25-420

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Rued, et al, Petitioners v. Jayswal, et al, Respondents

Rued, et al, Petitioners v. Hudson, et al, Respondents, I and II

Rued, et al, Petitioners v. Judge Hatcher, et al, Respondents

In re Rued, et al, Petitioners, I through IV

On Petition for Writ of Certiorari to the Eighth Circuit

PETITION FOR WRIT OF CERTIORARI

Joseph Daryll Rued;
Scott Daryll Rued;
Leah Jean Rued
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Pro Se Petitioners

QUESTION PRESENTED

Petitioners' actions seeking enforcement of federal rights and law were dismissed based upon demonstrable fraud which was affirmed on appeal.

THE QUESTIONS PRESENTED ARE:

Do Fifth Amendment requirements apply to actions determining facts or applying judicial doctrines and caselaw affecting protected rights?

Does a petition for writ of habeas corpus lie for physical confinement and/or restraint unshared by the general public imposed by a state judgement in violation of the laws of the United States?

Do jurisdictional requirements under Art. III proscribe fraud demonstrable on the face of the record determinative to actions by federal judges?

Can Rooker-Feldman apply to claims unreached by any completed state proceedings or through privity?

Do First and Fifth Amendment requirements protect the right to petition the government from inhibition or deprivation based upon fraud?

Does the Seventh Amendment protect claims from judicial interference related to jury demanded determinations that include questions of fact?

Are 1996 additions to §1983 an exercise of Congressional authority that is not provisioned?

Should writs of prohibition have issued against judicial actions failing to comply with genuine case and controversy requirements under Art. III?

PARTIES TO THE PROCEEDINGS

Petitioners are Joseph Rued, a person and father, and W.O.R., a person, minor child, son, and grandson, in all proceedings for which review or relief is sought and Scott Rued, a person and grandfather, and Leah Rued, a person and grandmother, in all proceedings for which review or relief is sought except proceedings for Writ of Habeas Corpus and proceedings for an extraordinary writ related thereto.

Respondents in 25-1620 and 25-1593 are Jaykumar Jayswal, a person and Hennepin County CPS Investigator, Lesley Karnes, a person and Scott County CPS Investigator, Suzanne Arnston, a person and Deputy Director of Scott County CPS, Julie Swanson, a person and Scott County CPS Supervisor, Anne Gearity, a person and participant of Governor's CPS Task Force, Ryan Kuffel, a person and Eden Prairie Police Officer, Hennepin County Human Services and Public Health Department, a person and county department, Scott County Health and Human Services, a person and county department, Judy Weigman, a person and forensic interviewer with CornerHouse, Minnesota Department of Human Services, also known as Minnesota Department of Children, Youth, and Families, a state agency, Nancy Brasel, a person that is also a federal judicial officer, Leonard Steven Grasz, a person that is also a federal judicial officer, Bobby Shepherd, a person that is also a federal judicial officer, David Stras, a person that is

also a federal judicial officer; Respondents in 25-1620, 25-1593, 25-1623, and 25-1594 are Mike Furnstahl, a person that is also a state judicial officer, Renee Worke, a person that is also a state judicial officer, Roger Klaphake, a person that is also a state judicial officer, Charles Webber, a person that is also a state judicial officer, Richard Stebbins, a person that is also a state judicial officer, Charlene Hatcher, a person that is also a state judicial officer, Jon Schmidt, a person that is also a state judicial officer, Nelson Peralta, a person that is also a state judicial officer, Christian Sande, a person that is also a state judicial officer; Respondents in 25-1620, 25-1593, 25-1623, 25-1594, 25-1651, and 25-1597 are Carrie Lennon, a person that is also a state judicial officer, and Natalie Hudson, a person that is also a state judicial officer; Respondent in 25-1620, 25-1593, 25-1651, and 25-1597 is Captain Pearson, a Shakopee Police Officer; Respondents in 25-1651 and 25-1597 are Alec Sloan, a person that is also a Minnesota Attorney General Officer, Keith Ellison, a person that is also the Minnesota Attorney General, Charlie Alden, a person and attorney at Gilbert Alden Barbosa, PLLC, Beth Barbosa, a person and attorney at Gilbert Alden Barbosa PLLC, Gilbert Alden Barbosa PLLC, a person and law firm, CornerHouse, a person and county and municipal forensic affiliate in CPS investigations, Leonardo Castro, a person that is also a state judicial officer, Hennepin County Clerk of Court, a state agency, and Catrina Rued, a person, mother, and client of Gilbert Alden Barbosa PLLC; Respondents in 25-1651 and 25-1598 are Judge Bond, Judge

Hatcher, Judge Hudson, Judge Klaphake, Judge Larson, Judge McKeig, Judge Worke, and Referee Stebbins.

STATEMENT OF RELATED PROCEEDINGS

- *Joseph D. Rued v. Catrina M. Rued*, Supreme Court of the United States No. 22-702

- *In Re the Marriage of Catrina Rued and Joseph Rued,* Minnesota Court of Appeals Nos. A21-0798; A21-1064; A22-0812; A23-0715; A25-0209

- *Joseph Daryll Rued and on Behalf of minor child W.O.R and Catrina Marie Rued, et al,* Minnesota Court of Appeals No. A22-0593

- *Joseph Daryll Rued and on Behalf of minor child W.O.R and Catrina Marie Rued, et al,* Minnesota Court No. 70-FA-21-13336

- *In Re the Marriage of Catrina Rued and Joseph Rued,* Minnesota Court No. 27-FA-16-6330

- *Joseph Rued, also o/b/o W.O.R., a minor child v. Catrina Rued, et al* Scott County District Court No. 70-CV-24-4238

- *Joseph Rued, also o/b/o W.O.R., a minor child v. Charles Webber* Scott County District Court No. 70-CV-24-7810

- *Joseph Rued, et al v. Charlene Hatcher, et al,* Minnesota District Court No. 23-CV-02685

- *Joseph Rued, et al v. Charlene Hatcher, et al,* Eighth Circuit Court of Appeals No. 23-CV-03092

- *Joseph Rued, et al v. Charlene Hatcher, et al,* Supreme Court of the United States No. 23-986

- *Joseph Rued, also o/b/o W.O.R., a minor child v. Catrina Rued, et al,* Hennepin County District Court No. 27-CV-24-5845; Minnesota District Court No. 24-CV-3662 (JWB/DJF)

- *In Re Joseph Rued, Petitioner,* Minnesota Supreme Court No. A24-1740; A25-0057

- *Joseph Rued, also o/b/o W.O.R., a minor child v. Charles Webber,* Minnesota Court of Appeals and Minnesota Supreme Court Nos. A24-1706; A24-2035

