invalidated child support provisions in recent federal legisla- tion as an unconstitutional infringement on the right of non-custodial parents to choose whether or not to support their minor children. At the same time, the Supreme Court overturned related child support provisions that had been enacted in all 50 states, the District of Columbia, Puerto Rico, and Guam..."

***Holmberg v. Holmberg*, 588 N.W.2d 720 (Minn. 1999):**

Child Support was declared unconstitutional in a Minnesota Supreme Court ruling for violating the Separation of Powers Doctrine by the Minnesota Constitution Article III Section 1. Further, child support agencies' actions are also unconstitutional due to lack of probable cause.

***Penhallow v. Doane's Administrators*, 3 US 54; 1 L.Ed. 57; 3 Dall. 54 (1795):**

No corporation jurisdiction over the natural man.

"**In** as much as every government is an artificial person, an abstraction and a creature of the mind only, **a government**

can interface ONLY with artificial persons. The imaginary, having neither actuality nor substance, is foreclosed from creating and attaining parity with the tangible. The legal manifestation of this is that no **government**, as well as **any law, agency, aspect, court, etc.**, can concern itself with anything other than **corporate, artificial persons** and the CONTRACTS between them."

***People v. California Protective Corporation*, 76 Cal. App. 354, 244 Pac. 1089:**

"**A** corporation can neither practice law nor hire lawyers to carry on the business of practicing law for it."

***People v. Merchants Protective Corps*, 189 Cal. 531 (Cal.1922);**

"**Since**, as has been seen, the practice of law is not a lawful business except for members of the bar who have complied with all the conditions required by statute and rules of the courts, **and as this condition cannot be performed by a corporation**, it follows that **the practice of law is not lawful business for a corporation to engage in**. As it cannot practice law directly, it cannot do so indirectly, **by employing competent attorneys to practice for it**, as that would be an evasion which the law will not tolerate." (2 R.C.L. 946.)

STATEMENT OF THE CASE IN DETAILS

On July 11, 2023, Petitioner filed a Complaint, a Class Action Lawsuit, in the U.S. District Court for the Northern District of Georgia against the Respondent-Defendant seeking to resolve issues of harassment, debt validation, invasion of privacy, coercion, intimidation, threats, violation of separation of powers doctrine, violation of the U.S. Constitution, conspiration against rights, deprivation of

rights, property destruction, false claims, and the validity of claims made by Georgia Department of Human Services/Child Support Services. (**See U.S.D.C. Doc. 1**)

This Respondent-Defendant puts Petitioner through so much suffering and pain. Because of this corporation's unconstitutional actions, Petitioner had to face with several injuries such as personal information or data breach, slavery, stress, emotional distress, losses, abuse, threats, intimidation, invasion of privacy, property damages, harassment, the Due Process Clause refusal, Equal Protection Clause refusal, the Takings Clause and Privileges or Immunity Clause refusal. The Respondent-Defendant has been harassing and threating Petitioner with an unconstitutional debt, which can't be lawfully validated.

On June 2, 2023, Petitioner mailed out to Respondent-Defendant a "*Notice of Dispute; Demand for Validation and Proof of Claim*" in two separate USPS package tracking numbers: 70220410000328896310 and 70220410000328896327. (**See U.S.D.C.** EXHIBIT 2)

On June 5, 2023, the Respondent-Defendant received the Notice of Dispute and DID NOT provide any response, which violates 15 U.S.C. § 1692g (a)(4)(5), 15 U.S.C. § 1692g (b), and 15 U.S.C.§ 1681i (a)(1)(A).

On July 11, 2023, Petitioner filed a Complaint at the U.S. District Court for the Northern District of Georgia against the Respondent-Defendant.

On July 17, 2023, Petitioner-Plaintiff served the Respondent-Defendant, via U.S.P.S. Certified Mail tracking number **70220410000328896396,** with the district court's summons and Petitioner's complaint, and Respondent-

Defendant did NOT respond to the court summons or otherwise appeared in the case. (**See** Supplemental APPENDIX 4, and U.S.D.C. **EXHIBIT H** for evidence)

On September 14, 2023, the District Court ORDERED Petitioner to notify the district court how he wishes to proceed as Respondent-Defendant has failed to respond to the court's summons or otherwise appeared in the case. (**See** APPENDIX 4)

On September 20, 2023, Petitioner responded to the District Court's Order (**Appen.** 4) by filing a Motion to request the district court and/or the clerk of the district court enter a Default Judgment in favor of Petitioner against the Respondent-Defendant **pursuant to** F.R.C.P Rule 55b, Rule 12A (1)(a)(i), GA Code §9-11-55 (2020). (**See U.S.D.C. Doc.** 5).

On September 22, 2023, the District Court asked Petitioner to serve again the Respondent-Defendant with a second summons. This was the first sign Petitioner realized that the District Court started to play an unfair game that unfortunately and unlawfully ended up in favor of the Respondent-Defendant to have enough time to respond or otherwise appear in the case.

On September 27, 2023, Petitioner in his innocence and obedience, served the Respondent-Defendant a second time with the court's second summons via the Atlanta Georgia Sheriff's Entry of Service just exactly how the District Court has requested. This time again, the Respondent-Defendant failed to timely respond or otherwise appear. (**See U.S.D.C.** EXHIBIT G for evidence).

On October 25, 2023, Petitioner filed his second motion in the District Court to enter a different default judgment this

time in favor of the Petitioner for the Respondent-Defendant's failure to timely respond or otherwise appear in the case. The District Court and its Clerk ignored and rejected Petitioner's second motion to enter default judgment without due process, which conflicts with F.R.C.P. Rule 4, Rule 12A (1)(a)(i), Rule 55b, and the GA Code § 9-11-55 (2020). **(See U.S.D.C. Doc.** 9).

On November 9, 2023, right after Petitioner filed his second motion to enter default judgment against the Respondent-Defendant, Respondent-Defendant quickly replied with a "Motion for Relief from Default" connivingly claimed and lied that default judgment has not yet been entered by the district court. **(See U.S.D.C. Doc.** 10).

