

25-5979
DOCKET 25-_____

ORIGINAL

IN THE
UNITED STATES SUPREME COURT

HUBERT ARVIE,

PLAINTIFF-PETITIONER,

VERSUS

Cathedral of Faith Missionary Baptist Church; Darryl Washington, individually and in his official capacity; Lankton Doucet, individually and in his official capacity; Kenneth Smith, individually and in his official capacity; Michael K. Cox, individually and in his official capacity, Et Al.,

DEFENDANT-RESPONDENTS.

FILED: _____

DEPUTY CLERK

ON PETITION FOR A WRIT OF CERTIORARI
TO UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

PETITION FOR WRIT OF CERTIORAI

Authored and Filed By:



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U.S. Priority Mail Oct. 21, 2025

QUESTION(S) PRESENTED

Questions have arisen out of state and federal court final judgments involving retaliatory, fraudulent, conspiratorial, and ultra vires acts or omissions which were committed by religious corporate members, licensed attorneys, and members of the judiciary. Questions of law are raised.

The questions were first raised - or otherwise fairly raised - on appeal as follows:

1.

Whether federal courts must compel state-courts to certify and attest to their records on file in each court for deciding whether a federal plaintiff is barred from litigating the federal suit by the preclusion law of the State where the claimant asserts that the state-courts failed to address federal constitutional and state issues raised on appeal. **28 U.S.C. § 1738; 42 U.S.C. § 1983; U.S.C. Const. Amends. 5, 14.**

2.

Whether claims can be relitigated apart from independent claims if the plaintiff seeks relitigation under the full-and-fair opportunity exceptions when the claimant plausibly alleges the state-courts failed to provide a full-and-fair opportunity to litigate as guaranteed by the Fifth and 14th Amendment of the Constitution. **28 U.S.C. § 1738; La. R.S. 13:4231(3), 13:4232(A); U.S.C. Const. Amend. 5, 14.**

3.

Whether civil liability can be imposed on judges, the judicial staff of the court, and licensed attorneys in their administrative and personal capacity if the officers fail in their duty to report all known illegal acts or omissions of impropriety committed by judges, licensed attorneys, or the like if they are required to do so by legislative directive or written judicial policies; or **(2)** whether civil liability can be imposed on elected governmental officers in their administrative managerial capacity for failing in their duty to promulgate a written policy requiring all members of the judiciary to report all known illegal acts or omissions of impropriety to the proper authorities for protecting the rights of citizens. **See 42 U.S.C. § 1983.**

4.

Whether private parties may be liable under Section 1983, Title 42 U.S.C., when the attorneys for the private parties collaborate with judges to cause judges to misuse power possessed by virtue of state law for precluding entry of a judgment condemning their ultra vires acts, omissions, retaliatory, fraudulent conduct, bad faith dealings, or the like. **See 42 U.S.C. § 1983; U.S.C. Amends. 5, 14.**

5.

Whether the *Younger* abstention doctrine prevent federal courts from proceeding when state-court litigation is pending if the proponent plausibly demonstrate that factual circumstances does not fall within one of the *three exceptional categories* that define *Younger*'s scope. **42 U.S.C. § 1983; U.S.C. Const. Amend. 14.**

6.

Whether the operative filing presents a viable federal and pendent cause of action against the parish government for the illegal acts or omissions of the elected parish clerk for the district court; and (2) Whether the operative filing presents a viable federal and pendent cause of action on which relief may be granted against the final policy-making appointed supervisory clerk for the circuit court. **42 U.S.C. § 1983.**

7.

Whether there exists an objective reasonably basis which would be expected to prevent the federal district court from adjudicating the case in a fair and impartial manner; and (2) Whether there exists an objective reasonably basis which would be expected to prevent the United States Fifth Circuit Appeals Court from deciding the appeal in a fair and impartial manner as required by the Federal Constitution. **28 U.S.C. § 455(a); 42 U.S.C. § 1983; U.S.C. Const. Amend. 14.**

8.

Whether the district court erred as a matter of law, or otherwise abused its discretion by failing to assign findings of facts and conclusions prior to denying declaratory and injunctive relief over proponent's rights guaranteed under the First Amendment to the Federal Constitution. **Fed. R. Civ. P. 52(a); 42 U.S.C. § 1983.**

9.

Whether the court erred in dismissing the federal litigation against circuit state-court judges in their personal administrative capacity for creating or ratifying an unwritten policy of prohibiting issuance of subpoenas during the appeal process on issues of recusal, and for precluding proponent from proving viable recusal issues in ongoing civil litigation. **42 U.S.C. § 1983; U.S.C. Const. Amend. 1, 5, 14.**

10.

Whether federal-courts may intervene state-court proceedings when a party proponent plead facts demonstrating that declaratory relief was not available due to the state-court's failure to address the PRAYER for such relief, and for failing to provide impartial judges for over two-decades involving the proponent. **Federal Courts Improvement Act, Pub. L. No. 104-317, 110 Stat. 3847 (1996).**

LIST OF PARTIES

Parties named in the caption do not all appear in the caption. A list of the parties - Petitioner and Respondents – are named below. **Sup. Ct. R. 12.6.** The parties interested are:

PLANTIFF-PETITIONER

1.

Hubert Arvie, (a/k/a Rev. H. Arvie). As allowed by state law, Arvie filed the federal suit in his membership capacity as a member of Cathedral of Faith Baptist Church and in his personal capacity as authorized by federal law. **Infra, at 55 n.29; La. R.S. 12:208(A); U.S.C. § 1654.**

INSURERS & AGENTS

2.

Wilshire Insurance. Wilshire is a foreign corporate company licensed by the Secretary of State to do business in Louisiana. Wilshire is the insurer of Cathedral of Faith Missionary Baptist Church. Wilshire is sued in its official capacity.

3.

Kenneth Miller. Miller is a licensed claims adjuster of insurance. He is employed by Wilshire. Miller is sued in its official and personal capacity.

4.

Matt Slomiony. Slomiony is a licensed claims specialist of insurance. He is employed by Wilshire. Slomiony is sued in his official and personal capacity.

5.

David Smeltz. Smeltz is a licensed claims Adjuster for Wilshire and IAT Insurance Croup. He is employed by Wilshire. He is sued in his personal and official capacity.

6.

Farm Bureau Insurance. Farm Bureau is a local corporation licensed by the Secretary of State to conduct business in Louisiana. Farm Bureau is sued in its official capacity.

7.

Dan Dinnis. Dennis is a licensed claims adjuster in the State of Louisiana. He is employed by Farm Breau. Dinnis is sued in his official and personal capacity.

8.

Jimmy Dole. Dole is a licensed claims adjuster in the State of Louisiana. He is employed by Farm Bureau. Dole is sued in his official and personal capacity.

9.

Government Employees Insurance. The corporation is a foreign company licensed to do business in the State of Louisiana. **Hoefly vs. Gov't Emps. Ins. Co.**, 418 So.2d 575.

10.

Geico Casualty Company ["Geico"] a foreign insurance company licensed to do business in and registered with the Louisiana Secretary of State.

11.

Warren E. Buffett. Buffett is the Chairman and Chief Executive Officer of Berkshire Hathaway Incorporation. Geico Casualty Insurance, and Government Employees Insurance operate under the umbrella of Berkshire Hathaway. Buffett is sued officially and personally.

12.

Olza Minor Nicely ["Nicely"], former CEO and current Executive Chairman of Geico Corporation. Nicely is sued in his official and personal capacity.

13.

Bill Roberts ["Roberts"], the former president of Geico and the current CEO for Geico. He is sued in his official and personal capacity.

14.

Shane Wheeler ["Wheeler"], the Vice President of Geico's claims operations effective July 2019. He is sued in his officially and personally.

15.

Connie Lynch ["Lynch"], licensed former trial attorney for Geico. Lynch is sued in her official and personal capacity for her known misconduct.

16.

Todd Combs ["Combs"], the current Chief Executive Officer ["CEO"] for Geico effective January 2020. Combs is sued in his official and personal capacity.

17.

Amanda Treadwell ["Treadwell"], a licensed Regional Claims Adjuster employed by Geico. Amanda is sued in her official and personal capacity.

ATTORNEYS & LAW FIRMS

18.

Cox, Cox, Filo, Camel, Wilson & Brown, LLC (a/k/a "Cox Law Firm"), a firm on registry. The Firm is sued in its official capacity operating on behalf of Cathedral of Faith.

19.

Michael K. Cox. Cox is sued in his personal and official capacity owner of Cox Law Firm operating on behalf of Cathedral of Faith Missionary Baptist Church.

20.

Richard Wilson ["Wilson"]. Wilson is being sued in his official and personal capacity as counsel operating for the Church in state court.

21.

Somer G. Brown ["Brown"]. Brown is being sued in her official and personal capacity as the attorney for the Church in state court.

22.

Jackson Ritchie ["Jackson"]. Jackson is here sued in his official and personal capacity operating as an attorney employed by Cox Law Firm

23.

Letha Reed ("Reed"), a licensed paralegal. Reed is sued in her official and personal capacity operating on behalf of Cox Law Firm.

24.

Gieger, Laborde, & Laperouse, LLC (a/k/a "Gieger Law Firm"). Gieger is registered and doing in Louisiana. The Firm is sued in its official capacity operating on behalf of Wilshire.

25.

Tara E. Clement. Clement is employed at Gieber as an associate attorney. Clement is sued in her official and personal capacity operating on behalf of the firm for Wilshire.

26.

Robert I. Siegel. Siegel is employed at Gieber as an associate attorney. He is sued in his official and personal capacity operating on behalf of the firm for Wilshire.

27.

Patrick O. Weilbaecher. Weilbaecher is employed at Gieber as an associate attorney. He is sued in his official and personal capacity operating on behalf of the firm for Wilshire.

28.

Plauche, Smith & Nieset LLC [a/k/a "Plauche Law Firm"]. The firm registered under Charter 33430230K. The firm is sued in its official capacity operating for Farm Bureau.

29.

Van C. Seneca ["Seneca"]. He is employed at Plauche as an associate attorney. He is sued in his official and personal capacity operating on behalf of the firm for Farm Bureau.

30.

Raggio, Cappel, Chozen & Berniard ["Raggio Law Firm"]. Raggio is registered under Charter 43509400J. The firm is sued in its official capacity operating for Geico Insurance.

31

L. Paul Foreman. Foreman is employed at Raggio Law Firm as an associate attorney. He is sued in his official and personal capacity operating on behalf of the firm for Geico Insurance.

32.

Christian D. Chesson. Chesson (a Professional Law Corporation) is the registered under Charter 34525264D. He is sued in his official and personal operating for Petitioner Arvie.

33.

Patricia Fernandez, a paralegal and secretary for Christian D. Chesson (a Professional Law Corporation). She is sued in her official and personal capacity.

34.

Gibson Law Partners LLC. Gibson Law Partners is registered under 42979983K. The LLC is sued in its official capacity as the LLC operating on behalf of Christin D. Chesson.

35.

James H. Gibson. Gibson is a member and attorney for Gibson Law Partners, LLC. Gibson is sued in his official and personal capacity operating on behalf of Chesson D. Chesson.

36.

Anna M. Grand. Grand is an attorney employed at Gibson Law Partners, LLC. She is sued in her official and personal capacity as counsel operating Chesson D. Chesson.

37.

Taylor, Porter, Brooks, and Phillips, LLP. The LLP is registered under Charter 34420184Y Louisiana. The LLP is sued in its official capacity operating for Del Mar Builders and Roofing.

38.

Leah Cook. Cook is an attorney employed at Taylor, Porter, Brooks, and Phillips. Cook is sued in her personal and official capacity operating Del Mar Builders, Roofing, and agents.