- *Joseph Rued, also o/b/o W.O.R., a minor child v. Catrina Rued, et al,* Minnesota Court of Appeals and Minnesota Supreme Court Nos. A24-1705; A24-1905

Related Cases

- *Joseph Rued, et al v. Charlene Hatcher, et al, et al.* Supreme Court of the United States No. 23A829

- *Joseph Rued v. Commissioner of Human Services*, Minnesota Supreme Court and Minnesota Court of Appeals No. A22-1420; Minnesota Court of Appeals No. A25-0831

- *Joseph Rued v. Commissioner of Human Services*, Minnesota Court No. 70-CV-22-7318

- *In Re Joseph Rued, Petitioner* Minnesota Court of Appeals No. A23-0044; A23-1754; A24-0759; A24-0982

- *In Re Joseph Rued, Petitioner* Minnesota Supreme Court No. A23-1754; A23-1755; A23-1936; A24-0719 A24-0759; A24-0982

- *In Re Petitioners Scott Rued and Joseph Rued, In Re Complaint Against 041423, A Minnesota Attorney,* Minnesota Supreme Court No. A23-1004

- *In Re Complaint Against 041423, A Minnesota Attorney,* Minnesota Supreme Court No. A23-0614

- *In the Matter of the Welfare of the Children of: Catrina M. Rued and Joseph D. Rued,* Minnesota Court No. 27-JV-18-5395

- *In the Matter of the Welfare of the Child of: Catrina M. Rued and Joseph D. Rued,* Minnesota Court No. 27-JV-25-1195

- *In the Matter of the Welfare of the Child of: C.M.R. and J.D.R.*, Minnesota Court of Appeals No. A25-0935

- *In the Matter of the Welfare of the Child of: Catrina M. Rued and Joseph D. Rued,* Minnesota Court No. 70-JV-25-7699

- *Joseph Rued, also o/b/o W.O.R., a minor child v. Catrina Rued, et al,* Minnesota Court of Appeals Nos. A25-0361; A25-0362

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The Orders below are of the Eighth Circuit Court of Appeals in *Rued, et al v. Jayswal, et al*, *Rued, et al v. Hudson, et al I*, and *Rued, et al v. Hudson II, et al* all included in the Appendix ("App.") (App.-1-), *Rued, et al v. Judge Hatcher, et al* (App.-5-), and *In re Rued, et al I-IV* (App.-7-10-), which were all petitioned for rehearing (App.-112-) and denied (App.-11-14-).

JURISDICTION

Petitioners timely filed Petition for Rehearing (App.-112-), which were all denied in *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), and filed Petition for Writ of Certiorari within 90 days of the Eighth Circuit's denials. On August 7, 2025 the Clerk of Court issued a letter requiring changes to this Petition to be filed within 60 days of the letter. Petitioners complied and timely re-filed this Petition. Jurisdiction of this Court is invoked under 28 U.S.C. §1254(1) for Petition for Writ of Certiorari. U.S.Sup.Ct.R. 12.4 is invoked for review of multiple orders from the same court. Petitioners have made notifications required under Rule 29.4(b).

CONSTITUTIONAL AND STATUTORY PROVISIONS

U.S. Const. Art. III §2

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;

U.S. Const. Art. VI §2, 3

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution.

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

nor shall any person be subject for the same offence

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.

U.S. Const. Amend. VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

U.S. Const. Amend. XIV §1, 5

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

28 U.S.C. §2072(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.

28 U.S.C. §2254(a)

The Supreme Court, a Justice thereof, a circuit judge, or a district court shall entertain an application for a

writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.

42 U.S.C. § 1983

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

STATEMENT OF THE CASE

All Petitioners sought relief under §1983 for numerous violations of federally protected rights in *Rued, et al v. Jayswal, et al* (24-CV-1763 (JRT/TNL) in Minnesota District Court ("MDC"); 25-1620 at the Eighth Circuit ("EC"); and 25-1593 on Petition for Writ of Prohibition (*In re Rued, et al I*)), for an emergency and temporary injunction pending jury determinations on related issues in *Rued, et al v Hudson, et al I* (24-CV-2437 (JRT/TNL); 25-1623; and 25-1594 on Petition for Writ of Prohibition (*In re Rued, et al II*)), and for further violations of federally protected rights related to actions in ongoing state proceedings in *Rued, et al v. Hudson, et al II* (24-CV-3409 (JRT/TNL); 25-1651; and 25-1597 on Petition for Writ of Prohibition (*In re Rued, et al III*)). Petitioners Joseph Rued ("Rued") and W.O.R., a minor child and Rued's natural child, sought relief for unlawful imposition of physical confinement through petition for writ of habeas corpus in *Rued, et al v. Judge Charlene Hatcher, et al* (25-CV-0468 (ECW/JRT); 25-1614; and 25-1598 on Petition for Writ of Prohibition (*In re Rued, et al IV*)). Jurisdiction in the court of first instance is found through 28 U.S.C. §1331 or, alternatively or additionally, the Fourteenth Amendment in EC cases 25-1620, 25-1623, and 25-1651 and 28 U.S.C. §2254(a) for 25-1614.

MDC determined Petitioners' non-habeas related claims all lacked federal jurisdiction through application of Rooker-Feldman doctrine on the basis that Petitioners' Complaint(s) assert Rued had argued the fundamental basis of all of Petitioners' claims in initial state child custody proceedings in Hennepin County ("HC") Family Court (App.-26-; App.-56-; App.-74-). A fundamental thrust of all of Petitioners' claims,

clearly identified in Complaints, is that the Minnesota State Courts ("MSC") have systematically prevented the litigation of these federal issues, which fundamentally relate to falsified child abuse investigations by HC CPS, which the investigator, Defendant Jayswal ("Jayswal"), has admitted under oath have been falsified through his Child in Need of Protection or Services Petition ("CHIPSP") against Rued in culmination of his investigations (App.-119-133-).

Initially, the Reports and Recommendations ("R&R"), which all were adopted with additions by MDC judge, hypothesized that Rued must have made arguments related to the fundamental basis of Petitioners' claims to the Minnesota Court of Appeals ("MCOA") (App.-52-). In objections, Petitioners demonstrated that the Court's hypothesis, which was its basis for Rooker-Feldman application, was untrue (App.-143-148-), as Rued was not allowed to present the deposition admissions of the HC CPS investigator or to call the investigator and any of those working with the investigator as witnesses, despite submitting the deposition and subpoenaing the investigator as a witness in trial, because the state district court did not allow the litigation of such, including through dictating the witnesses and order in which Rued would call such in the order of importance according to the state court's purported view of the case, along with limiting trial time.