On November 16, 2023, Petitioner filed a motion to eliminate Respondent-Defendant's motion for relief from default. **(See U.S.D.C. Doc. 11)**

On November 21, 2023, a conniving form of communication occurred on the district court's docket which Petitioner had no clue what it was. It stated as follows: "*utility Submission to Magistrate Judge Tues 11/21 2:07 PM.*" **(See U.S.D.C.** District Court orders)

On November 28, 2023, Respondent-Defendant replied to Petitioner's U.S.D.C. **Doc.** 11, connivingly stated that Petitioner was not entitled to automatic default under GA Code § 9-11-55 (2020) and allegedly stated that GA Code § 9-11-55 (2020) does not apply to this case. **See** GA Code § 9-11-55 (2020) and **U.S.D.C. Doc.** 12)

On December 6, 2023, Petitioner filed a motion in the District Court demanding to enforce and honor his default judgment requested **pursuant to** GA Code § 9-11-55 (2020),

and Rule 55b. District Court ignored the request without due process. (**See U.S.D.C. Doc.** 13)

On January 16, 2024, Petitioner filed his last motion for default judgment in the district court requesting the district court and/or the district's clerk to enter default judgment against the Respondent-Defendant for the summons served on July 17, 2023, October 25, 2023. (**See U.S.D.C. Doc.** 15)

On February 02, 2024, Respondent-Defendant replied to the last Petitioner's motion for entry of default and admitted that Respondent-Defendant failed to timely respond to the court's last summons and even **apologized** to the District Court for missing the deadline to respond to Petitioner's Complaint, which clearly conflicts with the district judge's JUDGMENT in **App.** 40. (**See U.S.D.C. Doc.** 16)

On March 5, 2024, the district court magistrate judge J. Elizabeth McBath filed her Non-Final Report and Recommendation and violated due process of law. **See** F.R.C.P. Rule 55b, GA Code § 9-11-55 (2020). (**See U.S.D.C. Doc.** 17)

On March 19, 2024, Respondent-Defendant replied to answer unconstitutionally with defenses fabricated with lies, which cannot even be supported by any law. (**See U.S.D.C. Doc.** 19)

On the same March 19, 2024, Respondent-Defendant filed another response to object to magistrate judge Elizabeth J. McBath and admitted that Petitioner brought claims against Respondent. (**See Doc.** 20)

On the same March 19, 2024, Petitioner filed his objection to the magistrate judge's Non-Final Report and

Recommendation and requested the District Court to conduct a *de novo* review of the entire case as Petitioner felt that the district court failed to read all his documents fairly and entirely. The District Court ignored Petitioner's request to conduct the case's *de novo* review. **(See U.S.D.C. Doc.** 21)

On January 16, 2024, Petitioner made a phone call to the Clerk's Docket Office U.S.D.C. Atlanta and spoke to a clerk under the name of Mr. Tyler. PETITIONER ALSO HAS A RECORDING OF THAT CALL. In that phone call, Petitioner asked Mr. Tyler, why did Petitioner make several requests to the district court and to the district clerk to enter a default judgment against this Respondent-Defendant for failure to timely respond or appear in this case and that the district court has failed to enter the default judgment?

Mr. Tyler responded to the Petitioner on the phone and said, yes, the district court received the Petitioner's requests and chose not to take any action with them. So, Petitioner asked clerk Tyler on the phone to enter the default judgment **pursuant to** F.R.C.P. Rule 55b, Rule 12A (1)(a)(i), GA Code § 9-11-55 (2020). Petitioner was so shocked to hear that, as one of the United States Clerks, Mr. Tyler responded to Petitioner and said that "IT'S ONLY A JUDGE WHO CAN ENTER A DEFAULT JUDGMENT. A CLERK CANNOT ENTER A DEFAULT JUDGMENT." Petitioner asked Mr. Tyler if he was aware of the laws stated in Petitioner's motions and further asked Mr. Tyler to read the laws written in Petitioner's motions for default. Mr. Tyler read the laws in Petitioner's motions for default on the phone and still didn't understand the meaning of the laws he was reading.

So, that's one of the reasons why Petitioner felt that his Complaint and his motions in the District Court were

rejected because they weren't properly read exhaustively and fairly just because there are certain officials of the United States who don't even know an inch of their work duties. Majority of them don't know anything about the law, they don't respect their oath of office and yet all the high positions in the court system are filled up by their seats. They make decisions in cases to cause detriments to people's lives, especially to the innocent.

On April 17, 2024, and April 18, 2024, Petitioner filed for a Writ of Quo Warranto to demand Jurisdiction of an unlawful action by the Respondent-Defendant who filed for a separate Notice of Hearing out of nowhere while this case was still at the District Court, utilized Petitioner's name without any form of consent whatsoever created a Docket under No. 2436364-OSAH-CSS-SDCFS-48-Schroer with Agency Reference No. 520022921. The action arises without due process and was against the Privacy Act codified in 5 U.S.C. § 552a (b), 15 U.S.C. § (a)(1)(A)(B). (**See** USDC EXHIBIT A2 and **Docs.** 22, 23)

On April 29, 2024, the District Court filed an Order to Show Cause asking the Respondent-Defendant to file its Preliminary Report and Discovery Plan and Initial Disclosures when the district court knows exactly that Respondent-Defendant is in default. (**See U.S.D.C. Doc.** 24)

On May 13, 2024, Respondent-Defendant filed its Preliminary Report and Discovery Plan, alleged that they are a state agency and cannot be sued under § 1983 according to Will, 491 U.S. at 63-63(1989), which is clearly false. Stating that they are a state agency and cannot be sued under § 1983, clearly CONFLICTS with the United States Supreme Court ruling and decision in ***United States v. Lee,***

Inc., 106 U.S. 196 (1882), held that "*When an action does not need to involve the United States as a defendant or a necessary party, the principle of sovereign immunity should not be invoked to deny Plaintiffs the judicial enforcement of their rights. And no person shall be deprived of life, liberty, or property.*" **(See U.S.D.C. Doc.** 25)

On the same May 13, 2024, Respondent-Defendant filed its Initial Disclosures statement and scammed the district court by pretending to be the State of Georgia. Respondent-Defendant is not the State of Georgia. The Respondent-Defendant is operating its scammed business under different EIN compares to the State of Georgia's EIN 58-0973190. The Respondent can sue and be sued by law, as Respondent-Defendant is just a mere corporation. Corporations cannot be sovereign governments. Respondent-Defendant is NOT a federal agency, because Respondent-Defendant is neither the U.S. Supreme Court nor any inferior courts as the Congress may from time ordain and establish! Even if Respondent-Defendant was a federal agency, natural man alive like this Petitioner is allowed by the U.S. Supreme Court to sue Respondent. **See** *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971). Therefore, Respondent-Defendant cannot claim sovereign immunity under the Eleventh Amendment. **(See U.S.D.C. Doc.** 26).