39.

David J. Williams. Williams, Unregistered Attorney, 827 Pujo Street, Lak Charles, LA, (337) 494-1024. **Doyle**, 414 So.2d 763, 764. He is sued in his personal and official capacity.

ELECTED CIRCUIT JUDGES

40.

Elizabeth A. Pickett. Pickett was elected out of the First District. **La. R.S. 13:312(b)(i)**. She is sued as an arm of the state and associate administrative officer. **La. Const. Art. 5, § 12**.

41.

Van H. Kyzar. Kyzar was elected out of the First District. **La. R.S. 13:312(b)(i)**. He is sued as an arm of the state and associate administrative officer.

42.

Shannon J. Gremillion. Gremillion was elected out of the First District. **See La. R.S. 13:312(b)(i)**. He is sued as an arm of the state and associate administrative officer.

43.

D. Kent Savoie. Savoie was elected out of the Second District. **La. R.S. 13:312(b)(ii)**. He is sued as an arm of the state and associate administrative officer.

44.

Sharon D. Wilson. Wilson was elected out of the Second District. **La. R.S. 13:312(b)(ii).** She is sued as an arm of the state and an administrative officer.

45.

H. Guy Bradberry. Bradberry was elected out of the Second District of Louisiana. **La. R.S. 13:312(b)(ii).** He is sued as an arm of the state and an administrative officer.

46.

Wilbur L. Stiles. Stiles was elected out of the Third District. **La. R.S. 13:312(b)(iii).** He is sued as an arm of the state and an administrative officer.

47.

Candyce G. Perret. Perret was elected out of the Third District. **La. R.S. 13:312(b)(iii).** She is sued as an arm of the state and an administrative officer.

48.

Jonathan Perry. Perry was elected out of the Third District. **La. R.S. 13:312(b)(iii).** He is sued as an arm of the state and an administrative officer.

49.

Charlie G. Fitzgerald. Fitzgerald was elected out of the 3rd District for the Third Circuit. **La. R.S. 13:312(b)(iii).** He is sued as an arm of the state and an administrative officer.

50.

Gary J. Ortego. Ortego was elected from the Third District. He is sued as an arm of the state and an administrative officer. **La. R.S. 13:312(b)(iii).**

51.

Ledricka J. Thierry. Thierry was elected out of the Third District. **La. R.S. 13:312(b)(iii).** She is sued as an arm of the state and an administrative officer.

52.

Ulysses G. Thibodeaux, a former Chief Judge. Thibodeaux was elected out of the Second District for the Third Circuit. Thibodeaux is sued as an arm of the state and an administrative officer for Louisiana. **La. R.S. 13:312(b)(ii); La. Const. Art. 5, § 12.**

53.

Marc T. Amy. Amy was elected out of the Third District. Amy is sued as an arm of the state and an administrative officer. **La. R.S. 13:312(b)(iii).**

54.

Paulin Joseph Laborde, Jr. Laborde was elected out of the Third District. He is sued in his official and personal capacity. **La. R.S. 13:312(b)(iii).**

THIRD CIRCUIT EMPLOYEES

55.

Renee Simien. Simien is the selected supervisory Clerk for the Third Circuit Appellate Court. Her office is located in the Calcasieu Parish, City of Lake Charles, Louisiana. Simien is sued personal and official capacity. **La. Const. Art. 5, § 13.**

56.

Debbie Stevens. Debbie is employed in the capacity of a deputy clerk for the Third Circuit Appeals Court. She is being sued personal and official capacity. **La. Const. Art. 5, § 13.**

57.

Jane Doe Heather. Heather is employed in the capacity of a deputy clerk for the Third Circuit Appeals Court. She is being sued personal and official capacity. **La. Const. Art. 5, § 13.**

58.

Melodie Manuel. Manuel is duly employed in the capacity of a deputy clerk for the Third Circuit Appeals Court. She is being sued personal and official capacity. **La. Const. Art. 5, § 13.**

ELECTED SUPREME COURT JUDGES & AGENTS

59.

John L. Weimer. Weimer is elected out of the Sixth District. He is domiciled in the New Orleans, LA. **La. R.S. 13:101.2.** Weimer is an arm of the state officer and chief administrator of the court. **La. Const. Art. 5, § 6.** He is sued in his personal and official capacity.

60.

William J. Crain. Crain is elected out of the First District. Crain is being sued as an arm of the state and associate administrative officer. **La. Const. Art. 5, § 3.**

61.

Scott J. Crichton. Crichton is elected out of the Second District. He is being sued as an arm of the state and associate administrative officer. **La. Const. Art. 5, § 3.**

62.

Jefferson D. Hughes, III. Hughes is elected out of the Fifth District. He is being sued as an arm of the state and associate administrative officer. **La. Const. Art. 5, § 3.**

63.

Jay B. McCallum. McCallum is elected out of the Fourth District. He is being sued as an arm of the state and associate administrative officer. **La. Const. Art. 5, § 3.**

64.

Piper D. Griffin. Griffin is elected out of the Seventh District. He is being sued as an arm of the state and associate administrative officer. **La. Const. Art. 5, § 3.**

65.

James T. Genovese. Genovese is elected out of the Third District. He is being sued as an arm of the state and associate administrative officer. **La. Const. Art. 5, § 3.**

66.

Catherine Babin. Babin is employed as deputy administrative officer for the State Supreme Court. She is sued in her personal and official capacity. **La. Const. Art. 5, § 7.**

CALCASIEU PARISH CLERKS

67.

H. Lynn Jones. Jones is the supervisory clerk for the Calcasieu Parish District Court. He is sued in his personal and his official. **La. Const. Art. 5, § 28.**

68.

Thomas Cole. Cole is an employed deputy clerk under the supervisory control of Jones. Cole is sued in his personal and official administrative capacity. **La. Const. Art. 5, § 28.**

69.

Jacko Fontenot. Fontenot is an employed deputy clerk under the control of Jones. He is sued in his personal and official administrative capacity. **La. Const. Art. 5, § 28.**

70.

Courtne Anderson. Anderson is an employed deputy clerk under the control of Jones. She is sued within her personal and official administrative capacity. **La. Const. Art. 5, § 28.**

ELECTED PARISH JUDGES & AGENT

71.

Clayton Davis. Davis was first elected a Calcasieu Parish District Court Judge. Davis is now an elected circuit judge as of November 2024. He is sued his official capacity as an arm of the state, and in his personal administrative capacity. **La. Const. Art. 5, § 17.**

72.

Charles A. Porter ["Porter"]. Porter is a former Forth Judicial District Judge. He was appointed Ad Hoc in the circuit court. **Adams**, 387 So. 3d 836, 839. Porter is sued in his personal and official administrative capacity. **La. Const. Art. 5, § 17.**

73.

Dusty Higgs. Higgs is a former Calcasieu Parish District assistant for Judge Clayton Davis. Higgs is sued in her personal and official administrative capacity.

PRIVATE PARTIES

74.

Cathedral of Faith Missionary Baptist Church ("the Church"). The Church is a registered Nonprofit Religious Corporation in Louisiana. **La. R.S. 12:201(7, 20), 202-03, 205, & 263.**

75.

Terry L. Arvie. Terry is an unelected former member of the Church. He is now a Pastor registered in the State Nebraska. He is sued in his official and personal capacity.

76.

Darryl Washington. Washington is an unelected member of the Church. He is sued in his official and personal capacity. **La. R.S. 12:201(16); La. R.S. 12:210.**

77.

Lankton Doucet. Doucet is an unelected member of the Church. Doucet is sued in his personal and official capacity. **La. R.S. 12:201(16); La. R.S. 12:210.**

78.

Kenneth Smith. Smith is an unelected member of the Church. He is sued in his personal and official capacity. **La. R.S. 12:201(16); La. R.S. 12:210.**

79.

Augustine Walker. Walker is a former unelected for the Church in the capacity of the registered agent. Walker is sued in her personal and official capacity.

80.

Tonda Moreland. Moreland is a former unelected member of the Church in the capacity as the Secretary. Moreland is sued in her personal and official capacity.

81.

Martin T. Ceasar. Caesar is an unelected member of the Church. He is a registered Pastor in the State of Louisiana under Charter #35318812W. Ceasar is sued personally and officially.

82.

Carl R. White. White is an unelected member of the Church. He is a registered Pastor in the State of Louisiana under Charter 04406770W. He is sued personally and officially.

83.

Jimmy R. Stevens. Stevens is an unelected member of the Church. Stevens is a registered Pastor in the Louisiana under Charter 35733548W. He is sued personally and officially.

84.

Robert Campbell. Campbell is an unelected member of the Church. He is a registered Pastor in Louisiana under Charter 41278915N. He is sued in his personal and official capacity.

85.

Merric Dejean. Merric is a Rental Property Owner in Calcasieu Parish. Merric is sued in his personal and official capacity as a person who is insured by Farm Bureau.

86.

Marc Dejean. Marc is the biological son of Merric Dejean. Marc is now deceased. Mark is sued in his official and personal capacity as a person covered by Farm Bureau for his reckless disregard for the rights and safety of others while driving intoxicated.

87.

Del Mar Builders (a/k/a Alma Del Mar Construction). The corporation is on registry with the Louisiana Secretary of State as a Limited Liability Company ["LLC"] operating under Charter Number 42111678K . The corporation is sued in its official capacity.

88.

Del Mar Roofing. The corporation is on registry with the State of Louisiana Secretary of State as a Limited Liability Company ["LLC"] operating under Charter Number 43641637K. The corporation is being sued in its official capacity.

89.

Jeffery Allen Goudeau. Goudeau is the owner of Del Mar Builders and Del Mar Roofing Company. He is being sued in his personal and official capacity.

90.

Morris Mark Stogner. He is an unlicensed contractor employed with Del Mar Roofing in State of Louisiana. He is being sued in his personal and official capacity.

91.

Kimberly Fuselier. Fuselier is an Estimator employed by Del Mar Builders and Del Mar Roofing Company. She is sued in her personal and official capacity.

GOVERNMENTAL ENTITIES

92.

Calcasieu Parish Government ["Calcasieu Parish"], 1015 Pithon Street, Lake Charles, LA 70601, Telephone (337) 721-3500. Calcasieu Parish is sued in its official capacity under primary sources of state enacted laws and governing federal law.

93.

Louisiana State Government ["the Government"], 900 Third Street, Fourth Floor, City of Baton Rouge, Louisiana 70601. The Government is sued in its official capacity under the full-and-fair exceptions to preclusion law within the meaning of the Full Faith and Credit Clause and the Congressional Act implementing the Clause. **See 28 U.S.C. § 1738; 42 U.S.C. § 1983.**

RELATED CASES - FEDERAL AND STATE¹

All of the finalized state and federal proceedings directly related to this proceeding include:

- Arvie v. Cathedral of Faith MBC, Et Al, No. 24-30579 (5th Cir.)
- Arvie v. Cathedral of Faith MBC, Et Al, No. 2:23-cv-00717 (W.D. La.)
- Arvie v. Geico Casualty Co., Et Al., 22-670 (La. App. 3 Cir.)
- Arvie v. Washington, Et Al., 2022-563 (La. App. 3 Cir.)
- Arvie v. Geico Casualty Co., Et Al., 2021-3843 (LA 15th J.D.C.)
- Arvie v. Washington, Et Al., 2023-0222 (LA 15th J.D.C.)
- Arvie v. Geico Casualty Co., Et Al., 2024-00400 (LA Supr. Court)
- Arvie v. Washington, Et Al., Et Al., 2024-00696 (LA Supr. Court)

¹ Louisiana legislatures enacted and mandated that “unpublished opinions” be included and cited as authoritative decisions within the purview of Louisiana Code Civil Procedure Article 2168. See La. C. Civ. P. Art. 2168; Henry, 940 So. 2d 688, 692 n.7, *abrogated on other grounds* as Henry v. South La. Sugars Coop., Inc., 957 So. 2d 1275.