Judge Frisch of the MCOA is the first to issue opinion depriving Rued's rights explicitly relying upon Jayswal's admitted perjury—Frisch is not a defendant in any of these cases for which review is sought. None of the relief Petitioners seek targets anything that Jennifer Frisch has done, even if such person's actions

may not be authorizable on behalf of respective sovereign(s) (*Larson v. Domestic Foreign Corp.*, 337 U.S. 682, 690 (1949)), or the initial state judgement related to custody, which definitionally did not reach, consider, reject, determine, or do anything related to Jayswal's admitted perjury because such was prohibited from being litigated in MSC, despite Rued's attempts to do so. Both R&R and Orders in the non-habeas related cases from the MDC assert that Judge Frisch's Judgement that did not consider Jayswal's admissions Petitioners' claims are based upon inhibits all of Petitioners' non-habeas claims under Rooker-Feldman.

After it was identified that the hypothesis put forth in the R&R was baseless, as Rued was prevented from raising anything related to Jayswal's admissions of perjury in his CHIPSP in the initial MCOA proceeding (App.-143-165-), the MDC issued Orders applying Rooker-Feldman on the basis that Petitioners' Complaint asserted that Rued had "argued" that Jayswal's CHIPSP was admitted perjury in the initial custody proceedings (App.-26-) to Defendant Furnstahl ("Furnstahl"), who, accordingly, must have considered such arguments and such judgement, accordingly, reached such issues which were affirmed by MCOA and, thus, all claims with any relation to Jayswal's perjury admissions must constitute review of Judge Frisch's judgement prohibited under Rooker-Feldman.

However, Rued never "argued" anything related to Jayswal's perjury admissions in this initial trial—Petitioners' Complaint asserts that Rued was prevented from litigating such issues, at all, in initial trial or thereafter, despite repeatedly attempting to, including in ongoing proceedings (App.-119-122; App.-

207-217-). MDC asserted Petitioners' Complaint in paragraphs 2 and 13 provided the factual basis that is essential to MDC's dismissal determinations for Petitioners' non-habeas actions, which the face of the records demonstrates to be untrue and fabricated by MDC (App.-119-126-/App.-207-217-/App.-254-266-).

To apply Rooker-Feldman, MDC needed to support nexus from Petitioners' claims to a concluded state judgement—MDC could not cite to any support that Petitioners' claims had been considered, or even mentioned, by any MSC judgement, much less a concluded one, could not support that Rued had a full and fair opportunity to litigate Petitioners' federal claims when he was prevented from calling Jayswal as a witness or submitting Jayswal's deposition admissions, could not support abstention regarding ongoing proceedings given flagrant violations of express Constitutional requirements in bad faith, and could not apply Rooker-Feldman through privity to non-Rued Petitioners' claims, as made clear in Petitioners' Objections to relevant R&R (App.-137-167-; App.-168-171-; App.-172-186-). So, absent any basis to justify application of Rooker-Feldman under the holdings of this Court (*Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 282 (2005)) or EC (*Simes v. Huckabee*, 354 F.3d 823, 829 (8th...2004)), or preclusion (*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)), or *any* abstention rationale (*Huffman v. Pursue, Ltd.*, 420 U.S. 592, 611 (1975)), MDC fabricated a fact attempting to justify Rooker-Feldman application, attributing such as asserted in Petitioners' Complaint in two paragraphs, which is demonstrably and factually fraudulent.

As MDC dismissed Petitioners' actions based upon what is demonstrable fraud *by MDC*, Petitioners filed motions for relief from the judgements for fraud and fraud upon the court and to amend the orders to comport with Constitutional requirements and facts (App.-203-)—MDC refused to allow such motion(s) (App.-252-) to be filed through MDC's filing restrictions based upon MDC determining Petitioners' actions were frivolous *because* Rooker-Feldman so obviously inhibited such (App.-74-76-), based upon the MDC's demonstrable fraud, as if Petitioners should have been aware MDC would commit such frauds prior to the actualization of such.

Rued and W.O.R.'s (Habeas Petitioners' ("HP"")) Petition for relief under habeas corpus was similarly disposed. MDC asserted that HP' Petition sought relief from child-custody judgements and not physical confinement, incorporating R&R which included assertions that "Rued is not subject to detention or any other physical restraint" (App.-108-), and claimed habeas relief only lies for those in the custody of wardens (App.-103-). HP are not seeking relief from child-custody judgements—Referee Furnstahl and Judge Frisch are not even named Respondents in HP' Petition, which seeks only relief from physical confinement and restraint imposed by other MSC judges. HP' Petition clearly specifies relief sought is *only* for physical confinement, including from the specific portions cited by MDC as seeking relief from child-custody determinations (App.-123-, citing to page 1 of HP' Petition (App.-256-257-); App.-124-126-, citing to page 5, continued on page 16 of HP' Petition (App.-263-267-)). Simply reviewing HP' Petition demonstrates such claims by MDC to be fraudulent and determinative to the proceeding, again, *by MDC*.

There is nothing supporting what MDC cites as custody determinations being "a form of 'confinement'" in HP' Petition or the portions cited by MDC as asserting such—MDC fabricated such facts, *itself*.

Upon receipt of MDC Orders, Petitioners promptly informed MDC of objections for lack of jurisdiction under Art. III genuine case and controversy requirements for such actions (App.-133-), as MDC had no basis in any genuine case or controversy before it for determinations that Rued "argued" Jayswal's perjury admissions to Furnstahl or that HP' Petition sought relief from child-custody determinations, not physical confinement, demonstrable on the face of the records, serving relevant Defendants. Petitioners appealed all of these issues to EC, which summarily affirmed MDC. Additionally, Petitioners sought writs of prohibition from EC to MDC on the basis that actions of fabricating essential facts determinative to the proceedings and attributing such to HP'/Petitioners' Petition/Complaints are not based upon any genuine case and controversy before MDC and, thus, such actions lack Constitutional jurisdictional requirements for federal judicial action.

EC denied all extraordinary writs and summarily affirmed all MDC actions (App.-1-10-)—Petitioners Petitioned for Rehearing, raising all of these issues and other relevant issues related to MDC applying Rooker-Feldman to state proceedings that remain ongoing for which concurrent state-federal jurisdiction exists, to claims no state judgement has reached and through privity, along with MDC's assertion that a writ of habeas corpus does not lie unless Petitioner(s) is/are in custody of a warden, contrary to controlling caselaw from this Court and

EC, along with all other issues raised here and denial of Petitioners' Motions for Injunction pending appeal (App.-112-136-).