On May 14, 2024, Petitioner filed his Certificate of Interested Persons (CIP) and Corporate Disclosure Statement stated that the District Court seemed not to understand the importance of the U.S. Supreme Court's rulings as law opposing these actions. **(See U.S.D.C. Doc.** 27).

On the same May 14, 2024, Petitioner filed his Initial Disclosure statement to state that Respondent-Defendant

threatened, harassed, conspired to steal Petitioner's money, threatened to seize and suspend Petitioner property, shared Petitioner's personal information including SSN to third party (DDS) located at 226 Eastview Pkwy NE, Conyers, Georgia 30013, without any written or verbal consent from the Petitioner (**See U.S.D.C.** EXHIBITS D1, D2 for evidence). Furthermore, Respondent-Defendant conspired with another third party (IRS) and stole Petitioner's money from his account without any consent, without due process. (**See U.S.D.C.** EXHIBITS A, C for evidence). The Respondent-Defendant sent out more threats to Petitioner. (**See U.S.D.C.** EXHIBITS B1, B2 for evidence). Shortly after, the Petitioner filed a motion/notice to inform the District Court about Respondent-Defendant's unlawful actions. Moments later, the Respondent-Defendant reached out to one of its third parties and ordered to remove a suspension that was placed on one of the Petitioner's properties (Driver's License). Days later, Respondent-Defendant mailed out a new notice to the Petitioner stated that Petitioner has settled with the Respondent-Defendant's office and that Petitioner is now in compliance with the terms of his child support order(s) WHEN PETITIONER DID NOT PAY A DIME TO SUCH ACTION. (**See U.S.D.C. Doc.** 28 and EXHIBIT E for evidence).

On the same May 14, 2024, Petitioner filed his Preliminary Report and Discovery Plan at the District Court to present legal issues tried in his Preliminary Report and Discovery Plan. Further, Petitioner sought discovery of the Respondent-Defendant's debt collection file, servicing records, call and letter records, proof of ownership of the alleged debt or proof of the alleged debt that was transferred to the Respondent to collect as a debt collector and any

defenses raised by the Respondent. Respondent-Defendant failed the discovery request. (**See U.S.D.C. Doc.** 29)

On May 17, 2024, Utility Submission to Magistrate Judge, which was submission of 24 Order to Show Cause, was submitted to magistrate judge at 9:41am. Petitioner has nothing to do with this submission. (**See** District Court's Docket Order)

On May 21, 2024, it is showing that misc Clerk's Notation for LOA/CIP tues 05/21 at 12:02pm shows that Clerk's Notation re27 Certificate of Interested Persons/Corporate Disclosure Statement was reviewed and approved by Magistrate Judge Elizabeth J. McBath on 05/21/2024. (nav) (**See** District Court's Docket Order)

On May 31, 2024, after all Respondent-Defendant's unlawful actions and tricks with the District Court, Respondent-Defendant submitted its motion for judgment on the pleadings asking the District Court to grant its motion and enter judgment in its favor against Petitioner when the Court knew exactly that Petitioner was innocent. All these actions came into conflict with the decision and ruling in ***Marshall v. Jerrico, Inc.,*** 446 U.S. 238, 242, 100 S. Ct. 1610, 64 L. Ed. 2d 182 (1980), which held that: *"The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law."*

This is clearly proven as a matter of record that Respondent-Defendant has no respect whatsoever for the law. According to a Supreme Court's ruling and decision in ***People v. California Protective Corporation,*** 76 Cal. App. 354, 244 Pac. 1089, which is described above exactly the unlawful presence

of the Respondent-Defendant's counsel(s) in this case. If Respondent-Defendant is a corporation or an entity as it is clearly shown, why is Respondent-Defendant hired lawyers to practice law to carry on their business of practicing law for them in this case? (**See U.S.D.C. Doc.** 30)

On June 3, 2024, Respondent-Defendant quickly filed a motion to stay discovery and discovery related deadlines just because the district court unlawfully ruled in its favor. (**See U.S.D.C. Doc.** 31)

On June 20, 2024, it shows that Utility Submission to Magistrate Judge Monday 6/20 at 2:10 pm submitted Submission of30 Motion for Judgment on the Pleadings, to Magistrate Judge J. Elizabeth McBath (dnb) (**See** District Court Case Order)

On June 24, 2024, it shows that Utility Submission to Magistrate Judge Monday 6/24 at 11:32am submitted Submission of31 Motion to Stay Discovery, to Magistrate Judge J. Elizabeth McBath (dnb) (**See** District Court Case Order)

On June 25, 2024, Petitioner filed his response in motion to oppose and object Respondent-Defendant's motion for judgment on the pleadings and moved the District Court **pursuant to** F.R.C.P. Rule 38 to compel Respondent-Defendant to appear to a Grand Jury Trial to provide adequate and complete responses and reasons as to why Separation of Powers Doctrine has been practiced by the Respondent-Defendant, because it is IMPOSSIBLE for an attorney general office to get involve in any child support service action according to the U.S. Constitution Article 6

Paragraph-2, which defined as Separation of Powers. (**See U.S.D.C. Doc.** 32)

On July 9, 2024, this Respondent-Defendant cons- spired again with a different third party named Atlanta Passport Agency, and damaged Petitioner's American passport book and passport card without any form of consent from the Petitioner and without due process of law decisions. The action violated the **Due Process Clause**, the **Equal Protection Clause of the Fifth Amendment to the U.S. Constitution**, the **Takings Clause of the Fourth Amendment to the U.S. Constitution**, and the **Privacy Act**, codified in 5 U.S.C. § 552a (b); 15 U.S.C. § 1681 s-2 (a)(1)(A)(B).