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² Exhibits were attached to the operative amended complaint filed in the district court April 9, 2023. In *Ex parte Hull*, Petitioner had been convicted of a sex offense. He filed a secondary document pro se with the U. S. Supreme Court on Dec. 26, 1940. Petitioner attached exhibits on whether he was unlawfully restrained. The Warden filed an answer with exhibits. Petitioner filed a sur-reply with exhibits. The court took the exhibits into consideration before reaching a conclusion on whether to grant relief. *Id.*, 312 U.S. 546, 547-551. Accordingly, Arvie ask that the attached EXHIBITS to this Petition be considered before making a determination on this matter. Fed. R. Civ. P. 10(c).

EXHIBIT 2 TO COMPLAINT	107a
State-Court Third Operative Amended Complaint filed in the Calcasieu Parish District Court on Aug. 9, 2024 Arvie v. Cathedral of Faith Missionary Baptist Church, No. 2:23-CV-00717 (W.D. La. Aug. 9, 2024)	
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Order signed by Judge Clayton A. Davis, May 1, 2023, Arvie v. Cathedral of Faith Missionary Baptist Church, No. 2:23-CV-00717 (W.D. La. Aug. 9, 2024)	
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OPINIONS BELOW ³

3.

The district court entered a final judgment Oct. 31, 2024. It is publicly available. **See 2024 WL 4645483**. The Fifth Circuit entered an unreported decision June 3, 2025. **App. 1a-18a**. It is publicly available. **See 2025 WL 1565149**. Rehearing was denied July 14, 2025. **App. 19a-20a**.

JURISDICTIONAL STATEMENT

4.

The Fifth Circuit entered “Judgement and Notice” July 31, 2025. **App. 21a-22a**. By letter Sep. 10, 2025, deputy Lisa Nesbitt returned the Petition and attached exhibits. **App. 242a-243a**. Jurisdiction is invocable. **Supr. Ct. R. 14.5; 28 U.S.C. § 2101(c); Scofield**, 394 U.S. 423, 427.

RELEVANT STATUTORY PROVISIONS

5.

Title 42 U.S.C. § 1983. The statute provides - in its entirety - as follows:

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. 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.⁴

³ The court is asked to consider state and federal “publicly available records” over this litigation on file with PACER, Westlaw, and LexisNexis Publishing Company. **Fed. R. Evid. 201; Tellabs**, 551 U.S. 308, 322-23; **Papasan**, 478 U.S. 265, 283; **Massachusetts**, 431 U.S. 322, 323 n.2; **Arvie v. Geico Cas. Co.**, 22-670, 2023 La. App. Unpub. Lexis 149 (opinion); **Arvie v. Washinton**, 23-563, 2024 La. App. Unpub. Lexis 115 (recusal opinion); **Arvie v. Washington**, 23-563, 388 So. 3d 441(opinion); **Arvie v. Ceico Cas. Co.**, 2022-CA-670, 2022 LA APP. CT. Briefs Lexis 804 (Original); **Arvie v. Ceico Cas. Co.**, 2022-CA-670, 2023 LA APP. CT. Briefs Lexis 36 (Supplemental); **Arvie v. Cathedral of Faith**, No. 24-30759, 2025 U.S. 5th Cir. Briefs Lexis 1413 (CA5 3/12/2025) (Original).

⁴ Congress amended Title 42 U.S.C. § 1983 to provide 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.” **Federal Courts Improvement Act (“FCIA”) of 1996, § 309(c), Pub.L. No. 104-317, 110 Stat. 3847, 3853 (Oct. 19, 1996)**.

Seven additional statutory provisions are listed in the APPENDIX for consideration on whether the Justices of the court should grant review by Petition for Writ of Certiorari. **App. 240a-241a**.

STATEMENT OF THE CASE ⁵

6.

Jurisdiction in the Fifth Circuit existed to decide the federal litigation. **28 U.S.C. § 1291.**

Three cases arose in the sovereign State of Louisiana between year 2021 and 2023. The federal suit is not limited to the three cases and specific years. The three cases by name are as follows:

1.) Hubert Arvie v. Geico Casualty Company, Et Al., 2021-3843. The state-court of last resort finalized the litigation. **Id.**, 2024-00400 (La. 05/29/24), 385 So.3d 703.

2.) Mildred Arvie v. Del Mar Roofing in Reconvention, Et Al., 2021-4706. It is pending. Mildred assigned all of her legal and property rights to Arvie. **App. 138a, 141a n.3.** Party Davis *continued the case indefinitely* on behalf of an attorney he appointed in place of counsel of record. **App. 101a ¶¶ 233a-239a.**

3.) Hubert Arvie v. Darryl Washington, Et Al., 2023-0222. The state-court of last resort finalized the litigation. **Id.**, 2024-00696 (La. 10/01/24), 393 So.3d 867.

7.

The federal litigation was filed May 31, 2023, asserting illegal acts or omissions that arose in Calcasieu Parish, and the Calcasieu Parish District, Circuit, and Louisiana Supreme Court. Prior events caused by public officers in other Parishes are connected to the *principal facts in question* over which the federal court had venue and jurisdiction. **28 U.S.C. § 98(a), 1331, 1391.**

8.

In connection to the principal facts, Arvie was a member of Cathedral of Faith Missionary Baptist Church [“the Church”], started preaching the gospel of Jesus Christ in year 1980, and then received a Ministerial Certificate of Ordination. **App. 137a.** Pastor Hearnest Arvie organized the Church and enacted Articles of Incorporation as of Sept 28, 1977. **App. 48a, 60a ¶¶ 97-99.**

⁵ The proceeding arises out of the motion-to-dismiss stage. The court assume the facts as true in the operative amended complaint. See **DeVillier**, 601 U.S. 285, 288 n.1; **Abdelfattah**, 787 F.3d 524, 529 (operative filing, exhibits, and procedural filings of pro se considered); **McGruder**, 608 F.2d 1023, 1025 (same); **Washer**, 110 U.S. 558, 561-62 (If leave is granted to amend, evaluation of the case proceeds on the amendment). To complete the picture, facts also are narrated from publicly available records on file with other governmental offices. The court can consider those records by reference or have them tendered. **Bowles**, 319 U.S. 33, 35-36. Facial plausibility exists, at the motion-to-dismiss stage, “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” **Ashcroft**, 556 U.S. 662, 678. Context matter, i.e., the type of claim at issue. **Robbins**, 519 F.3d 1242, 1248. Pleadings must be construed so as to do justice. **Fed. R. Civ. P. 8(f) (text)**. Importantly, this Petition raise questions that have not yet been decided. **Hosanna-Tabor**, 565 U.S. 171, 196.

9.

On Sept. 16, 1986, publicly available records on file with the Lafayette Parish District Attorney's Office ["DAO"] make known that the DAO convicted Arvie of a sex offense. By law, Arvie registered with the Calcasieu Parish Sheriff's Office. **La. R.S. 15:542(B) (1, 2).**

10.

Prior to April 7, 1987, Arvie was an official registered citizen living in Travis County, City of Austin, Texas, located within South Central Texas.⁶

11.

On April 7, 1987, two assailants armed robbed Jewler Richard Melancon in the City of Abbeville, LA. Jewler Richard Melancon and his employees (Debra Campbell, Kathy Mouton), and several other witnesses described two black men standing six feet tall. One robber wore a green and white Lafayette High School Jersey. A suspect was arrested. **App. 142a, ¶ 21.**

12.

After April 7, 1987, Marcus Bonin committed an armed robbery in Opelousas, LA. He was apprehended by the Saint Landry Sheriff's Office located in Opelousas, Louisiana. Bonin was driving a stolen vehicle and had jewelry in his possession belonging to Melancon Jewelry Store ["MJS"]. The Saint Landry Sheriff's Office contacted and notified the Abbeville Police Department ["APD"] located in Vermilion Parish, Abbeville, Louisiana. **App. 142a, ¶ 22.**

13.

On April 9, 1987, APD Detective Steve Broussard traveled to and interviewed Bonin in Saint Landry Parish. Bonin implicated John Solomon and Arvie by the name of Amos. Bonin and Solomon attended Lafayette High School. He provided Solomon's address. Bonin described a home where Amos allegedly lived in Lafayette Parish, Louisiana. Broussard investigated the home and obtained the address. A warrant issued. The Lafayette Sheriff Office went to and searched

⁶ The facts in paragraph's (10 thru 32) were raised in the state operative amended filing in the **Washington** litigation on April 28, 2023. **App. 107a; 129 n.19.** They were raised on appeal in the recusal motion of Sept. 15, 2023. **App. 140 ¶¶ 11-38.** During the federal litigation, those facts were raised in operative amendment. **App. 48a; 72a n.17.**

the place of residence. The officers discovered that the person by the named of Amos did not live at the home. APB officer released the suspect they first apprehended immediately at the scene of the crime after the armed robbery involving Jeweler Melancon. **App. 142a, ¶ 23.**

14.

On April 9, 1987, detective Broussard learned from Louisiana Department of Corrections ["LDOC"] probation officer Richard G. Andrich that Solomon and Arvie had been placed on probation together in September 1986. Broussard obtained Arvie's picture. Bonin then implicated Arvie as the person who participated in arm robbing MJS. **App. 143a ¶ 24.**

15.

In June 1988, after investigating Arvie, detective Broussard caused an arrest warrant to issue for Arvie's arrest in Austin, Texas. Detective Linda Dixon was assigned to the case. She investigated Arvie on behalf of the APD to no avail. Dixon arrested Arvie at an orthopedic doctor's office stemming from a work-related accident in Austin, Texas. **App. 143a ¶ 25.**

16.

Prior to July 31, 1988, Vermilion Parish Assistant District Attorney ["ADA"] party Amy and Woodruff caused LDOC probation officer Richard Andrich to extradite Arvie from Texas without an extradition warrant. They were aware Arvie had not waived the right to extradition. Suit was filed. The circuit judges failed to follow Supremacy decisions and decide the case based on all material facts in dispute governed by federal and state law. **App. 143a ¶ 26.⁷**

⁷ Judges failed to resolve the issue on the affidavit for the extradition warrant. It was based on falsity by Andrich, Amy, Woodruff, and Lafayette Parish District Attorney Michael Harson. Harson had jurisdiction over Lafayette, Acadia, and Vermilion Parish. **Trahan**, 250 La. 949, 951 n.1, 200 So.2d 6, 7 n.1. The parties asserted Arvie violated a condition of probation requiring Arvie remain in the court's jurisdiction and that Arvie agreed to waive extradition if found outside the court's jurisdiction. The parties knew publicly available records under their control make known that Judge Lucien C. Bertrand (1) did not impose the condition; (2) Arvie did not agree in writing to conditions of probations required by state law; and (3) that transcripts evince that Bertrand only mandated Arvie to report each month until completion of a two-year probationary period. See **Sussmann**, 374 So. 2d 1256, 1257-1259; **O'Doyle**, 539 So. 2d 1273. The parties met with Judge Bertrand. He issued an arrest warrant. On causing the warrant to issue, the parties knew Arvie had completed probation. **Harris**, 342 So. 2d 179; **Franks**, 438 U.S. 154, 155-72; **Malley**, 475 U.S. 335, 345-46. A probable cause hearing was withheld. Bertrand denied bail. APD Broussard later appeared at the Lafayette Parish Jail. He questioned Arvie to no avail and declared "we are going to railroad your ass."