Petitioners clearly identified the plain nature of the frauds by MDC resulting in actions that are based upon Complaints and a Petition that clearly do not actually exist and for which Constitutionally required jurisdictional requirements for federal judicial action cannot reasonably be fulfilled and for which Petitioners do not fulfill necessary standing requirements with respect to, arbitrary and invidious application of law absent rationale, violations of First, Fifth, and Seventh Amendment requirements, among other issues, including un-provisioned, Constitutionally prohibited Congressional action in passing the Federal Courts Improvement Act of 1996's additions to §1983 relevant to injunction pending appeal here as well as to lack of mootness related to Petitioners' claims in 24-CV-2437 (JRT/TNL)/25-CV-1623, which have been properly preserved via FRCP 5.1(a)(1)(A) Notification at MDC and FRAP 44 Notification at EC. EC denied Petitioners' Petition for Rehearing on May 6, 2025 (App.-11-), May 14, 2025 (App.-14-), and June 4, 2025 (App.-13-).

The admittedly perjurious allegations contained in Jayswal's CHIPSP are that Rued's *reports* regarding W.O.R.'s reports and exhibition of maltreatment, made under threat of neglect charges if reports were *not* made, are false and therefore harmful to W.O.R. and such admitted perjury is the basis penetrating Rued's statutory immunity as a child maltreatment reporter under state law (App.-120-122-) and federally protected parental rights (*May v. Anderson*, 345 U.S. 528, 532 (1953)). The purposes effected by MSC in initial child custody proceedings

were not a fair litigation of the issues related to W.O.R.'s best interests, but rather primarily to ensure that the illegal and fraudulent actions by actors under color of Minnesota law were not exposed (App.-166-), which is why Furnstahl did not explicitly rely on what he was personally aware, but could not legally consider, was admitted fraud and perjury, containing admittedly falsified allegations of child maltreatment against Rued, preventing such issues related to the abuse and fraud of the government from generally being raised or exposed upon further review.

The EC's affirmances of dismissals based upon factual determinations cited to Petitioners'/HP' Complaints/Petition that have no possible support in the record and are based upon the record is extraordinary action that lacks jurisdictional requirements and must be adequately addressed whether that occurs through the granting and lawful adjudication of this Petition for Writ of Certiorari or some other procedures. Petitioners' compliance with August 7, 2025 Clerk letters constitutes neither waiver nor necessary agreement of any issue.

REASONS FOR GRANTING CERTIORARI

I. FIFTH AMENDMENT REQUIREMENTS ARE BINDING UPON FEDERAL JUDICIAL ACTIONS.

> [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).

While there are differences in application around interstate or international policy issues, the basic concepts of fundamental fairness and equal

application of equal laws are undoubtedly inherent in and required under both the Fourteenth and Fifth Amendments absent material differentiation (*Weinberger v. Wiesenfeld*, 420 U.S. 636, 638,...(1975)). Federal actions must meet requirements under due process when protected rights are implicated, just as state actions (*Albright v. Oliver*, 510 U.S. 266, 299 (1994), citing to *Napue v. Illinois*, 360 U.S. 264, 79...(1959), binding upon state *representatives* (see *Glossip v. Oklahoma*, 145 U.S. 612, 630 (2025) "implicit in any concept of ordered liberty,") (failure of State to correct testimony known to be false violates due process)).

Here, MDC has fabricated facts, itself, to support application of jurisdictional bars, attributing such facts to Petitioners' Complaint—these facts have no record basis record apart from MDC's fabrications, purportedly are based upon the record, and are essential to MDC's determinations, which results in fraud upon the court through falsified evidence lacking any record support by officers of the court. There is simply no way that Petitioners' Complaint in ¶2 or 13 asserts Rued argued Jayswal's perjury to Furnstahl (App.-209-216-), and in affirming MDC's actions EC adopted and furthered the same fabrications and frauds. Correcting such demonstrable fraud on the face of the record on an appeal as a matter of right is not discretionary judicial action and should occur and be remedied at the earliest opportunity (*United States v. Shotwell Mfg. Co.*, 355 U.S. 233, 242 (1957))—such corrections are necessary for appellate court actions to comport with Constitutional requirements.

Similarly, MDC has invidiously applied judicial doctrine and caselaw in these proceedings absent reasonable rationale, affirmed and sustained by EC—

Rooker-Feldman cannot apply to any claims through privity (*Lance v. Dennis*, 546 U.S. 459, 464...(2006)). Of Petitioners, only Rued was a party to Furnstahl's initial proceeding. Additionally, even setting aside MDC's fraudulent assertions that Furnstahl considered and determined Petitioners' claims that Furnstahl could not legally consider, given Furnstahl prevented litigation of anything related to Jayswal's perjury admissions, and pretending such occurred, Rooker-Feldman still cannot even hypothetically relate to anything that came after Furnstahl's proceedings and remain ongoing in state court at time of filing and service here (App.-161-162-)—§1257 is inoperative upon claims relating to ongoing proceedings or unreached by state judgements (*Exxon*...[at]...282 (2005); *Hageman v. Barton*, 817 F.3d 611, 615 (8th...2016); *Caldwell v. DeWoskin*, 831 F.3d 1005, 1008–09 (8th...2016); *Simes*...[at]...829 (8th...2004)).

The only way such invidious actions of applying Rooker-Feldman to claims relating to actions in ongoing state proceedings and which no concluded state judgement has reached in proceedings seeking enforcement of protected rights would not be improper is if Fifth Amendment requirements did not apply to federal judicial action, which could only be the case if federal judicial action was not action on behalf of the United States, which only acts through three branches, like any state—there is no difference between the holdings between state and federal judicial actions being either state or federal action (*Shelley v. Kraemer*, 334 U.S. 1, 14-15 (1948); "that right is protected against judicial action by the Due Process Clause of the Fifth Amendment" (*Marks v. United States*, 430 U.S. 188, 192,...(1977))).

MDC and EC actions responding to HP' Petition are mechanically indistinguishable from those responding to Petitioners' Complaints—MDC fabricated that HP' Petition sought relief from child-custody determinations and not physical confinement (App.-103-), which was determinative to the proceeding, then invidiously applied caselaw against HP specifically contradicted by controlling caselaw (*Duncan v. Walker*, 533 U.S. 167, 176...(2001); *Jones v. Cunningham*, 371 U.S. 236, 239 (1963)) asserting HP could only access habeas corpus proceedings when in custody of a warden (App.-103-), requiring criminal conviction. That protected rights are at issue for Petitioners in these proceedings is clear—accessing the courts is a protected right, particularly in seeking enforcement of protected rights, a right to a fair trial is a protected liberty interest (*Estelle v. Williams*, 425 U.S. 501, 502 (1976)), proceedings of which include appeals even if appeals are not requisite for due process, liberty interests are inherently at issue and *due* enough process in habeas proceedings to invoke fundamental fairness prohibiting the habeas court from committing fraud determinative to the proceeding, wherein fraud *within* habeas proceedings, as here, is addressable (*Gonzalez v. Crosby*, 545 U.S. 524...(2005)) and evidentiary hearings can be required to comport with due process requirements, despite general bars.