This action needs to be reversed immediately because it overruled the United States Supreme Court's ruling and decision in ***Penhallow v. Doane's Administraters***, 3 U.S. 54; 1 L.Ed. 57; 3 Dall. 54 (1795). This Court has complete jurisdiction to compel the Respondent-Defendant and its third party to restore the damages caused to Petitioner's American passport and passport card. Therefore, this Court is humbly in- voked to immediately notify Respondent-Defendant's office of child support services to compel the Atlanta Passport Agency with a Clearing Date letter to release Petitioner's passport immediately. (**See U.S.D.C.** EXHIBIT L for evidence)

On July 18, 2024, it shows on the USDC Docket that Utility Clerks Certificate of Mailing Thu 07/18 at 3:40PM, Clerks Certificate of Mailing as to Andy Desty re33 Order on Motion to Stay (tas) (**See** District Court Case Order)

On the same July 18, 2024, the District Court sent an Order granted Respondent-Defendant's motion to stay (USDC **Doc.**

31). The disobedience of the District Court towards federal rule 37 is completely unprecedented! (**See U.S.D.C. Doc.** 33)

On July 24, 2024, Petitioner filed his motion in the District Court objecting to the magistrate judge's order [**Doc.** 33] and reminded the District Court that the Respondent-Defendant has been in default by law, and that Petitioner does not consent to the USDC **Doc.** 33.

With only the **2020 Georgia Code Title 9 - Civil Practice Chapter 11 - Civil Practice Act, Article 6 – Trial § 9-11-55. Default Judgment,** the District Court could have honored and rendered justice with this state law alone.

So, right after Respondent-Defendant realized that the District Court granted its motion to stay, Respondent-Defendant continued to bombard Petitioner with mailing threats nonstop including fake debt amounts. (**See U.S.D.C. Doc.** 34 and EXHIBITS 3, K, O1, P1 for evidence)

On September 16, 2024, Petitioner filed a Cease-and-Desist order/motion against Respondent-Defendant for harassment and unlawful debt letters and payments that cannot lawfully be validated. (**See U.S.D.C. Doc.** 35, USDC EXHIBITS E and 3)

On September 30, 2024, at 2:31 PM, Respondent-Defendant filed a response playing its usual games in the district court to oppose Petitioner's motion to Cease-and-Desist. (**See U.S.D.C. Doc.** 36)

On the same September 30, 2024, at 3:37 PM, it shows on the USDC Docket that the District Clerk's Notation for LOA/CIP submitted an ADMINISTRATIVE ORDER: Clerk's Notation re:ECF27; saying that no conflicts identified.

Approved by judge Grimberg. (dnb). (**See** District Court Docket Order)

On the same September 30, 2024, at 4:16 PM, the District Court filed its OPINION AND ORDER based on the magis- trate judge Elizabeth J. McBath's opinions and Non-Final Report and Recommendation (R&R) that was not based on due process. The District Court's OPINION AND ORDER in stating that: "*after careful consideration of the objections and documents filed post-issuance of the R&R, the district court adopts the R&R,"* is indeed an unreasonable and unlawful OPINION AND ORDER! The District Court's decision denying all Petitioner's motions and GRANTED the Respondent-Defendant's motion for judgment on the pleadings is WITHOUT ANY LAWFUL EVIDENCE and without DUE PROCESS.

Take notice that adaptation or adoption is not law. The whole OPINION AND ORDER of the District Court is based on lies. **For instance: (1)** On July 17, 2023, the Petitioner served the Respondent-Defendant with his first district court summons and failed to timely respond or otherwise appeared in the case. ***See*** **USDC** Exhibit H for evidence. **(2)** On September 14, 2023, the District Court ORDERED Petitioner to notify the district court how he wishes to proceed as to Respondent-Defendant failed to timely answer or otherwise appeared in the case. ***See*** Append. 4. **(3)** On September 20, 2023, Petitioner filed his FIRST MOTION requesting the District Court and/or the District Clerk to enter default judgment against the Defendant. ***See*** **USDC Doc.** 5. **(4)** On September 22, 2023, the District Court acted unconstitutional by demanding Petitioner to serve again the Respondent with a second summons, which was so bizarre. **(5)** On September 27,

2023, Petitioner in his obedience served the Respondent-Defendant with a second District Court's summons. **(6)** The district court summons was received by Regina Buick, General Counsel for the Georgia Department of Human Services/Child Support Services. (**See U.S.D.C.** EXHIBIT G for evidence). **(7)** This time again, the Respondent-Defendant failed to timely respond to the court's second summons or otherwise appeared in the case.

So, the District Court's OPINION AND ORDER is based on lies. The District Court Judges in this case are confused. Respondent-Defendant filed its **first** document in this case 3 months later, which was on November 9, 2023. THEREFORE, THE ENTIRE DISTRICT COURT'S OPINION AND ORDER IS FRAUD, AND DOES NOT BASED ON THE TRUTH. This district court's OPINION AND ORDER needs to be reversed with prejudice in favor of the Petitioner. (**See** APPENDIX 38)

On the same September 30, 2024, at 4:19 PM, the District Court conspired with the Respondent-Defendant to terminate Petitioner's Civil Case without any Due Process of Law decisions. (**See** District Court Docket Order)

On October 1, 2024, the District Court got so confused at a point where they quickly wrote a JUDGMENT document that didn't even show the complete name of the Respondent. (**See** APPENDIX 39)

On the same October 1, 2024, the Respondent-Defendant noticed that the District Court played in its favor, Respondent-Defendant continued to threat Petitioner again with its mailing harassments, which violated 18 U.S.C. § 873, the Fifth Amendment to the U.S. Constitution, the

Thirteenth Amendment to the U.S. Constitution, and the Fourteenth Amendment to the U.S. Constitution (**See U.S.D.C.** EXHIBIT J for evidence)

On October 8, 2024, the District Court came up with another JUDGMENT later showing the complete name of the Respondent-Defendant. The District Court's JUDGMENT is nevertheless misleading and needs to be reversed. (**See** APPENDIX 40)

On October 20, 2024, Respondent-Defendant kept harassing Petitioner and threatened Petitioner again to seize Petitioner's money and property with an alleged debt that turned out to be from zero Dollar, to $262.00 and jumped to $4,716.00 out of nowhere, where Respondent-Defendant itself/himself cannot even validate, and refused to prove by law how it came up with this amount. (**See U.S.D.C.** EXHIBIT K for evidence)

On October 30, 2024, Petitioner filed for an appeal. The appeal document was docketed with the District Court.