17.

Prior to July 31, 1988, ADA Amy and Woodruff enlisted the aid of Acadia Parish ADA Glen B. Foreman to coerce Arvie into pleading guilty. Foreman filed bogus charges stating Bonin and Arvie had committed burglaries. Arvie filed a probable cause motion and prevailed. **App. 72a n.17.** Foreman dismissed one of two charges Jan. 26, 1989. He knowingly held the second bogus charge over Arvie's head up to Sept. 14, 1989, until after May 19, 1989. **App. 168a-169a.**

18.

On July 31, 1988, ADA Amy and Woodruff charged Arvie with aiding and abetting in the in the commission of the Vermilion Parish armed robbery on April 7, 1987. **App. 143a ¶ 27.**

19.

On May 19, 1989, prior to starting the trial, ADA Amy and Woodruff caused Melancon and Campbell to enter a room occupied by Arvie and his father, Rev. Hearnest Arvie, to make a one-on-one identification. Counsel was not provided but was told during the trial. Appointed lawyer Thomas questioned each witness. They admitted their act at the behest of the prosecution. Thomas then acted in cahoots with each ADA, waived Arvie's objection to have the testimony excluded under Supremacy decisions, and failed to object at Arvie's request. **App. 143a ¶ 28-30.**

20.

On May 19, 1989, the jury heard the testimony of Melancon, Mouton, and Debra Campbell. Woodruff caused Judge Byron Hebert to keep Arvie quiet under gag order and then caused each witness to testify falsely. The jury rendered a guilty verdict (11 to 1). **App. 144a ¶ 30.⁸**

21.

After May 19, 1989, Arvie filed an out-of-time appeal. Party Jerome Domengeaux, James M. Stoker, and P. J. Laborde were assigned to decide the appeal. The parties (Woodruff, Amy, Domengeaux, Stoker, Laborde, the other elected judges, and staff of the court) did not disclose the relationship that existed between Amy, Woodruff, and Domengeaux. **App. 144a ¶ 31.**

⁸ Suit was filed on those events. Due to **Heck**, it was dismissed without prejudice. **Broussard**, 42 F.3d 249, 250.

22.

On Oct. 2, 1991, Arvie's appeal came to be heard. Amy and Woodruff failed to reply to the pro se brief on file raising prosecutorial misconduct involving perjured testimony known to be false, inflamed remarks designed to influence the jury, denial of counsel at every critical stage of the proceedings, and inept counsel. Laborde authored the opinion, ignored the facts, and failed to follow Supremacy decisions. Domengeaux and Stoker failed to dissent. **App. 144a ¶ 32.**

23.

On Nov. 1, 1991, Arvie filed an application for rehearing. Acting without the input of the other two judges, Domengeaux denied the filing - **1991 La. App. Lexis 2604. App. 145a ¶ 33.**

24.

After Nov. 1, 1991, Arvie continued on appeal with several civil cases. Woodruff and Amy were the linchpin for illegal acts or omissions they orchestrated with ADA Foreman. The filings and appeals were unsuccessful. Arvie did not know Woodruff had law clerked for party Judge Domengeaux for several years. **App. 72a, n.17.** Amy, Woodruff, Domengeaux, the other elected judges, and staff of the court failed to reveal the relationship, and each assigned panel failed to follow Supremacy decisions on the facts - **605 So.2d 1369 (Unpublished). App. 145a ¶ 34.**

25.

On Aug. 16, 1994, Arvie filed and Vermilion Parish party Judge Jules D. Edwards, III, ordered production of the discoverable public records bearing on the commission of the offense. Woodruff and Amy withheld requested statements which were handwritten by multiple witnesses who were at the scene of the crime. Motion to Enforce Judgement was filed. A hearing was held late at night for two consecutive days. ADA Amy and Woodruff instructed LDOC not to transport Arvie to the Vermilion Parish District Court by 10:00 AM for an impending adversarial hearing. Family members were prevented from attending. Yet Jeweler Melancon and Campbell testified in Arvie's favor to no avail. **App. 146a ¶ 37; Cf. 2009 La. App. Unpub. Lexis 111.**

26.

In November 1994, ADA Mark Amy was elected to the circuit court. Party Saunders, Laborde, Decuir, Hebert, Bertrand, and other judges attended the investiture ceremony. **App. 170a** (Newspaper Clipping of 11/17/1994). Domengeaux retired as Chief Judge. **App. 145a ¶ 35.**

27.

Prior to March 4, 2009, Arvie timely appealed over the fact that ADA Woodruff and Amy withheld public records. In accord with Louisiana Revised Statute 13:319, newly elect judge Amy and each circuit judge directly supervised the appeal. **App. 145a n.7.⁹** They convened with the Clerk, discussed the case, and appointed a merit-panel to decide the case. Steps were taken to dismiss the appeal. It was reinstated based on clerical error - **2008 La. App. Unpub. Lexis 513.¹⁰**

28.

On March 4, 2009, Pickett authored a decision. Pickett omitted Melancon and Campbell favorable testimony on transcript. She likewise omitted the fact that witnesses at the crime scene provided exonerative handwritten statements which were concealed prior to May 19, 1989. Decuir and Saunders failed to dissent - **2009 La. App. Unpub. Lexis 111. App. 146a ¶ 38.**

29.

The omissions over the court's relationship with Woodruff and Amy prevented the filing of a recusal motion on criminal and civil appeal- **Marshall**, 446 U.S. 238 (explained neutrality). A Supremacy decision reaffirmed the precept - **Williams**, 579 U.S. 1, 16. **App.146a ¶ 36.¹¹**

⁹ **Louisiana Revised Statute 13:319** provides as follows: Each civil and criminal proceeding and each application for writs shall be randomly assigned by the clerk, subject to the direct supervision of the court. See **La. R.S. 13:319; Florida Gas Transmission Co. v. Tex. Brine Co.**, 369 So. 3d 892, 894-95 & n.3 (provided legislative history over a petition seeking to annul an appellate court final judgment rendered by the First Circuit Court of Appeals).

¹⁰ Under Houston, admissible records (LDOC indigent mail logs, U.S. Postmark date, the court's mailroom stamp date of receipt, and the filing date stamped on the appeal papers) were and are available to illustrate that a calculated step caused the dismissal and subsequent illegal acts. The records are relevant. **App. 141 ¶ 15 & n.2; Williams**, 2021 WL 672209, *3-4; **Broussard**, 42 F.3d 249 (argued and remanded under **Houston** on the issue of timely filing).

¹¹ Public records on file with the Louisiana Judiciary Commission [LJC], Office of Disciplinary Counsel ["ODC"], and Federal Bureau of Investigation ["FBI"] make known that the parties failed and continue to fail in their duty to report all known illegal acts or omissions of improprieties to the proper authorities. **Roberts**, 445 U.S. 552, 557.

30.

In connection to the facts in prelude, Terry Arvie - Arvie's brother - was elected to Pastor Mount Nebo Baptist Church in Omaha, NE. **App. 182a ¶ 10; <http://mtneboomaha.org/Pastor-Arvie>**. Terry is a former employee of the DAO domiciled in Calcasieu Parish, Lake Charles, LA. Terry operated in the capacity of an investigator for the Fourteenth Judicial District Court system alongside then ADA Sharon D. Wilson - **Perkins**, 968 So. 2d 1178, 1179. **App. 183a ¶ 12-13**.

31.

Prior to April 8, 2005, Arvie wrote Pastor Hearnest Arvie - his father - for a copy of his Ministerial Ordination Certificate and asked to be reunited back with the Church. Pastor Arvie responded by "letter bearing his signature April 9, 2005," stating "[t]he church has accepted your request." Pastor Arvie mailed a copy of the Certificate to Mr. Miller [Warden]. **App. 137a**.

32.

On Nov. 17, 2010, Pastor Arvie died owning two residential properties. **App. 164a-167a**. He did not disinherit Arvie. Arvie proceeded to open the **Succession of Rev. Hearnest Arvie, No. 50,178**, in Calcasieu Parish seeking notice of the appointment of an administrator. Party Jones assigned Judge Wilford Carter to the case. **App. 140a ¶¶ 11-18**. Terry Arvie called, met with, and enlisted then party lawyer and now Judge Sharon D. Wilson to handle the succession. Notice came after the fact.¹² Wilson filed a motion appointing Terry the administrator and mailed a letter to the prison March 16, 2011, asking Arvie to withdraw his motion. LDOC prison officers received the documents. **App. 161a-163a**. Arvie sign an incoming mail receipt log for the documents, reviewed the papers, obtained copies, signed the motion, crossed out the word with prejudice and placed the word without prejudice on the order, advised Wilson of the changes, signed an outgoing indigent mail log, and asked the prison to prepay the postage mailing fees for memorializing those facts in

¹² Wilson is a part of the Arvie/Guillory/Lafleur family tree by marriage. On appeal, a recusal motion was filed Dec. 19, 2023. **App. 180a-187a**. The filing historically outlined party Wilson's connection to Arvie's family tree. It also outlined additional illegal acts Wilson later committed with party Terry Arvie and Smith. **App. 183a ¶¶ 12-13**.

writing for future reference. **App. 139a, 141a ¶ 15.** Assignee Judge Carter signed a final judgment Nov. 15, 2012, granting (1/10) ownership of an undivided interest to each child. Several heirs refused ownership. Terry Arvie and Wilson agreed to take Arvie's interest by Act of Donation and vest it in Mildred Arvie, Darryll, and Terry Arvie. knowing Mildred had developed the onset of dementia, Terry and Wilson failed to explain their intentions to Mildred. They also failed to notify Arvie. **App. 140a ¶¶ 11-18.** Due to Wilson's dilatory steps, Arvie then filed a Motion for Contempt of Court.¹³ Although Carter was in office, Wilson met with and influenced party Davis to deny the filing. Wilson and Davis hid that fact with party Jones until Aug. 23, 2023. Wilson and Terry failed to make that fact known or mail Arvie copies of the file. **App. 74a ¶ 148.**

33.

On Jan. 14, 2014, LDOC public records make known Arvie was paroled from prison. Arvie immediately reunited with the Church on being release on supervision. **App. 87a ¶ 199.**

34.

In the matter of **Arvie v. Geico Cas. Co.**, the suit was filed on Sept, 3, 2021. Party Marc Dejean, the son of Merric DeJean, rear-ended Arvie while driving under the influence of alcohol Sept. 6, 2019. Merric was insured by Farm Bureau. **App. 74a ¶ 149.** Merric appeared at the scene of the accident on his own volition. He voluntarily informed Arvie that he had no other available insurance coverage other than the minimum coverage required by Louisiana law to satisfy any exemplary award allowed by legislative law for the injures Mark caused by his wanton or reckless disregard while driving Merric's vehicle intoxicated - **La. C.C. Art. 2315.4. App. 80a ¶ 171.**¹⁴

¹³ Publicly available record kept by party Jones make known that Judge Carter issued an order approving for Terry to sell the immovable properties. Wilson and Terry failed to provide paperwork on the disposition of the properties.

¹⁴ **Louisiana Civil Code Article 2315.4** - in its entirety - provides as follows:

In addition to general and special damages, exemplary damages may be awarded upon proof that the injuries on which the action is based were caused by a wanton or reckless disregard for the rights and safety of others by a defendant whose intoxication while operating a motor vehicle was a cause in fact of the resulting injuries. **La. C.C. Art. 2315.4.** Under the prevailing circumstances, Merric knew Arvie could be awarded exemplary damages within the meaning of the statute. **Mosing**, 830 So.2d 967, 970; **Lafauci**, 844 So. 2d 19, 26; **Bourque**, 643 So. 2d 236, 238.