There is no reasonable basis supporting determination that once a deprivation of a protected right occurs, such deprivation cannot, thereafter, be conspired with and furthered, generating additional and distinct claims in conspiracy—a state appellate court can conspire with state district courts unlawfully depriving protected rights through taking additional

Constitutionally prohibited actions sustaining such unlawful deprivations, as EC has here. In seeking protected federal rights enforcement for ongoing unlawful deprivations, rights for which enforcement is sought are at issue and impediment to vindication through gross violations of fundamental fairness and/or equal protections by government actors in such proceedings results in such actors joining and such actions furthering the conspiracy to deprive the same protected rights through *additional* actions violative of either the Fourteenth or Fifth Amendment to sustain violations of the Fourteenth/Fifth Amendment, as respective venues dictate.

Providing for remedy of deprivations is "one of the first duties of government" and "very essence of civil liberty" (*Marbury v. Madison*, 5 U.S. 137, 163...(1803)), and, certainly, that duty cannot be fulfilled by offering remedy, then arbitrarily, capriciously, or, as here, *fraudulently* denying such remedy through conduct demonstrably fundamentally unfair and contrary to any reasonable expectations of judicial proceedings ("those fundamental requirements of fairness which are of the essence of due process in a proceeding of a judicial nature." *Morgan v. United States*, 304 U.S. 1, 19...(1938)). If certain pleaded aspects of a conspiracy are barred, such fact, itself, does not inherently result in some cleansing, barring, or immunization for the entire conspiracy (*Dennis v. Sparks*, 449 U.S. 24 (1980)).

If these were agency proceedings, these determinations would have to be overturned on any reasonable judicial review—certainly, standards for circuit judges to, at least, restrain themselves under Fifth Amendment requirements from perpetrating fraud upon the court regarding Complaints and a

Petition, as here, petitioning the government for redress of wrongs seeking vindication of physical liberty, parental rights more precious than any property right, W.O.R.'s right to bodily integrity, and all Petitioners' rights to association also establishing *any* process has never been provided related to any of these claims, which is *why* MDC cannot cite to where any of these issues were actually allowed to be litigated or reached, as such have been unlawfully prevented from being litigated, where such deprivations are occurring through fundamental reliance upon admitted perjury, for which *Mathews* standards easily dictate government must adhere to basic due process standards as "fundamental principles of liberty and justice which lie at the base of all of our civil and political institutions" (*Brown v. Mississippi*, 297 U.S. 278 (1936)) guaranteed by both Fourteenth and Fifth Amendments, are reasonable expectations of government and Constitutionally necessary.

Federal judges perpetrating frauds essential to dismissals, as these, necessarily and inherently violates plain Fifth Amendment requirements, as does invidious application of caselaw or doctrine absent rational basis, as also accomplished here. EC's actions here are plainly prohibited under the most rudimentary and profound of Fifth Amendment requirements.

II. RELIEF UNDER HABEAS CORPUS EXISTS FOR PHYSICAL CONFINEMENT AND/OR RESTRAINT IMPOSED BY STATE JUDGEMENT IN VIOLATION OF LAWS OF THE UNITED STATES.

EC sustained MDC determinations that habeas corpus relief exists only for prisoners in a warden's

custody (App.-13-; App.-103-). When in a warden's custody, such custodian with power to present the body is the proper named respondent—*Rumsfeld v. Padilla*, 542 U.S. 426, 437 (2004) also makes clear that holdings related to habeas relief beyond only being imprisoned are unaltered, specifically citing *Jones*...[at]...239 (1963) identifying physical restraints unshared by the general public as addressable under §2254(a), which is not limited to *criminal* judgements (*Duncan*...[at]...176...(2001)).

Under *Lehman v. Lycoming Cnty. Children's Servs. Agency*, 458 U.S. 502, 502–03...(1982), child-custody placements are not actionable under §2254 because such are not physical impositions by government unshared by the general public. *Lehman* does nothing to alter the proper standard for evaluation of actionability under §2254, which *Lehman's* holdings are *based* upon, which is whether the targeted physical confinement or restraint is unshared by the general public. Here, HP' relief targeted is for being physically confined to a "maximum security supervision center" by state judgement (App.-123-126-) in determinative reliance upon admitted perjury of actors under color of state law that MSC have systematically prevented from being litigated, all violating the Fourteenth Amendment's requirements.

EC's sustaining of MDC's determinations that relief for HP can only be granted when a warden is the named respondent is contrary to holdings of this Court regarding challenging confinement or restraint that is not necessarily present, for which the proper named respondents are those with power for release from restraint, namely the state court or corresponding state officers (*Hensley*..., 411 U.S. 345 (1973);

Braden..., 410 U.S. 484 (1973)), as HP properly named here (App.-192-195-). Such applications of law are violative of equal protection requirements equally applicable under the Fifth Amendment ("[a] law, fair on its face, may be applied in a way that violates the Equal Protection Clause[]." *Martin v. Walton*, 368 U.S. 25, 28 (1961), citing *Yick Wo*)—resultingly, relief under §2254 for HP is available only when presently confined by warden, contrary to redress available under controlling law for others.

III. CONSTITUTIONAL JURISDICTIONAL REQUIREMENTS MUST BE MET AT ALL STAGES OF LITIGATION.

EC was required to ensure its actions comport with Constitutional jurisdictional requirements, veritably erring in not doing so by taking action to sustain MDC's orders lacking nexus to any genuine case or controversy regarding Petitioners'/HP' Complaints/Petition determinatively leveraged in these proceedings, asserting Petitioners' complained of conduct included Rued arguing Jayswal's perjury admissions to Furnstahl when Petitioners' Complaint contained no such information, instead asserting that Rued was prevented from litigating Jayswal's perjury admissions, at all, and HP' Petition sought relief from child-custody determinations when such Petition contained no such assertion and sought relief for physical confinement (App.-119-126-). Absent any arguable basis in any genuine case or controversy, such actions cannot comport with jurisdictional requirements under Art. III for federal judicial action (*Steel Co. v. Citizens for Better Environment*, 523 U.S. 83, 101–102...(1998)) as is necessary for authorizable federal judicial action, including for EC:

> [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...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. *U.S. Bancorp Mortg. Co. v. Bonner Mall*, 513 U.S. 18, 21 (1994) (citations omitted; **emphasis** added).
>
> 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[.] *Aetna Life Ins. Co. v. Haworth*, 300 U.S. 227, 239 (1937) (**Emphasis** added).