On November 5, 2024, Petitioner paid $605.00 in the District Court for the case to appeal to the U.S. Court of Appeals for the Eleventh Circuit.

On November 14, 2024, Petitioner filed his CIP and corporate disclosure statement and his Petition for a Writ of Certiorari in the Court of Appeals for the Eleventh Circuit. (**See U.S.C.A.** EXHIBITS/**Docs.** 1a, 1b)

On November 20, 2024, the U.S. Court of Appeals for the Eleventh Circuit sent out a BRIEFING NOTICE specifically to all counsels represented the Respondent-Defendant stating that Respondent-Defendant had until December 20,

2024, to file their Brief and that the supplemental appendix, if any, is due no later than 7 days after filing of the appellee's brief. (**See U.S.C.A.** EXHIBIT N for evidence)

On December 6, 2024, Respondent-Defendant filed a motion to file its certificate of interested persons out of time and lied to the Court of Appeals stating that one of its counsels was sick as a reason for them to miss the deadline to respond to Petitioner's appeal. Bear in mind, Respondent-Defendant itself made it clear in its CIP record that Respondent-Defendant has a total of four (4) different counsels that represent Respondent-Defendant. (**See** U.S.C.A. **Doc.** 8)

On December 23, 2024, Petitioner filed a response in motion to oppose Respondent-Defendant's USCA **Doc.** 8, which the Court of Appeals denied without due process. (**See** USCA Petitioner's motion filed on Dec 23, 2024.)

On January 15, 2025, Petitioner filed a Demand/Request in the Court of Appeals to restore his properties (passport book and passport card) damaged by the Respondent-Defendant, after Petitioner received a notice/letter dated December 31, 2024, from the Atlanta Passport Agency in regard to an application that was filed by the Petitioner to update his American passport and passport card. The Notice or Letter stated that their office notified Petitioner of his ineligibility to receive an American passport because Petitioner owe child support payments. This action needs to be reversed because it is unconstitutional and conflicts with SCOTUS's rulings.

The Court of Appeals denied Petitioner's request and even violated their own ruling and decision in the case of ***Bartel v. FAA***, 725 F.2d 1403, 1409 (D.C. Cir. (1984.), which held that: *Agencies generally are prohibited from disclosing records by*

any means of communication-written, oral, electronic, or mechanical – without the written consent of the individual. (**See** U.S.C.A. **Doc.** 20 and EXHIBITS E, L, M for evidence)

On January 21, 2025, Respondent-Defendant filed its response in the Court of Appeals for the Eleventh Circuit on November 5, 2024, which was based entirely on lies. (**See** U.S.C.A. **Doc.** 19)

On January 28, 2025, Respondent-Defendant filed its Appellee's Supplemental Appendix in the Court of Appeals by Respondent-Defendant's counsels: Christopher M. Carr, Loretta L. Pinkston-Pope, Laura Lones, and Nia Nzinga Norwood.

On February 5, 2025, Petitioner filed his motion to deny Respondent-Defendant's **Docs.** 19 and 21 for lack of jurisdiction. (**See** U.S.C.A. **Doc.** 22)

On February 11, 2025, the Court of Appeals denied Petitioner's motion to strike without due process of law. (**See** U.S.C.A. **Doc.** 23-2)

On February 24, 2025, Petitioner filed a response in re[23-2] under the U.S. Supreme Court's ruling and decision in ***NODD v. Shalala***, No. 95-1741, under Fed. R. App. P. 31(a)(1)(2), and under the BRIEFING NOTICE submitted by the Court of Appeals for the Eleventh Circuit filed on November 20, 2024, in appeal case No. 24-13600. (**See** Petitioner's CIP and Response in Opposition to 23-2 filed in the Court of Appeals on Feb 24, 2025, case No. 24-13600)

On March 7, 2025, the U.S. Court of Appeals for the Eleventh Circuit filed an order to deny Petitioner's Demand to Restore his properties damaged by the Respondent-Defendant and

its third party without due process of law. The Court of Appeals denied Petitioner's motion (**Doc.** 22) without any due process of law decisions. Further, the Court of Appeals denied Petitioner's **motion for reconsideration** without due process of law decision. (**See** U.S.C.A. **Doc.** 27-2)

On the same March 7, 2025, Respondent-Defendant mailed out a notice dated 03/07,2025, to harass Petitioner and stated that now Petitioner was hereby notified that he was not in compliance with their order and threatened Petitioner to appear in their own personal court located at 8473 Duralee Lane Suite 200, Douglasville, GA 30134, and that Petitioner should bring with him $786.00 to pay them. (**See** EXHIBIT O1)

On March 17, 2025, Petitioner filed a notice of response in opposition to the Respondent-Defendant's EXHIBITS 0-1 and 0-2 (**See** Petitioner's CIP and Response filed in the Court of Appeals on March 17, 2025)

On the same March 17, 2025, Petitioner filed a motion to compel the Respondent-Defendant fulfill its duties and obligations to uphold and defend the U.S. Constitution and the U.S. Supreme Court's rulings and decisions in a way to Mandate after receiving threats again from the Respondent's third party, Georgia Department of Driver Services, that Petitioner's driver's license will be suspended again this time effective 03/23/2025. (**See** Petitioner's motion filed in the Court of Appeals on March 17, 2025, and EXHIBIT P-1)

On March 24, 2025, Petitioner filed his Motion for Clarification in re [27-2] under ***Bartel v. FAA***, 725 F.2d 1403, 1409 (D.C. Cir. (1984.), under FRAP Rule 27, and under the Incorporation-By-Reference Doctrine, demanded the Court

of Appeals what was the reason the Court denied Petitioner's Demand (**Doc.** 20) when Petitioner truthfully presented to the Court all evidence, all elements and factual information to grant the Demand? And what legal and lawful principles or procedures did the Court's judge(s) use to give the order in **Doc.** 27-2 dated March 7, 2025? (**See** Petitioner's CIP and Motion for Clarification filed in the Court of Appeals on March 24, 2025.)