35.

On Sept. 11, 2019, Chesson and Arvie signed a contract. He agreed to file a personal injury and property claim against party Farm Bureau and not settle the claims without Arvie's consent. **App. 74a ¶ 150.** Prior to hiring Chesson, Arvie had not fully recovered from a prior rear-end collision caused by a motorist insured by Farm Bureau in year 2018. **App. 80a ¶ 171 & n.21.**

36.

On April 16, 2020, Chesson forged Arvie's name and settled the claims - **Cole**, 929 So.2d 1224 and **Coppage**, 320 So. 3d 1206, 1211. **App. 74a ¶ 125(1).**¹⁵ Farm Bureau paid Chesson the \$15,000.00 policy limits. Chesson did not reveal the check or have Arvie sign the check showing the claims were paid in full settlement to constitute an enforceable agreement - **Farr**, 453 So.2d 232, 234. **App. 80a ¶ 171 & n.16.** Party Doles and Dennis knew Chesson had committed an illegal act or omission, in that no meeting of minds occurred between Arvie, Chesson, Dennis, Dole, and Farm Bureau by email, phone, or letter sent to and signed by Arvie - **Lavan**, 708 So. 2d 1052, 1052 n.3 (one party's signature precludes finding a settlement in writing); **Sullivan**, 671 So. 2d 315, 317 (the signatures serves as proof of the agreement and acquiescence therein); **ECW**, 196 So.3d 122, 125-126 (nothing in the record signed by all parties); and **Givens**, 776 So. 2d 443, 455 (The first step under contract law is to determine if a contract was formed in the first place through offer and acceptance). Each party overtly concealed the settlement. Chesson failed to provide a copy of the file as required by law - **In re Thomas**, 976 So. 2d 1245, 1254. **App. 74a ¶ 152(1, 2, 3).**

37.

On Sept. 1, 2021, Geico party adjuster Amanda Treadwell emailed a letter to Arvie. She notified that Chesson settled Arvie's claims with Farm Bureau for \$15,000.00. Arvie called party

¹⁵ Party Dennis notified Arvie by email that Farm Bureau and Chesson settled the case in March 2016. **App. 74a ¶ 152(2, 3).** Settled jurisprudence decreed that Arvie had a right to admit evidence on the fact that the parties destroyed the March 2016 agreement and then erected an agreement in April similar to one rejected by the Supreme Court under preclusion law. **Chabaud**, 728 So. 2d 851, 851-53; **Frank**, 513 So. 2d 1170, 1172 n.6 (A party should be allowed to offer evidence to show that the parties tore up the original contract as proof of cancellation) (original text).

Doles. Doles had Arvie email Farm Bureau for an affidavit signed by Merric stating he does not have other available insurance coverage to indemnify the injuries caused by Marc. Doles failed to produce the affidavit. On discharging Chesson, Arvie traveled to Merric's home Sept. 20, 2021, and discovered Merric had other insurance coverage on a separate vehicle. **App. 80a ¶ 171.**¹⁶

38.

On Sept. 3, 2021, Arvie sued Geico. The suit was filed to stop the uninsured motorist claim from expiring Sept. 6, 2019. **See La. R.S. 9:5629.**¹⁷ A supplemental suit was filed Dec. 8, 2021. Geico and agents named as interested parties in this Petition were sued for longstanding bad-faith practices.¹⁸ In connection with the practices, Treadwell sent Arvie an email. She requested Arvie accept \$300.00 as a settlement on the claim. Treadwell knew Louisiana law required Arvie receive a greater substantial payment for the type of injury incurred Sept. 6, 2019. Treadwell did not make a tender. She knew Dennis and Dole (including her insurance industry software) put her on notice that Arvie incurred medical bills in the amount of not less than \$20,000.00, due to a rear-end collision that occurred in July 2018 at the hands of a person ensured by Farm Bureau. In a letter Treadwell emailed to Chesson during negotiations on Oct. 29, 2020, Treadwell advised that she had been communicating directly with Farm Bureau by email. Her decision to commit bad faith arose out of an "internal widespread policy." The policy is known in Geico's region as the "Profit-Sharing Plan Award." Nicely created the plan, referred to the plan in an internal memo, and has

¹⁶ Discovery of that fact became critically important but was not settled during the state-court proceedings. **La. Safety Ass'n v. La. Ins. Guar. Ass'n**, 17 So. 3d 350, 359 (an insured purchases excess insurance to provide supplemental coverage that picks up where his primary coverage ends and thus provide protection against catastrophic losses) (text); **Coates vs. Northlake Oil Co.**, 499 So. 2d 252, 254 (The property, liability, and umbrella provisions of the Sentry policy are clearly separate. Each contains its own limits, exclusions, definitions, and conditions) (text).

¹⁷ **Louisiana Revised Statute 9:5629** - in its entirety - provides as follows:
Actions for the recovery of damages sustained in motor vehicle accidents brought pursuant to uninsured motorist provisions in motor vehicle insurance policies are prescribed by two years reckoning from the date of the accident in which the damage was sustained. **La. R.S. 9:5629**; **Jones**, 542 So. 2d 507, 508 (discussed in detail).

¹⁸ Only Nicely and the corporation were served and cited. **See 2023 La. App. Unpub. Lexis 149, *1-3 & n.2.**

overtly/tacitly kept the plan in place. The memo is on file in a Florida state-court. Under the Profit-Sharing Plan, Geico grants an average award of 21 % to each eligible associate. Awards are distributed to different planning Centers and are based on performance (e.g., mishandling of justifiable claims in bad faith) compared to business plan goals. Geico deposit the first portion of the award (10% of earnings) in a Profit-Sharing Plan Account on record as Vanguard. Thereafter, Geico pays the remaining balance by written check to each eligible employee. Each Chairman, CEO, President, Vice President, and regional personnel have nurtured the Plan. Geico agents have maintained the Plan and have failed to report the matter - **Roberts**, 445 U.S. 552, 557. They knew the omission would unjustly enrich Berkshire and the subsidiaries. In a journal, writer Katherine Chiglinsky and Michelle Kim informed the public on Feb. 25, 2019, that party Warren Buffett considered Nicely's acts or omissions to be a model of managerial work for incoming President Bill Roberts to follow. Warren Buffet and his agents named in this Petition nurtured the plan over first-party claims by failing to present a firm settlement offer and an unconditional tender required by state law - **Kelly**, 169 So. 3d 328 and **Clark**, 785 So. 2d 779, 791. **App. 74a ¶ 152(4-9)**.

39.

On Dec. 6, 2021, a first amended and supplemental complaint was filed against Chesson. It was served. A second was filed Dec. 8, 2021. It was not served. **See 2023 La. App. Unpub. Lexis 149, *1-3**. The suit was based on settled law.¹⁹ Chesson hired party James Gibson. Merrie and Marc hired party Seneca. Both of the lawyers filed defensive peremptory exceptions of no cause or right of action. Davis signed an order setting the exceptions to be heard May 26, 2022.

¹⁹ **See Board of Comm'rs**, 197 La. 598, 613-14 (Fraud vitiates all things. Where fraud is alleged as a basis for relief, all persons who participated in the fraud and those who are its beneficiaries are proper parties to the suit); **Collier**, 2006 WL 1560739, at *3 (finding that "[t]his is the Louisiana Supreme Court's last word on this issue, and the court's holding has been followed in a majority of state appellate cases"); **Boudreaux**, 884 So. 2d 665, 672 (when a party has been damaged by the conduct of another arising out of a contractual relationship, the former may have two remedies, a suit in contract, or an action in tort, and may elect to recover his damages in either of the two actions); **Glass**, 676 So. 2d 724, 732 (It is without question that religious organizations are no longer immune from tort liability) (text).

40.

After Dec. 6, 2021, Davis and Clerk Jones communicated ex parte with Chesson prior to service of process. Chesson previously worked for Jones in the capacity of a deputy. After the illegal talks, party Chesson and Patricia Fernandez called Arvie. The call lasted 24-minutes. Both Fernandes and Chesson asked Arvie to pursue the case only against Geico - **2022 LA APP. CT. Briefs Lexis 804, at *15 n.7** (incoming call log in the record on appeal). **App. 76a ¶ 154.**²⁰

41.

After Dec. 6, 2021, Davis and party Seneca talked ex parte. Davis later directed Seneca on transcript to take Arvie outside of the courtroom to ask Arvie to dismiss the suit. Arvie declined. Seneca threatened Arvie's life and said "we" are going to stop you, no matter what. **App. 77a ¶ 160.** Following the talks, Davis invidiously rescinded Arvie's IFP status on facts Davis and the attorneys knew to be false. Relief was granted April 8, 2022. **See 335 So. 3d 827, 827-28.**²¹

42.

Prior to Jan. 20, 2022, Davis talked ex parte with party Foreman. Foreman then called and mailed a letter to Arvie on that date. He noted in the letter that he talked by phone with Arvie. Foreman advised by phone that he was acting on Geico's behalf and that Davis was operating on his behalf - **2022 LA APP. CT. Briefs Lexis 804, at *17** (Letter in record). **App. 76a ¶ 155.**

43.

On April 13, 2022, party Dusty Higgs – the assistant to Davis - issued notice stating the arsenal exceptions would be heard May 26, 2022. Davis unfairly omitted granting a reasonable

²⁰ Chesson and the parties knew the ex parte talks were illegal. **Harrington**, 585 So. 2d 514. The parties also knew the ex parte talks would thwart the right to a fair trial guaranteed under the Federal Constitution. **Jackson**, 959 F.3d 194, 203 & n.9; **Fed. Educ. Ass'n-stateside Region**, 841 F.3d 1362, 1367-1370 (finding that supervisor's email to a subordinate deciding officer was certainly the "type" of ex parte communication "likely to result in undue pressure on the deciding official to rule in a particular manner"), which was held to constitute a violation due process of law.

²¹ The Supreme Court order declares: "The district court is directed to conduct the evidentiary hearing on the rescission of relator's pauper status prior to hearing defendants' exceptions. If the district court maintains relator's pauper status, it should grant a reasonable continuance of the hearing on the exceptions in order to allow relator to present his opposition to the exceptions. In all other respects, the writ is denied". **See 335 So. 3d 827, 827-28 9 (text).**

continuance for filing for default judgment and for addressing Arvie's properly filed Motion to Compel Past Due Discovery - **2023 La. App. Unpub. Lexis 149, *17. Cf. 335 So. 3d 827.**

44.

On May 17, 2022, Arvie filed written objections arguing the suit was timely filed against Chesson Sept. 3, 2021, after discovering Chesson negotiated the claims with Farm Bureau without Arvie's consent. As construed in **Lomont**, 172 So. 3d 620, Arvie argued pursuant to Louisiana Revised Statute 9:5605(E) (the peremptive period provided in Subsection A of this Section shall not apply in cases of fraud, as defined in Civil Code Article 1953)). Arvie also argued to no avail that the lawsuit was timely filed against party Farm Bureau, Dan Dennis, and Jimmy Doles for breaching their legal duty - **Sprinkle**, 492 F.2d 469, 470-73 & n.2. The objections also raised the fact that Chesson and Farm Bureau were withholding claim files having a direct bearing on the issue of fraud after receiving several discovery motions, and that Chesson allowed the prescriptive period to expire on an unrelated auto claim that occurred on Jan. 18, 2020. **App. 76a ¶ 153.**²²

45.