Lines demarcating Art. III jurisdiction must exist and those lines must delineate upon what is actually before a court, otherwise, once authority is invoked, anything could be determined by courts about anything—that demonstrable fraud on the face of the records attributed to Complaints/Petition determinative to proceedings is captured in lacking jurisdictional requirements here follows from demarcation of jurisdiction to *genuine* cases and controversies *existing*, at all. No one can stand nowhere—even federal judges.

IV. ROOKER-FELDMAN CANNOT APPLY TO CLAIMS UNREACHED BY COMPLETED STATE COURT PROCEEDINGS OR THROUGH PRIVITY.

Circuit variances on Rooker-Feldman application are well established—frequency and magnitude in effect of Rooker-Feldman application to citizen's rights are plain. Differences in Circuit application generally relate to varying recognition for due process requirements regarding federal claims, though pragmatic differences, apart from equitable/'safety-valve' carve-outs targeting preservation of due process including fundamental fairness (properly discontinued in the Fifth and ongoing in the Seventh/Ninth Circuits), now, with the exception of the Eleventh who is the leader in lawful conceptualization and application (*Behr v. Campbell*,...[at]...1209-1212 (11th...2021)), principally stem from degrees of utilizations of the pre-2005 "inextricably intertwined" test-criterion still commonly applied, as here, initially derived from *[]Feldman*, 460 U.S. 462, 486–87...(1983) (which also establishes Rooker-Feldman applies on a claim-by-claim basis) with added contours from Justice Marshall's concurrence in *Pennzoil Co. v. Texaco, Inc.*, 481 U.S. 1, 25...(1987) ("...inextricably intertwined...if...claim succeeds only to the extent that the state court wrongly decided...issues...") (App.-175-179-), which was never controlling law despite rampant usages.

Exxon...544 U.S. 280 (2005) is the definitive case regarding Rooker-Feldman, establishing lack of application to concurrent state-federal jurisdiction or in supersession of applying ordinary preclusion law (*Ibid.*, 281), including privity, also interring any test for Rooker-Feldman application that denies

jurisdiction to federal claims on the basis that such claims implicate a state court wrongly decided something absent direct targeting of judgement review/relief:

> Preclusion is not...jurisdictional...Nor does §[]1257 stop a district court from exercising...jurisdiction...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 [preclusion] law determines whether the defendant prevails[.] *Ibid.*, 282.

Further context interring Rooker-Feldman application to federal claims on the basis that such run contrary to state judgements have been provided through repeated holdings that Rooker-Feldman cannot be applied through privity:

> *Verizon*...(2002)...[and]...*Johnson*...(1994) (Rooker–Feldman [has no application to judicial review of executive action and] does not bar actions by a nonparty to the earlier state suit). *Lance v. Dennis*, 546 U.S. 459, 464...(2006).

EC precedent acknowledges concurrent state-federal jurisdiction (*Dornheim*...[at]...923 ([]2005)) and that claims attacking state court legal conclusions or based upon independent actions in state proceedings do not support Rooker-Feldman application (*Hageman*...[at]...615 ([]2016); *Caldwell*...[at]...1008–09 ([]2016) ("*MSK*...[at]...539 ([]2008) (rejecting application of [Rooker-Feldman]...where appellants did not challenge the

state court's [']issuance of the judgment or seek to have that judgment overturned[']")), even acknowledging pre-*Exxon* that claims presented to and not determined or reached by state courts are un-subject to Rooker-Feldman bar (*Simes*...[at]...829 ([]2004))—appellate review or relief from judgements cannot be construed to be sought related to non-existent actions or un-effectuated state court determinations.

Petitioners' claims with relation to judicial proceedings are, with the exceptions only of Furnstahl, who is an adverse party in ongoing state proceedings for illegal actions against Rued and W.O.R. and did not reach anything related to Jayswal's admissions by preventing such from being litigated, and federal actors' proceedings sued here in individual capacity for conspiracy to deprive federal rights under the Fourteenth Amendment through Fifth Amendment violations under §1983, uniformly ongoing (App.-184-). With Furnstahl's declination to consider Jayswal's perjury admissions there is no concluded state judgement related to Petitioners' claims related to Jayswal's perjury admissions upon which Rooker-Feldman/§1257 can become operative (App.-118-). MDC's conceptualization of Rooker-Feldman's contours, setting aside the issue that such application is based upon MDC's fraud, is that once there is a state judgement any future claims with relation to such judgement are jurisdictionally barred, irrespective of independence of actions from concluded state judgements, applying Rooker-Feldman in supersession of preclusion law or abstention doctrines for ongoing state proceedings (App.-179-185-).

Such conception, sustained by EC, means that being subject to a state judgement inhibits all federal relief into perpetuity for all actions taken under color

of state law or those conspiring with them in the future, occurring *after and apart* from initial judgement. Therefore, state courts could summarily determine and conclude proceedings depriving protected rights flagrantly violating Constitutional requirements summarily and determinatively relying upon admitted perjury by the government while prohibiting any cross-examination, and those actions ***would inhibit federal jurisdiction*** for anything remaining ongoing that came after, such as *further* deprivations of protected rights in summarily relying upon such prior judgement, for which due process was prevented, violating equal protection requirements given preclusion law contains equitable and Constitutional safeguards inhibiting determinative reliance upon prior judgements when due process requirements are unmet or the prior judgement is based on demonstrable fraud or would result in injustice, as here, ***absent §1257 operation,*** *irrespective of proximities or intertwined-ness.* MDC claimed construing Rooker-Feldman otherwise would impute equitable tolling (App.-51-52-), but such would require that all of the federal claims were reached in the concluded judgement, which is absurd when, as here, the federal claims relate to actions occurring aside from concluded and in ongoing state proceedings. Of course, MDC is not literally asserting these actions were considered and determined by any concluded judgement, but rather accomplishes such effect through furtively applying the contours of inextricably intertwined analysis gleaned from Justice Marshall's *Pennzoil* concurrence to hold that any claim that implies a concluded state judgement was *wrong* is *jurisdictionally* barred (App.-28-; App.-49-), which is Rooker-Feldman application definitively interred by *Exxon.*

Exxon is controlling law, therefore equal protections requirements under the Fifth Amendment inhibit Rooker-Feldman applications either to claims not targeting relief from a concluded state judgement, which necessarily requires such judgement to have *reached* the issues for which the federal claims are based as such is necessary for *review/relief* to occur, or to claims based upon un-concluded state proceedings with §1257 inoperative, inhibiting Rooker-Feldman application to *any*, much less all, as EC sustained, of Petitioners' claims. Additionally, invidious and arbitrary application of jurisdictional bars to federal claims violates due process requirements under the Fifth Amendment ("where 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)). With judicial review not occurring related to Petitioners' claims against CPS actors, no judgement exists to inhibit any of Plaintiffs' claims fundamentally based upon Jayswal's admissions of perjury—Congress has provided statute Petitioners have properly availed themselves of for relief, in addition to the Fourteenth Amendment. Rooker-Feldman application to all of Petitioners' claims is flagrantly unconstitutional.