On the same March 24, 2025, Petitioner also filed another Motion for **Reconsideration** in re**Doc.** 20 and Verification in re [23-2] in the interest of justice to state that Petitioner filed the motion for reconsideration on the grounds that the finding and conclusion of the order in **Doc.** 23-2 are contrary to the facts and to the laws presented in this case. (**See** Petitioner's CIP and Motion for Reconsideration filed in the Court of Appeals on March 24, 2025.)

On May 8, 2025, Petitioner filed a Notice to the Court of Appeals for the Eleventh Circuit after receiving an harassment notice from the Respondent-Defendant. (**See** Petitioner's CIP and Judicial Notice filed in the Court of Appeals on May 8, 2025, and EXHIBIT P)

On that same May 8, 2025, the Petitioner filed for Entry of Default Judgment against the Respondent-Defendant at the Court of Appeals under FRAP Rule 27(a)(3), FRCP Rule 55(a)(b), and under ***Discovery Bank v. Joy A. Morgan***, after the Court of Appeals and the Respondent-Defendant have exceeded the time to respond to Petitioner's motions for clarification, verification, and reconsideration for a while. (**See** Petitioner's documents filed in the Court of Appeals on May 8, 2025)

On the same May 8, 2025, the Court of Appeals for the Eleventh Circuit filed an order to deny Petitioner's motion for Reconsideration with a Deficiency Notice, which is a NO ACTION NOTICE, stating that no action will be taken on Motion for Reconsideration filed by Petitioner-Appellant Andy Desty. (**See** USCA **Doc.** 32-2 or APPENDIX A)

STATEMENT REVIEW OF THE CASE

The district court's decision from OPINION AND ORDER [Append. 38] to JUDGMENT [Append. 40] needs to be reviewed and reversed because it conflicts with Supreme Court's ruling and decision in ***NODD v. Shalala*** No. 95-1741 (1996) as it been ruling that the Supreme Court invalidated child support provisions in recent federal legislation as an unconstitutional infringement on the right of noncustodial parents to choose whether or not to support their minor children. And at the same time, the Supreme Court overturned related child support provisions that had been enacted in all 50 states, the District of Columbia, Puerto Rico, and Guam. Associate Justice David Souter wrote the opinion for the Court majority. In a departure from usual Court practice, no less than eight for the nine justices wrote opinions in this highly controversial case of ***NODD v. Shalala***, No. 95-1741. The United States Supreme Court continued to say that when federal legislation required that the states suspend the driver's and professional licenses of persons subject to child support orders if those persons failed to make the required payments, that alone encroached on the substantive components of the guarantees of personal liberty in the Due Process Clauses of the Fifth and Fourteenth Amendments to the United States. Justice Souter's majority opinion noted that the Supreme Court had afforded

"constitutional protection to personal decisions relating to family relationships," and had "respected the private realm of family life which the state cannot enter." And based on the fundamental right to define one's own concept of existence, of meaning found in the Fourteenth Amendment to the United States, Justice Souter reasoned that if a noncustodial parent decides that child support is not a personally meaningful concept, a state cannot compel the parent to accept that concept as meaningful by requiring the parent to pay child support or risk losing a driver's or professional license. The choice not to pay child support is a "substantive liberty of the person," the justice wrote, "and if Congress and the states do not like it, tough apples." Moreover, justice Souter maintained, it is not only unconstitutional but also un-American to tie possession of a driver's license to the payment of child support.

The court of appeals and the district court's decision in this case conflicts with the Supreme Court's ruling and decision in ***Holmberg v. Holmberg,*** (Minn. Sup. Ct. File Nos. C7-97-926; C8-97-1132; C9-98-33; and C7-97-1512, filed Jan. 28, 1999), as it been ruling that: *this Court held that the current structure of the administrative child support process violates the constitutional constraints on the separation of powers.*

The Court of Appeals' and the district court's decisions conflict with the Supreme Court's ruling in ***People v. Merchants Protective Corps***, 189 Cal. 531 (Cal. 1922). The fact that the District Court and the Court of Appeals accepted all Respondent's documents prepared by a lawyer and ruled in favor of the Supreme Court lawbreaker overturned the Supreme Court's decision above and needs to be reversed immediately.

The District Court's decision also conflicts with ***People v. California Protective Corporation***, 76 Cal. App. 354, 244 Pac. 1089, and needs to be reversed immediately.

Therefore, Petitioner's action, *inter alia*, contested the valid- ity of the district court's decision, the court of appeals' decision and the Respondent's motions and interactions filed with them due to several irregularities in their contents in the lawful facts presented herein, and whether they were valid. **(Supplemental App. A, B/39, C/40, D/38)**

REASONS FOR GRANTING PETITION

I. The District Court and the Court of Appeals' rulings permitted Georgia Department of Human Services/Child Support Services to rely on a statutory regime which contemplated Respondent's continued Practice of Separation of Powers Doctrine, Deprivation of Rights and Property, and which unfair-ly privileges it over other litigants.

Georgia Department of Human Services/Child Support Services' use of Separation of Powers Doctrine, violation of the Constitution, is of na- tional importance, because Georgia Department of Human Services/Child Support Services uses these pro- cesses to forum shopping and gain advantage from the American people when brought into their partnered courts. And, because of this, the issue before the Supreme Court was that the Administrative Law Judges that modify district court child support orders violate the Separation of Powers Doctrine and thus is unconstitutional, unless these judges are judicial judges.