On May 26, 2022, Arvie appeared. Foreman also appeared. He met in court and discussed strategical tactics with party Gibson and Seneca. The Bailiff and Seneca noted Foreman's presence on transcript. Gibson kept quiet. Foreman gave Seneca a strategical note after his meeting of the mind with Gibson and Seneca - **2022 LA APP. CT. BRIEFS LEXIS 804, at *17 n.9.** He aided Gibson and Seneca in admitting evidence known to be fraudulent in the form of a "settlement disbursement statement" claiming Arvie settled the claim with full knowledge of all the facts before signing the document.²³ Davis knew the proffer to be false before Arvie testified that the

²² The parties knew Arvie had the right to discovery of the "check in question" pursuant to well settled jurisprudence. **Bridges**, 983 So. 2d 1256, 1258; **Kitts vs. State Farm Mut. Auto. Ins. Co.**, 340 So. 3d 1281, 1286.

²³ Foreman, Gibson, and Seneca appeared and pursued a defense for the parties. **Roell**, 538 U.S. 580, 586 n.3 (defined the term appearance); **N.Y. Life Ins. Co.**, 84 F.3d 137, 141-42 (an appearance is an indication "in some way [of] an intent to pursue a defense.") (text). The attorneys obtained a final judgment for the served and the unserved parties. The parties are now bound by the acts or omissions of their chosen attorneys. **Habich**, 87 U.S. (20 Wall.) 1, 7.

statement itself does not evidence Arvie signed the document for ratifying Chesson's to constitute ratification - **Owings**, 34 U.S. 607, 629. **App. 76a ¶¶ 155-161**. Davis then failed to address Arvie's Motion to Compel Past Due Discovery of the disbursement check for establishing that the check itself does not evince Arvie signed the check with full knowledge of settling all claims to constitute ratification - **2022 La App. Ct. Briefs Lexis 804, at *17 n.9-10. App. 80a, ¶ 171-175.**²⁴

46.

On appeal timely invoked in **Arvie v. Geico Casualty Co.**, a recusal motion was filed on Aug. 10, 2023. It was based on state law - **La C.C.P. Art. 151(B). App. 78a ¶ 162-163.**²⁵ It also was based on the Fourteenth Amendment. The motion raised the fact that the court could not fairly process and decide the appeal because **(1)** Judge Wilson committed illegal acts or omissions in her capacity as an attorney with Arvie's brother - Terry Arvie - during the succession of Rev. Hearnest Arvie prior to her appointment to the Louisiana Judiciary Commission on Jan. 3, 2023, noted at https://www.lasc.org/Press_Release?p=2023-01; **(2)** Third Circuit Judges and staff have a deep-rooted longstanding animus toward Arvie; and **(3)** ongoing illegal acts or omissions evidence the court's antagonism. In support of the contention, the motion raised the fact that **(1)** Circuit Judge Marc T. Amy – a former ADA – prosecuted and caused a jury - 11 to 1 - to find Arvie guilty of armed robbery on 05-19-1989 based on facts he and ADA Calvin E. Woodruff knew to be false; **(2)** Woodruff law clerked for judge Jerome Domengeaux several years before he, Stoker, and Laborde affirmed the conviction - **1991 La. App. Lexis 2604**; **(3)** Amy, Woodruff, Domengeaux,

²⁴ The due process clause assures a full hearing before a tribunal empowered to perform the function. It includes the right to introduce evidence and have judicial findings. **Baltimore**, 298 U.S. 349, 368–69; **Jenkins**, 395 U.S. 411, 429 (right to present evidence is essential to a fair hearing required by the Clause); **Craft**, 436 U.S. 1, 16 n.17 (a hearing demands a right to support allegations by argument and informal proof if need be); **Morgan**, 304 U.S. 1, 18 (parties have a right to present evidence and an opportunity to know the claims of the opposing party and to meet them).

²⁵ **Louisiana Civil Code Procedure Article 151(B)** provides - in its entirety - as follows:

A judge of any trial or appellate court shall also be recused when there exists a substantial and objective basis that would reasonably be expected to prevent the judge from conducting any aspect of the cause in a fair and impartial manner. **Cf. Adams**, 387 So. 3d 836, 840 (noted recusal order and omission of reasons illustrated grounds were raised).

the Circuit Judges, and staff of the court failed to inform Arvie that Woodruff law clerk for Domengeaux before Domengeaux, Stoker, and Laborde affirmed the conviction; (4) Pickett, her colleagues, and newly elect judge Amy supervised the appeal under the mandatory provision of Louisiana Revised Statute 13:319 and decided who would author the appeal; (5) party Pickett authored an opinion on appeal in **Arvie v. Woodruff** over whether Amy, Woodruff, ADA Bart J. Bellaire, and DA Michael Harson withheld public records on the conviction - **2009 La. App. Unpub. Lexis 111**; (6) Pickett omitted exonerative testimony uttered by two trial witnesses at the hearing; (7) Pickett, her colleagues, and the clerks failed to inform Arvie about the relationship between Amy and Woodruff had with Domengeaux before the civil appeal was affirmed. **App. 72a n.17**. Prior to hearing the recusal motion Aug. 23, 2023, an exhibit-letter depict that a federal actor or actors, Supreme Court Judges and staff, Circuit Judges and staff, and the licensed attorneys committed illegal acts to defeat the recusal motion and omitted taking steps to ensure the fair administration of justice. **App. 175a**.²⁶ The exhibit-letter, in part, plausibly elucidate that (1) an unknown federal actor or actors communicated ex parte with Gibson, provided Gibson a certified copy of the suit without notice to Arvie, influenced Gibson to take illegal acts or omissions against Arvie for exercising the privileges and immunities guaranteed by the First Amendment, and failed to notify Arvie that Gibson had been put on notice prior to service of process; (2) Gibson edited a letter and faxed a copy of the federal suit to Pickett on an unknown date; (3) Pickett failed to state what Gibson discussed in the letter or fax; (4) Gibson communicated ex parte with Pickett on behalf of himself and client Chesson, Seneca on behalf of Merric and Farm Bureau, party Tara E. Clement for Wilshire and staff, Foreman for Geico and its employees, Judge Davis, Cook for the

²⁶ Arvie did not inform the parties that the federal litigation had been filed on May 31, 2023. **Exxon Mobil Corp.**, 544 U.S. 280, 292 ("the pendency of an action in the state court is no bar to proceedings concerning the same matter in the Federal court having jurisdiction"); **Haring**, 462 U.S. 306, 314 ("the federal courts could step in where the state courts were unable or unwilling to protect federal rights"); **Richards**, 517 U.S. 793, 797 n.4.

reconventional parties, and Cox for the religious corporate parties who were named a party in state-court; (5) Gibson notified Pickett that Arvie filed the lawsuit against members of the court; (6) Pickett's letter put the Supreme Court Judges on notice that Pickett and Gibson overtly/tacitly agreed to step on behalf of the parties to thwart the recusal motion; (7) the attorneys, Circuit Judges, and Supreme Court Judges reached an overt/tacit agreement not to intervene the acts or omissions of Gibson and Pickett by breaching their duty requiring they report the improprieties of Gibson and Pickett required by Louisiana Code of Judicial Conduct Canon 3B(3) and Professional Conduct Rule 8.3(a) enacted by State Supreme Court Judges as referenced in **Bufford**, 994 F.2d 155, 158 & n.5; **In re Mire**, 197 So. 3d 656, 674 n.5 (Weimer, J., dissenting); **Sampognaro**, 890 So. 2d 704, 707 n.1; (8) party Cathern Babin breached a PRESUMPTIVE ADMINISTRATIVE WRITTEN POLICY promulgated by Supreme Court Judges in accord with the State Constitution and the inherent unflagging authority of the court requiring she report to the proper authorities all known acts or omissions of improprieties by judges and lawyers; (9) the judges failed to discipline Babin for breaching her known duty to report the acts of the judges and attorneys; (10) the Circuit Judges breached their duty requiring they report all known improprieties of which they knew the Supreme Court Judges and Pickett had committed. The circuit clerks breached their duty to report the illegal acts or omissions of which they knew judges had committed. **App. 175a.**²⁷ The circuit court then affirmed and dismissed the appeal unfairly. **See 2023 La. App. Unpub. Lexis 149.**

²⁷ Existence of the PROMULGATED PRESUMPTIVE ADMINISTRATIVE WRITTEN POLICY is predicated on a presumption. "It is a presumption of law, that all public officers, and especially such high functionaries, perform their proper official duties, until the contrary is proved." **Philadelphia**, 39 U.S. 448, 458; **Vaughan**, 243 La. 390, 407, 144 So.2d 371, 377. Presumptions may be rebutted. **Miller**, 78 U.S. (11 Wall.) 268, 300; **Bracy**, 520 U.S. 899, 909. Pickett's revelational undated letter rebuts the presumption at the motion-to-dismiss stage. The presumption is also rebutted by the fact that verifiable publicly available records make known that the parties failed in their duties to report known improprieties. **Ante**, at 40 n.11; **Fed. R. Evid. 301**; **Goldman**, 594 U.S. 113, 124. Each party was on NOTICE that federal law make provision for reporting to the proper authorities all known illegal acts or omissions of persons who conspire to injure persons in the free exercise or enjoyment of rights or privileges secured under federal law. **18 U.S.C. § 4**; **18 U.S.C. § 241**; **28 U.S.C. § 531**; **Dennis**, 449 U.S. 24, 28 n.5. Under longstanding historical viewpoint, the parties continue to fail in their duty to report all known illegal acts or omissions. **Roberts**, 445 U.S. 552, 557.

In the pending case of **Mildred Arvie v. Del Mar Roofing in Reconvention**, the original complaint was predicated on settled law. **See Bourque**, 331 So. 3d 1089, 1095 (When a corporate agent contracts on behalf of the corporation, he has the duty to disclose his representative status and the identity of his principal to avoid personal liability); **Bieber-Guillory**, 723 So. 2d 1145, 1149-50 (there must be a meeting of the minds between the parties to form a contract). In part, the complaint raised the fact that **(1)** the attorneys for Del Mar Roofing registered the corporation as a Limited Liability Corporation with the Secretary under Charter 43641637K on Oct. 18, 2019, but failed to obtain a license from the Louisiana Contracting Board stating the company specializes in roofing; **(2)** Arvie met party Morris Stogner in April 2020 prior to the landfall of Hurricane Laura Aug. 27, 2020; **(3)** Stogner identified himself as a licensed contractor; **(4)** Arvie signed a contract with Stogner on 4-24-2020 to replace the roof on the home of Mildred due to the fact the home sustained Wind and Hail damage in May 2019; **(5)** Stogner did not speak to or confer with Mildred due to Covid; **(6)** Stogner allowed Arvie to sign the name of Mildred on the contract without her written consent; **(7)** Arvie gave Stogner an estimate – Scope of Work – formulated and issued by State Farm in Mildred’s name; **(8)** State Farm approved the estimate on 3-11-2020; **(9)** Stogner and several workers replaced the roof on May 2, 2020; **(10)** Stogner and the roofers redecked the entire roof, failed to remove preexisting sheathing, and caused the roof to become vulnerable; **(11)** Five hip ridge rafters broke during the landfall of Hurricane Laura; **(12)** Stogner failed to mention in the contract that he was not a licensed contractor on registry with the State Licensing Board; **(13)** Del Mar Builders and Roofing corporate agents and the attorneys for the corporations allowed Stogner to contract with Arvie on 4-24-2020 and failed to inform Arvie or Mildred that Stogner was not licensed by the Louisiana Licensing Board; **(14)** the corporate employees and their attorneys failed to make known that Stogner was operating falsely under the