V. FIRST AND FIFTH AMENDMENT REQUIREMENTS ENSURE THE RIGHT TO EFFECTIVELY PETITION THE GOVERNMENT CANNOT BE INFRINGED UPON OR DEPRIVED IN VIOLATION OF REQUIREMENTS UNDER DUE PROCESS AND EQUAL PROTECTIONS.

Petitioners' right to petition the government is protected:

> [S]ee...*Christopher*...U.S....(2002) (noting...right to access...courts is guaranteed by an amalgam [including the] First Amendment Petition Clause...[and]...Fifth Amendment Due Process Clause[.]) *White v. Kautzky*,...[at]...679 (8th...2007).

EC has taken action sustaining deprivation and infringements of Petitioners' petition rights.

Rights to petition the government in the context of accessing the courts hinge upon fundamental fairness in responses to such invocation for efficacy—rights to seek redress of wrongs (*Sure-Tan, Inc. v. NLRB*, 467 U.S. 883, 896–97...(1984)) are immaterial and relegated mere parchment rights if such petitioning can be arbitrarily and capriciously disposed of based upon fabrications or invidious, unreasonable application of law by federal courts. When protected rights are invoked, such as those of Petitioners under the First Amendment, Constitutional requirements upon federal actors apply, otherwise Constitutionally protected rights are not actually protected under the Constitution:

> When the [decision maker] relies on evidence that the claimant has no chance to refute, the hearing becomes infected with a procedure that

> lacks that fundamental fairness the citizen expects from his Government. *United States v. Bianchi Co.*, 373 U.S. 709, 720 (1963).

Fundamental fairness is inherently requisite for federal actions implicating protected rights, as here.

EC sustained MDC's infringement upon Petitioners' protected access to the court based upon MDC's own demonstrable fraud:

> We thus made explicit that "the right to petition extends to all departments of the Government," [including] "[t]he right of access to the courts[.]." *BE & K Const. Co. v. N.L.R.B.*, 536 U.S. 516, 525...(2002) (citations omitted).

Such rights are not protected if they may be deprived or infringed, as here, through actions prohibited under the most rudimentary Constitutional requirements. Here, numerous actions are initiated and remain ongoing in state courts for Petitioners where further violations of federal law are occurring for which EC's actions plainly violative of Fifth Amendment requirements inhibit Petitioners' ability to seek federal redress, which cannot be adequately protected when judicial abuse is at issue solely by attorneys subjected to a lack of separations of powers by the judiciary, rendering Petitioners' protected rights in federal court subject to a lack of separations of powers under the judiciary through demonstrable judicial fraud. The statutorily protected right to self-representation (§1654) is especially necessary when Constitutionally prohibited judicial tyranny and abuse is the requisite target of enforcement for Constitutional preservation (App-177-), which may not be infringed through unfair, invidious, arbitrary, and/or capricious actions by the federal government

under the Fifth Amendment, all of which are occurring here and cannot be authorized under inherent authority to regulate courts or craft rules while preserving Constitutional superiority in construction of law (*Armstrong v. Exceptional Child Ctr., Inc.*, 135 U.S. 1378, 1383 (2015)).

VI. THE SEVENTH AMENDMENT PROTECTS JURY DEMANDED CLAIMS THAT INVOLVE QUESTIONS OF FACT FROM JUDICIAL INTERFERENCE.

One framer's understanding of the function of what became the Seventh Amendment is clear:

> The founders of our Nation considered the right of trial by jury in civil cases an important bulwark against tyranny and corruption, a safeguard too precious to be left to the whim of the sovereign, or...to that of the judiciary...Thomas Jefferson stated: "I consider [trial by jury] as the only anchor yet imagined by man, by which a government can be held to the principles of its constitution."[] *Parklane Hosiery Co. v. Shore*, 439 U.S. 322, 343 (1979) (Dissent).

With experience of the irresistible draw to Rooker-Feldman as a panacea for unconstitutional government abuse, especially when immunities, preclusion, and *Younger*-derivatives/abstention are unsupportable due to bad faith actions violating express Constitutional requirements by government actors (App.-241-246), Petitioners crafted claims to generate relief required and guard against the judiciary's predictable attempts to protect their own ilk above the Constitution (i.e., government and judges), including in the first sentence of Petitioners'

Complaint demanding jury determinations for ***anything*** including a fact (App.-226-).

Plaintiffs/Petitioners seek damages related to Jayswal's admitted perjury, which all other claims relate to (App.-51-), and such merits issues should be reserved for jury determinations under Constitutional requirements. This Court has provided guidance regarding protection of legal claims when equitable claims are intertwined, and juries must determine the facts of legal claims preserving the Seventh Amendment inviolate (*Lytle v. Household Manufacturing, Inc.*, 494 U.S. 545, 550 (1990); *Beacon Theaters, Inc. v. Westover*, 359 U.S. 500, (1959)).

Preclusion law is more seeking in requiring determination that full and fair opportunity for litigation occurred—Rooker-Feldman analysis should be straight forward post-proper understanding and application of *Exxon's* 2005 holdings, requiring determination that the claims seek relief from a concluded state judgment, meaning concluded state judgements considered and determined the federal claims. Here, MDC could not cite to any completed state judgement related to Petitioners' federal claims, as none have reached Jayswal's perjury admissions—despite Seventh Amendment demands, MDC recited aspects of Jayswal's admitted perjury in the fact section of its order, claimed jurisdiction did not exist on the basis that Rued argued Jayswal's perjury admissions to Furnstahl to try to apply Rooker-Feldman in concert with Justice Marshall's "inextricably intertwined" criterion from *Pennzoil* concurrence (through which any 'murkiness' is generally sourced), and dismissed Petitioners' Complaints *with prejudice* in absence of jurisdiction, according to MDC, even though Rooker-Feldman

cannot apply in state court where jury demands also apply, apparently intentionally trying to trample the Seventh Amendment, as legal claims against Jayswal's unconstitutional actions remain actionable under §1983.