Here are the facts, valid demonstrations and reasons below from background information office of Administrative Hearings that'll grant this Petition for a Writ of Mandamus:

Reasons Why the Minnesota Supreme Court and its Constitution Declared Child Support Unconstitutional:

1. **Establishment** - The Office of Administrative Hearings, initially named the Office of Hearing Examiners, was created in 1975 (Laws 1975, Ch. 380, Sec. 16-18) as part of broader administrative procedures legislation. Minnesota was the second state to create a central administrative hearing office, following California. The office is an independent state agency in the Executive Branch.

   The Minnesota Office of Administrative Hearings was established formally on July 1, 1975, but was not permitted to conduct administrative law hearings until January 1, 1976. During that initial six months of the agency, a chief hearing examiner was appointed, a staff was hired, facilities were rented, and equipment and office supplies were acquired from the agency's initial, nonrecurring appropriation of $167,000. Subsequently, the operating costs of the Office of Administrative Hearings would be borne by the governmental entities which referred hearings to the agency, based on hourly charges to be deposited in a revolving fund account. Initially, the Office of Administrative Hearings was organized into three units, which were a utility regulation and transportation unit, an environmental unit, and a general regulatory unit. Overtime, with cross-assignments of the limited number of hearing officers, unit specialization disappeared in the late 1990s.

   A. In 1981 (Laws 1981, Ch. 346, Sec. 2), the Office of Administrative Hearings was expanded by an

extension of its jurisdiction to workers' compensation appeals, with the creation of the positions of compensation judges and the transfer of all workers' compensation hearing functions from the Department of Labor and Industry, but the case docket governed by Minnesota Statutes, Chapter 176.

B. In 1987, on a pilot project basis, the Office of Administrative Hearings undertook an expedited administrative process for enforcing child support obligations, which became the Child Support Unit in 1992, serving 39 Minnesota counties. By 1994, the child support enforcement program was expanded to all 87 counties. In 1999, the Minnesota Supreme Court, in *Holmberg v. Holmberg,* 588 NW2d 720 (1999), held that the Office of Administrative Hearings child support hearing process was an unconstitutional delegation of judicial power to an Executive Branch agency. In 2001, the child support hearing function was transferred back to the state court system.

C. In 1998 (Laws 1998, Ch. 366, Sec. 80-82), the workers' compensation settlement function that was retained by the Department of Labor and Industry in 1981 was transferred to a Workers' Compensation Settlement Division established in the Office of Administrative Hearings. In 2010, the Workers' Compensation Settlement Division and the Workers' Compensation Hearing Division were combined into a single division.

D. In 2004 (Laws 2004, Ch. 277, Sec. 7-11), civil remedies were created for potential campaign violations and the Office of Administrative Hearings was substituted for the various county attorneys as a mechanism for a faster resolution of alleged violations of the Minnesota fair campaign practices and financial reporting requirements. The Office of Administrative Hearings

disposes of fair campaign practices administratively prior to any criminal prosecution by the applicable county attorney. The number of campaign-related complaints declined after the change.

E. **In** 2005, the municipal boundary adjustments office was transferred to the Office of Administrative Hearings by Reorganization Order 192. In 2008 (Laws 2008, Ch. 196, Art. 1), the transfer of the municipal boundaries' adjustment function from the Office of Strategic and Long-Range Planning to the Office of Administrative Hearings was reflected in corrections to the boundary adjustment law.

2. **Purpose** – Before July 1, 1976, administrative contracted case hearings were conducted by agency employees. After taking testimony and assembling evidence, those employees would make recommendations to the heads of their agencies about what to do. Many commentators and affected parties felt that it was unfair to have agency employees conduct those hearings. The Office of Administrative Hearings was created to provide an impartial hearing process for individuals who disagree with actions taken by the government. The addition of workers' compensation adjudication function occurred because of concerns about the neutrality and independence of the prior compensation judges. While hearing examiners were required to have demonstrated knowledge of administrative procedures and to be free of political or economic associations that threaten fairness and objectivity, compensation judges were required to be lawyers, to have a demonstrated knowledge of workers' compensation laws and be free of political or economic associations that threaten fairness and objectivity. The Workers' Compensation Division judges' salary structure,

set as a percentage of state district court judges, differed from the hearing examiner salary structure, forming an impediment to internal cohesion.

3. **Function** - The office hears and decides cases in four main areas:

   A) Administrative Procedures Act State Agency Contested Cases and Rulemaking Hearings. Judges in the Administrative Law Division provide hearing and mediation services to more than 100 state agencies and local units of governments. Administrative Law Judges preside in hearings on a broad array of matters relating to rulemaking, state licensing, utility regulation, fair campaign practices, data practices and the operation of government programs.

   - Budget: Nearly all of the Administrative Law Program operates as an Enterprise Fund. Each year Minnesota Management & Budget sets billing rates for the services rendered to client agencies.

   - Ten judges are assigned to the Division.

   B) Local Government Licensing and Personnel Cases - Judges in the Workers' Compensation Division conduct pretrial and trial level functions associated with claims for workers' compensation benefits. Those functions include ruling on motions, conducting settlement and pretrial conferences, mediations and trials, and issuing awards and final decisions. The Office of Administrative Hearings conducts hearings in locations across Minnesota-most often in one of six "Hub Cities": Duluth, Walker, Alexandria, Mankato, Rochester and St. Paul.

   C) Workers' Compensation Benefit Hearings

- Budget: The Workers Compensation Program is funded from the Special Compensation Fund through a biennial appropriation of $14.5 million. No General Funds are used. Twenty-two judges are assigned to the division.

D) Adjudication of Municipal Boundary Changes – The Municipal Boundary Adjustments unit (MBA) of the Office of Administrative Hearings administers and adjudicates the uniform system of municipal boundary adjustments codified in Minnesota Statutes, Section 414. Legal orders are issued for the creation or dissolution of municipal boundaries through incorporation, consolidation, annexation or detachment of land. MBA staff review and facilitate approximately 250 petitions for boundary adjustments annually. The majority of petitions are from property owners; the rest are from cities and townships. All adjustments affect local government, as well as property owners, and have the potential for conflict or agreement. Consultation and technical assistance on issues relating to municipal boundary adjustments is available.