trade name of Del Mar Roofing and that Stogner was conducting business fraudulently, failed in their duty to disclose to Mildred and Arvie that Del Mar Roofing was not licensed by the State Contracting Board as a Limited Liability Corporation, and allowed Stogner to contract with Arvie to replace the roof on Mildred's home without Mildred's consent; **(15)** Stogner breached his duty mandating he affirmatively disclose to Arvie and Mildred that he was conducting business falsely under the trade name of Del Mar Roofing; **(16)** the corporate employees contacted State Farm by email and engaged in false supplemental overbilling in the amount of \$23,000.00; **(17)** State Farm contacted the corporate agents and requested justifiable reasons for the supplemental billing and emailed Mildred a copy of the letter; **(18)** the corporate employees failed to respond to State Farm's letter and hired Leah C. Cook and Taylor Law Firm to pursue a Petition on Open Account against Mildred for failing to pay the supplemental billing; **(19)** Cook knew Mildred had not approved the roofing project on investigating relevant documentation; **(20)** the corporate lawyers had political dealings with Davis during his first candidacy for judgeship on the bench for the circuit court; **(21)** Mildred donated her legal rights and property to Arvie by Act of Donation notarized in February 2023 prior to death June 23, 2023; **(22)** Arvie informed Davis in court May 25, 2023, that Mildred was facing death due to complications with her heart; **(23)** Davis appointed party attorney Williams to file and finalize a summary judgment motion for the corporate employees in the stead of Cook; **(24)** Arvie opposed the summary judgment motion June 3, 2023; **(25)** Williams filed a Motion for Continuance; **(26)** party Clerk Jones failed to put Arvie on notice that the motion was filed; **(27)** Judge Davis continued the suit indefinitely; **(28)** Cook, Williams, Judge Davis, Clerk Jones, and the corporate lawyers failed in their duty to report the improprieties of party Davis, Williams, and Cook to the ODC as mandated by law; **(29)** the officers knew that **Lomont**, 172 So. 3d 620, put citizens on notice that the refusal to speak in face of an obligation to do so is not merely unfair but

it is fraudulent; (30) the parties knew **Wallace**, 574 So. 2d 348, put Louisiana on notice that ODC matters are for protecting the public and the administration of justice. **App. 97a-102a**. Party Davis *appointed a replacement attorney* and later continued the case. **App. 101a ¶¶ 233a-239a**.

48.

In the matter of **Arvie v. Washington**, Arvie reunited with the Church January 19, 2014. **App. 65a ¶ 103; App. 87a ¶ 199**. Hurricane Laura made landfall Aug. 27, 2020 - **Morris**, 411 So. 3d 117, 122. It damaged Mildred Arvie's property at 1901 Knapp Street. Arvie hired party Cox on behalf of Mildred. He filed suit against State Farm June 6, 2021, in the district court under No. 21-cv-01692. Cox prayed that penalty fees be awarded for bad faith settlement practices and the failure to adjust the claims on supplemental proof of loss. Cox failed to pursue penalty fees and file a discrimination claim. He withdrew the claims without consent. **App. 68a ¶ 123(3) & n.11**.

49.

On June 1, 2021, *prior to the omissions in Mildred's case*, Arvie introduced Cullivan to Cox. He signed a contract with Cox on behalf of the Church. **La. R.S.12:225(G)**.²⁸ Cox and party Brown filed a suit against Wilshire in the district court under No. 2:21-CV-01471. They prayed penalty fees be awarded for bad-faith in failing to adjudge the claim timely and for the tortious failure to adjust the claims following a supplemental proof of loss. Judge Cain presided. Diabetic complications caused Cullivan to appoint Arvie the agent to supervise the claim. **App. 66a ¶¶ 111-112**. Arvie endorsed checks. **App. 65a ¶¶ 105-112**. And filed an invoice for demolition of the

²⁸ **Louisiana Revised Statute 12:225(G)** provides - in relevant pertinent part - as follows:

Except as otherwise provided in the articles or by-laws, or by resolution of the board of directors, the president or vice-president of any corporation shall have power in the name and behalf of the corporation to authorize the institution, prosecution or defense of any suit and other legal proceedings, and no exception of want of authority shall lie on the part of any other party. Such persons shall have authority in the corporation's name and behalf to direct the issuance of conservatory writs and to bond property in custodia legis, to execute bonds in connection with any legal proceedings, and to make any affidavit required by law or the rules of the court. Such acts shall have the same force and effect as the act of the corporation itself, and be binding upon it. **La. R.S. 12:225(G)**. Cullivan was not prohibited by the Articles on Incorporation from signing the contract in the absence of amended Articles or BYLAWS enacted by resolution filed with a certificate as part of the records. **App. 48, 60a ¶¶ 97-98; Brown**, 224 So. 3d 1012, 1017.

educational building - **Downs**, 175 La. 242, 250 (defined agent). **App. 72a n.15**. The appointment was in accord with state law regulating Non-Profit Corporations. **See La. R.S. 12:225(B)(D).**²⁹

50.

On Sept. 11, 2022, Cullivan also appointed Arvie to Pastor the Church. **App. 67a ¶ 120**. Articles of Incorporation VII (2) and (3) authorized Cullivan to do so as of Sept. 28, 1977. **App. 48, 60a ¶¶ 97-98**. Arvie preached and served communion. **App. 67a ¶¶ 120-121**. Usurper Doucet, Smith, and Washington met with Cox behind Arvie's back at the behest of party Pastor Stevens. They agreed with Cox to usurp Arvie's agency status, withdraw the suit, and settle the claim with Wilshire, the adjusters, and the lawyers without a membership resolution - **La. R.S. 12:233(A)**.³⁰ The usurpers failed to produce a resolution showing they had been elected. **App. 68a ¶¶ 123-127**.

51.

On Jan. 1, 2023, Arvie filed an original suit in state-court. **La. R.S. 12:208(A)**.³¹ It prayed for damages, declaratory judgment, and any relief allowed by law. Party Davis denied declaratory

²⁹ **Louisiana Revised Statute 12:225(B) and (D)** provides – in their entirety - as follows:

B. Such other officers and agents as may be necessary for the business of the corporation may be appointed by the board of directors or in the manner provided in the by-laws.

D. Officers and agents shall have such authority and perform such duties in the management of the property and affairs of the corporation as may be prescribed in the by-laws or by the board. **See La. R.S. 12:225(B), (D)**. The Articles of Incorporations did not proscribe the appointment. **App. 48, 60a ¶¶ 97-98**.

³⁰ **Louisiana Revised Statute 12:233(A)** provides - in relevant part – as follows:

A. Whenever by any provision of law, the articles or the by-laws, the affirmative vote of members is required to authorize or constitute corporate action, the consent in writing to such corporate action signed by all of the members having voting power on the particular question, shall be sufficient for the purpose, without necessity for a meeting of members. The “consent” and a “certificate” to the effect that the subscribers to the consent constitute all of the members entitled to vote on the question had to be filed in the record. **La. R.S. 12:233(B); German Evangelical Congregation**, 14 La. Ann. 799, 800 (courts cannot know the wishes of the majority, unless expressed in valid form).

³¹ **Louisiana Revised Statute 12:208(A)** provides - in relevant part - as follows:

A. Invalidity of an act of a corporation ..., by reason of the fact that the corporation was without capacity or power to perform such act ..., may be asserted only:

(1) In an action by a member of the corporation to set aside such act ..., brought within one year after the act was done ..., which time limit shall not be subject to suspension on any ground or interruption on any ground other than timely suit. The suit was properly filed. **Schexnayder**, 491 So.2d 1322, 1325 (expulsion issue); **Bouldin v. Alexander**, 82 U.S. (15 Wall.) 131, 140 (held on inquiry that the action of the small minority who expelled old trustees and a large number of the church members was not the action of the church, and that it was wholly inoperative) (summarized).

relief without factual findings. The parties were served. **App. 82a ¶¶ 176-77; 188.**³² Notice of taking writs on appeal was filed Feb. 15, 2023.³³ The notice put Davis, Clerk Jones, and staff on notice that writs would be filed over *the prevention of abuses or illegal acts, regardless of the amount or matter involved.*³⁴ The failure of Davis to recuse or provide relief on Arvie's agency status warranted the circuit or Supreme Court to grant relief. **App. 66a ¶¶ 111-112; App. 82a ¶¶ 178-180.**³⁵ On preparing to file the intended writ, the parties unfairly withheld records Louisiana's legislature granted free-of-charge to IFP litigants for complying with statewide rules governing the filing of writs - **Alex**, 951 So. 2d 138, 144 n.5, and thereby precluded Arvie from exercising the right to petition the government for redress of aggrievances in accordance with state and federal law - **Bill Johnson's Rests**, 461 U.S. 731, 741. **App. 82a ¶¶ 180, 182-187, 189, 191-193.**³⁶

³² Citation was requested on party Augustine Walker, Washington, and Doucet, Minister Kenneth Smith, Wilshire, and the attorneys involved (Michael Cox, Richard Wilson, and Somer G. Brown).

³³ It was proper. **Prator**, 888 So.2d 812, 817 (The declaratory judgment articles are remedial in nature and must be liberally construed and applied so as to give the procedure full effect within the contours of a justiciable controversy." "[A] person is entitled to relief by declaratory judgment when his rights are uncertain or disputed in an immediate and genuine situation and the declaratory judgment will remove the uncertainty or terminate the dispute."); **Maryland Cas. Co.**, 312 U.S. 270, 273 (the basis question in each case is whether the facts alleged, under all the circumstances, show that there is a substantial controversy between parties to warrant the issuance of a declaratory judgment).

³⁴ Settled law supported the filing. **Keiffe**, 163 La. 824, 827, 112 So. 799, 800; **State ex rel. Nolan**, 39 La. Ann. 994, 995, 3 So. 91, 92; **State ex rel. Tyrrell**, 33 La. Ann. 1293 (writ granted due to judge's personal interest in the cause).

³⁵ Agency relationships are recognized and a judge may not judge his own case. **Downs**, 175 La. 242, 250 (defined agent); **Self**, 614 So. 2d 1371, 1375 (same); **Lewis**, 925 So. 2d 1172, 1182; **Williams**, 579 U.S. 1, 8-9 (fair tribunal).

³⁶ The parties include the district court clerks (Jones, Cole, Fontenot, and Anderson), the circuit court clerks (Rene Siminen and Jane Doe Heather), the assigned merit-panel of judges (Shannon J. Gremillion, Gary J. Ortego, and Charlie G. Fitzgerald), and the unassigned merit-panel of judges (Elizabeth Pickett, Van H. Kyzar, Shannon J. Gremillion, D. Kent Savoie, Sharon D. Wilson, H. Guy Bradberry, Wilbur L. Stiles, Candyce G. Perret, Jonathan Perry, and Ledricka J. Thierry). Clerk Jones, Cole, Fontenot, and Anderson had a PRESUMPTIVE mandatory duty to report to the proper authorities the known impropriety act of party Davis for egregiously denying the basic elementary fundamental right to appear and be heard on the issue of declaratory relief. **Cf. In re Gremillion**, 204 So. 3d 183, 185-200; **In re Landry**, 789 So. 2d 1271, 1277 n.10. The unassigned panel of judges had a duty to report to the proper authorities the known improprieties of the assigned panel of judges for egregiously denying the right to a sufficient record to properly file a supervisory writ application. And the assigned merit-panel of judges had a non-discretionary duty to report the known improprieties of the unassigned merit-panel of judges for failing to act En banc under their inherent authority to promote the orderly and expeditious administration of justice, even if legislation or court rules had not been enacted. **Mims**, 329 So.2d 686, 688; **Cf. Houston**, 978 F.2d 362, 369.