Gating questions like immunity or jurisdiction determinations are generally considered legal questions, though Petitioners pointed out to MDC that it is not unprecedented and is not err in EC to provide mixed questions of law and fact to the jury to preserve the Seventh Amendment (App.-296-297-). Here, MDC fabricated its own facts essential to its dismissals of legal claims for lack of jurisdiction which is purportedly achieved on the merits, all directly related to the merits issues properly jury demanded for legal claims absent mention or consideration of preservation of jury demands in applying doctrine with no application in other actionable venues. Petitioners' intent in demanding jury determinations of *anything* including factual components was to protect themselves from the exact corruption exhibited here and sustained by EC (App.-166-)—Petitioners' invocation of the Seventh Amendment has had no bearing on these proceedings, though MDC made purely factual determinations essential to dismissal intertwined with legal claims which, at least after MDC fabricated such determinations, are facts remaining challenged as demonstrable fraud conspiring to sustain Fourteenth and Fifth Amendment deprivations here.

Petitioners believe there is adequate support that the intent behind the Seventh Amendment was both to counteract concerns of judicial bias towards those of their ilk, especially including judicial persons, as raised to MDC in motion to amend and vacate for

fraud MDC refused to docket, included in EC records (App.-250-), and protecting against judicial corruption. Certainly, the Seventh Amendment was not passed due to overwhelming trust in judicial determinations of fact. With the judges in *these* proceedings, it does not appear the Seventh Amendment can have bearing at all, must less preserved inviolate, without submitting ***every*** mixed question of law and fact, including jurisdiction, preclusion, abstention, and immunity, to the jury. If the Seventh Amendment matters, it cannot be defeated by judges making up facts directly related to and purportedly binding upon jury demanded damages claims on the merits and absent jurisdiction to do so, as here.

VII. THE FEDERAL COURTS IMPROVEMENT ACT OF 1996'S ADDITIONS TO §1983 CONSTITUTE AN EXERCISE OF CONGRESSIONAL AUTHORITY ABSENT NECESSARY AUTHORIZATION.

The additions to §1983 from this 1996 Act are "except...in...action...against...act[/omission]...in...judicial capacity, injunctive relief shall not be granted unless...decree...violated or declaratory relief...unavailable." The Enforcement Clause provisions Congress with remedial authority only to *enforce provisions of the Fourteenth Amendment* by appropriate legislation, not to legislate anything relating to Fourteenth Amendment litigation absent relation to remedy of Fourteenth Amendment requirements.

This Court has long-recognized this reality (*United States v. Stanley*, 109 U.S. 3, 11 (1883)) and its test for authorized Enforcement Clause actions, namely requiring "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)), elucidates these judicial lobby pursued §1983 additions do not have *any* relation to any injury to be prevented or remedied or means adopted to that end, becoming "substantive in operation and effect" (*Ibid.*), altering the Fourteenth Amendment's effective scope (*Shelley v. Kraemer*, 334 U.S. 1, 14-15 (1948)) in enforcement under §1983.

It appears no circuit has considered this aspect of the 1996 Act's Constitutionality or recognized lacking authorization—usually when addressing this §1983 amendment circuits note that Congress overruled this Court's holdings in *Pulliam*...[at]...522–23...(1984), asserting such restores 400 years of common law tradition deviated from in *Pulliam*, which is cited from a Senate report's open misrepresentation of the legal history of this Country (App.-130-), Britain, and this Court (*Ibid.*; *Supreme Ct. of Virginia*...[at]...735...(1980); *Mitchum*...[at]...240...(1972), citing *Ex parte Virginia*...[at]...346...(1879)). This Court has never held judicial action to be beyond Constitutional enforcement (*O'Shea v. Littleton*, 414 U.S. 488, 503 (1974))—doing so would be ultra vires given the Supremacy Clause.

EC acknowledges judicial immunity does not apply to injunctive relief, then claims these §1983 amendments actually *amended judicial immunity*, unless a declaratory decree was violated or declaratory relief is unavailable (*Justice Network*...[at]...762-764 (8th...2019); App.-284-287-). This issue is appropriate to raise given necessity for available injunctive relief and that such challenge appropriately preserves Petitioners' ability to correct errors related to prospective injunctive relief claims here from

mootness. Petitioners, accordingly, challenge such §1983 amendments as unconstitutional in lacking enumerated power.

VIII. [EC]'S ACTIONS SUSTAINING JUDICIAL ACTIONS THAT DO NOT COMPLY WITH CONSTITUTIONAL JURISDICTIONAL REQUIREMENTS SIMILARLY LACKS NECESSARY JURISDICTIONAL REQUIREMENTS.

For reasons identified in Reasons for Granting Petition for Writ of Certiorari III EC's sustaining MDC actions absent necessary jurisdictional requirements cannot reasonably be argued to fulfill Art. III jurisdictional requirements. Accordingly, EC also erred and abused discretion in denying Petitioners' Petitions for Writs of Prohibitions, irrespective of discretion in issuance of writs, resulting in EC action lacking jurisdiction and authorization in sustaining MDC's orders. EC lacks discretion to perform such actions.

CONCLUSION

Petitioners' actions seek enforcement of Constitutionally protected rights and federal law related to extraordinary violations of Constitutional requirements and deprivations of rights, causing severe and legally indefensible harms, including to a child, and have been met with unreasonable and uniformly Constitutionally prohibited actions by the federal judiciary, resulting in flagrant and further violations of Constitutional requirements. Constitutional Supremacy ensures and requires enforcement of Constitutional guarantees in constructions of law from judicial action—the continuing breakdown of lawfulness and actions

insubordinate to the Constitution places onus upon other branches of government for enforcement and Constitutional preservation.

Federal judges openly and willfully violating Constitutional requirements to abuse citizens and deprive rights, including citizens availing themselves of access to courts for rights enforcement, as is occurring here, results in usurpation of *both* federal and a majority of state *legislative authorities* (*Ex Parte United States*, 242 U.S. 27, 51 (1916)), in violation of separations of powers requirements, placing themselves above all authority, law, and Constitution, proscribed as tyranny since Magna Carta, including by this Court:

> 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) (see also *INS v. Chadha*, 462 U.S. 919, 960 (1983) (POWELL Concurrence)).

EC and ECRJO have placed themselves above and beyond Constitution to accomplish illegitimate ends of government under our Constitution—willfully depriving protected rights, including fair appeals, of Petitioners in violation of Constitutional requirements because they personally dislike Petitioners' claims and what will inevitably result from adjudication of such in accordance with Constitutional requirements:

> [C]onstitutional rights may not be denied simply because of hostility to their assertion or exercise. *Watson v. City of Memphis*, 373 U.S. 526, 535,...U.S....(1963).

Petitioners presenting so many foundational Constitutional issues demonstrates the severity of the

problems for citizens generated by Constitutionally prohibited judicial actions and need for lawfulness to be imposed, particularly in civil rights actions, especially involving harms of children by government.

Respectfully Submitted,

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