- Budget: The MBA is funded through an annual appropriation from the general fund of $267,000.

- Four staff, an assistant chief judge, a court executive, and two state program administrators, are assigned to the unit.

4. **Chief Hearing Examiner** - Office of Administrative Hearings' chief judge is appointed to six-year term(s) by the Governor.

A. The initial chief hearing officer, appointed on July 25, 1975, and serving until June 30, 1988, was Duane R. Harves.

- William G. Brown was the chief hearing examiner from 1988 until 1993.

B. Kevin E. Johnson was the chief hearing examiner from 1993 until 1997.

C. Ken Nickolai was the chief hearing examiner from 1998 until 2003.

D. The current chief hearing examiner, appointed in 2004, is Raymond. R. Krause.

5. Office of Administrative Hearings Judges – Workers' compensation judges handle the workers' compensation hearings and administrative law judges handle the remaining proceedings. All of these individuals are attorneys with extensive legal backgrounds and practical experience. Since 2000 (Laws 2000, Ch. 355, Sec. 1), administrative law judges and workers' compensation judges have been made subject to the code of judicial conduct applicable to judicial branch judges.

6. Retirement Coverage for Office of Administrative Hearings Judges – The Judges Retirement Plan, administered by the Minnesota State Retirement System (MSRS), covers judges working in the court systems covered by the judicial branch of state government. In contrast, administrative law judges and workers' compensation judges are not employees of the judicial branch. They work for the Executive Branch and are covered by a different plan, the General State Employees Retirement Plan of the Minnesota State Retirement System (MSRS-General).

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Information about "*A Research based from Minnesota Administrative Procedure and The Office of Administrative Hearings,*" 2010, from Krause, Raymond and Johnson B., "*Minnesota's OAH: 30 Years of Innovation In Administrative Review,*" 2001, is used in preparing this document.

In the U.S. Supreme Court's ruling between ***Blessing v. Freestone,*** 520 U.S. 329 (1997), the Supreme Court opinioned that the Title IV-D Program was not intended to benefit children and custodian parents. Therefore, child support is unconstitutional.

In the U.S. Supreme Court's ruling between ***U.S. v. Sage,*** 92 F.3D 101 (2D CIR. 1996), it has been ruled that Child Support Recovery Act-1992 is invalid as it goes beyond the constitutional power of Congress to enact.

The Respondent-Defendant's program and its practices must be extinguished as a matter of law.

II. The District Court's dismissal of the Petitioner's claims deprived him of his due process rights to legally determine what corporation or entity(ies) claim an interest in his liberty and property, and the validity of those interests.

By dismissing the Petitioner's claims relating to the identity of the holders of security interests and the validity of said security interests, the court of appeals and the district court de- prived him of his only vehicle for protecting his inter- ests to his life, happiness, liberty, and property in the court. Effectively, he has been denied his rights to due process in relation to his fundamental property and liberty rights in his real life.

The Petitioner contends that a person's right to challenge claims to one's property and liberty is a constitutional right afforded **pursuant to** the United States Constitu- tion pertaining to Liberty Rights, Property Rights, and Due Process Rights.

III. In dismissing the Petitioner's claim, the Court of Appeals and the District Court ignored the straightforward language of *NODD v. Shalala*, No. U.S. 95-1741, and *Holmberg v. Holmberg,* 588 N.W.2d 720 (Minn. 1999), which render the practice of Separation of Powers Doctrine im- proper.

The Petitioner asserts that the Separation of Powers Doctrine occurred within this Respondent's Administrative Hearing process, harassment, slavery or bifurcated by the purported originating authority, the state of Georgia. The state of Georgia held these practices and processes, while Respondent-Defendant's practice of sepera- tion of powers doctrine clearly skyrocketing the system and all natural rights and liberty of the American people, nomi- nates Georgia Department of Human Services/Child Support Services as the nominee for the state of Georgia.

This issue is of national importance as it is com- mon practice in the developing communities and it bifur- cates families within the United States which has been deemed impermissible by way of longstanding and well-settled law of this court.

CONCLUSION AND PRAYER FOR RELIEF

For reasons set forth in the preceding sections of this Petition, the Petitioner respect- fully asserts that this case is an appropriate opportunity and vehicle for this Court's consideration and resolution of several is- sues of significant public importance relating to the current structure of the administrative child support process and services, which violate the constitutional constraints on the Separation of Powers Doctrine and conflicts with this Court's rulings and

decisions, which further impacts an immense por- tion of the United States population. The Petitioner asks that this Court grant his Petition for Writ of Man- damus and consider this case on the merits, and respectfully prays to grant the following relief below:

1- Assume jurisdiction over this matter.

2- Expedite consideration of this action **pursuant to** 28 U.S.C. § 1657 because it is an action that requires expedition in order to avoid court orders causing additional harm and damages.

3- Issue an emergency stay of the enforcement of all orders associated with the Court of Appeals and the District court's rulings.

4- Award Petitioner all applicable damages for the violations committed by the Respondent.

5- Void all associated orders and judgments due to the failure to fulfill the obligation and duty by providing proof of jurisdiction upon request and in violation of due process rights of the Petitioner.

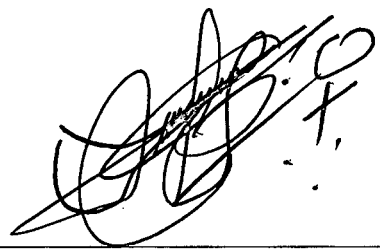
6- Award Petitioner all fees and costs under the Equal Access to Justice Act (EAJA), as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law; and

7- Grant any other and further relief as the Court deems just and proper.

UNDER PENALTY OF PERJURY, I, Andy Desty, Petitioner swear, declare and certify on this 15th day of May 2025 that this foregoing and all information provided herein are true and correct to the best of my ability and knowledge with evidence of the facts presented herein and to the applicable laws stated above.

Respectfully signed and submitted on May 15th, 2025, from the State of Georgia.

All Unalienable Rights Reserved Without Prejudice under the BILL OF RIGHTS, and U.C.C. 1-308.

By: 

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