On Feb. 22, 2023, a first amendment was filed. It prayed for relief as did the original suit. It was served.³⁷ A second was filed but not served. **App. 85a ¶¶ 195, 197.** Clements filed an exception and made know that party-usurper Smith, Doucet, and Washington, Cox, and Wilshire settled the claim. Party Richard filed an exception for the Church usurpers, himself, Cox, and Brown. Davis set a hearing for May 25, 2023. A third amendment was filed April 28, 2023.³⁸ A discovery motion was filed with party Clement for copy of the membership resolution. She failed to respond. So did Cox.³⁹ Richard responded with a motion to disqualify and imprison Arvie for the unauthorized practice of law, and attached a Charter known to be false to show Washington was the elected President of the Church. **App. 212a-213a.** Davis held a hearing May 25, 2023, and did not hear evidence. He barred Arvie from subpoenaing witnesses by Order May 1, 2023, stating “the court sees no reason to impose subpoena obligations on entities and individuals prior to the hearing and a ruling on whether or not Mr. Arvie can survive the exception” and signed the order deferring his ruling. **App. 138a.** At the hearing, Davis scold Arvie for filing the suit against Cox. He asked and the attorneys overtly agreed to file a proposed judgment to their satisfaction. On entering judgment, Davis relied on the Charter not properly offered in evidence - **Denoux**, 983 So.2d 84, 88 and **Jackson**, 1 So. 3d 512, 515. He unfairly held Arvie lacked standing - **Broome**, 383 So. 3d 578. Davis and the parties agreed not to report the events. **App. 91a ¶¶ 207-209.**

³⁷ Citation was requested on the Church, religious member Washington, Doucet, Smith, and Tanzie Smith, licensed attorney Cox, Wilson, and Brown, several pastors (Ceasar, White, and Stevens), and Wilshire in their official and personal capacities. Tanzie, Smith, and the pastors failed to make an appearance. **App. 83a ¶ 181; 84a ¶ 188.**

³⁸ With the parties named in the first amendment, citation was requested on party Chesson, Seneca, Gibson, Foreman, Clement, Weilbaeher, Siegel, and Gieger law firm; Wilshire and agent Smeltz; circuit judge Gremillion, Fitzgerald, Ortego, Pickett; and employee Heather; district court employee Clerk Jones, Cole, Fontenot, and Anderson. Service also was requested on the Calcasieu Parish Government and Louisiana. **App. 86a ¶ 198.** A right remained in effect to file the amendment. **Hayes**, 248 La. 934, 940. The claims became a vested property right. **Logan**, 455 U.S. 422, 428. Party Davis unfairly barred citation without findings of fact. **App. 88a ¶ 201; Logan**, 455 U.S. 422, 428, 433,

³⁹ It is relevant. **In re Kohn**, 357 So. 2d 279, 284; **Oppenheimer**, 437 U.S. 340, 3511; **Chilcutt**, 4 F.3d 1313, 1324.

53.

On appeal timely invoked in the **Washington** litigation, party Washington, Doucet, Smith, and Terry participated in mailing a certified letter expelling Arvie Aug. 27, 2023, and threatening to imprison Arvie if Arvie did not leave the church over the Washington litigation. **App. 98a ¶¶ 215-216; App. 226a-227a (Letter)**. Application for Injunction and request to file an amendment to avoid a miscarriage of justice was filed Dec. 27, 2023 - **Boudoin**, 338 So. 3d 485; **Breaux**, 230 La. 221, 222. **App. 214a-229a**. The application was left unaddressed. **See 388 So. 3d 441, 453**.

54.

In the matter of **Arvie v. Cathedral of Faith MBC**, an amended operative complaint was filed Aug. 9, 2024. **Cf. Ante, at 37 ¶ 7**. Circuit and Supreme Court Judges were added who were not named in the state suit. It raised the facts previously narrated. They are adopted here. **Ante, at 35 ¶¶ 8-53.**⁴⁰ Apart from the exhibits, the amendment comprises 58-pages, outlined 241 singled-spaced paragraphs, and is attached as an exhibit. **App. 48a–105a**. Exhibits to the amended filing total 249-pages and were not all referenced. **Id., 106a–213a**. They were not all raised in the recusal motion of Sept. 15, 2023, in the **Washington** case. The operative filing adopted the state third amended filing, recusal motion, and attached other exhibits later obtained. **App. 106a–213a**. The suit raised the unfairness of the proceedings prior to and after May 19, 1989. **App. 142a, n.5**.

55.

Citing **Exxon Mobil Corp.**, the district court was asked to exercise jurisdiction to resolve independent federal claims. It PRAYED for relief due to injuries caused by the religious corporate members, their attorneys, and members of the judiciary. **Id.**, 544 U.S. 280, 293; **Lance** 546 U.S. 459, 460; **Muhammad**, 540 U.S. 749, 750-52; **Hunter**, 75 F.4th 62. **App. 59a ¶ 96 n.2**.

⁴⁰ When a federal court reviews the sufficiency of a complaint, before the reception of any evidence either by affidavit or admissions, its task is necessarily a limited one. The issue is not whether a plaintiff will ultimately prevail but whether the claimant is entitled to offer evidence to support the claims. **Scheuer**, 416 U.S. 232, 236 (text); **Haines**, 404 U.S. 519, 520 (held it error to dismiss complaint without allowing evidence to be presented); **Washer**, 110 U.S. 558, 562 (When a petition is amended by leave of the court the cause proceeds on the amended petition) (text).

56.

Citing **Title 28 U.S.C. § 1367**, the district court was asked to exercise pendent jurisdiction. The jurisdictional statement raised the fact that res judicata does not apply to the denial of due process or of a full and fair opportunity to litigate the claim or issue before the first court - **Haring**, 462 U.S. 306, 313–18 and **Kremer**, 456 U.S. 461, 483 n.24. **App. 58a ¶ 95 & n.2.**

57.

Citing **Johnson v. French Mkt. Corp.**, the operative amended complaint asked the court to no avail to compel each state-court to authenticate and file their record for admitting in evidence on whether the federal suit is barred by the Full Faith and Credit Clause and Congressional Act implementing the Clause. **Id.**, 1994 U.S. App. Lexis 29093, at *1-5; **Allen**, 449 U.S. 90, 96 n.8. **French** was binding. **Halstead**, 916 F.3d 410, 417 n.2; **Shunk**, 113 F.3d 31, 36. **App. 104a.**

58.

On Oct. 9, 2024, pursuant 28 U.S.C. § 1915(e)(2), Magistrate Whitehurst recommended the suit be dismissed with prejudice as frivolous, failure to state a claim, and for seeking money damages against a party who is immune from suit. She impliedly denied declaratory relief without setting forth findings of facts, and denied an order requiring the state-court to file their records for determining on whether the suit is barred by Title 28 U.S.C. § 1738. **See 2024 WL 4645502.** Judge Cain adopted the recommendations. **See 2024 WL 4645483.** Along with exhibits in the form of a judgeship campaign article and party Pickett's undated letter she faxed to the State Supreme Court, Arvie filed a Supplemental Motion to Alter, Amend, or Vacate Final Judgment, and Recusal of the District Court. The motion raised the fact that Judge Cain has an interest in the proceedings and that he and the Magistrate allowed party Cox to represent Arvie and party Davis in a "dual role" unbeknownst to Arvie. **App. 37a-47a.** Judge Cain denied the motion Nov. 5, 2024, stating the assertions do not come close to requiring recusal under any objective standard within the meaning of Title 28 U.S.C. § 455(a). **See 2024 U.S. Dist. Lexis 201730.** An appeal was filed Dec. 2, 2024.

FIRST REASONS FOR GRANTING REVIEW

59.

The Full Faith and Credit Clause of the Federal Constitution and the Congressional Act implementing the Clause is the core to this litigation. In part, the Congressional Act provides:

The records and judicial proceedings of any court of any such State, Territory or Possession, or copies thereof, shall be proved or admitted in other courts within the United States and its Territories and Possessions by the attestation of the clerk and seal of the court annexed, if a seal exists, together with a certificate of a judge of the court that the said attestation is in proper form.

Such Acts, records and judicial proceedings or copies thereof, so authenticated, shall have the same full faith and credit in every court within the United States and its Territories and Possessions as they have by law or usage in the courts of such State, Territory or Possession from which they are taken. **App. 240.**

60.

The Act has existed in essentially unchanged form since enactment after the ratification of the Constitution. **Allen**, 449 U.S. 90, 96 n.8; **Baker**, 522 U.S. 222, 232 n.4 (Although the text has been revised, the command for full faith and credit to judgments has remained constant); **Kremer**, 456 U.S. 461, 483 n.24 (noted what full-and-fair proceedings entail and why the Act was created).

61.

The Act provides a procedural means for authenticating state records. **Allen**, 449 U.S. 90, 96 n.8; **Adar**, 639 F.3d 146, 157 n.7; **Mills**, 11 U.S. (7 Cranch) 481, 484 (It remains only then to inquire in every case what is the effect of a judgment in the state where it is rendered) (text).

62.

Judge Wiener, Douglas, and Ramirez decided the appeal. They first noted “Arvie argues that the district court erred in denying his request to compel the state courts to certify and file their records in the federal lawsuit under 28 U.S.C. § 1738.” **App. 6a (§ IV)**. The panel failed to inquire into the effect of the state-court judgments on the basis of frivolity, stating that [t]he statute “does not give rise to an implied federal cause of action.” **App. 7a**. Having deemed the inquiry frivolous, the merit-panel held the court did not need to address the arguments on § 1738. **App. 7a & n.7**.

63.

The decision is in conflict. **See American Sur. Co.**, 287 U.S. 156, 166 (The Full Faith and Credit Clause, together with the legislation pursuant thereto, applies to judicial proceedings of a state court drawn in question in an independent proceeding in the federal courts) (original text).

64.

The decision conflicts with Fifth Circuit precedent on the issue of res judicate. **French**, 1994 U.S. App. Lexis 29093 at *4-5. There, the merit-panel in **French** decreed:

There is ... a threshold requirement which must be met before we can undertake an examination of the two claims under Louisiana preclusion law. 28 U.S.C. section 1738 requires an authenticated copy of the state court judgment. This is necessary, not only to meet the requirements of the statute, but also to allow a comparison of the adjudicated state claim with the claim asserted here. This documentation is not in the record and, without it, the necessary analysis is impossible. Accordingly, we VACATE the ... decision ... and REMAND for the record to be supplemented. **Ibid**.

65.

Supremacy decisions agree but have yet to opine in unqualified terms. **Blonder**, 402 U.S. 313, 350 (abrogated a prior decision, noted purpose of an affirmative defense, and remanded for raising the defense and supplementing record with any evidence on why an estoppel should not be imposed); **Mente**, 177 La. 829, 832-34 (noted the Clause and ordered the authentic records be received); **Durfee**, 375 U.S. 106, 108 (evidence heard); **Titus**, 306 U.S. 282, 287 (record and the authentic record of the judgment confirmed jurisdiction); **Freeman**, 805 F.2d 1034 (disagree).

66.

Congress intended for authentic state records to be compelled when a judgment is drawn in question in an independent federal proceeding to resolve jurisdictional issues, and for admitting on why § 1738 is unenforceable. As a matter of law, the Fifth Circuit failed to enforce the intent of Congress. **Ante**, at 59 ¶¶ 59-61; **Dolan**, 546 U.S. 481, 486 (statutory construction).

67.

Question One is important to the administration of justice in the federal system. **Durfee**, 375 U.S. 106, 108-09. By law, the judgment is infirm. **Blonder**, 402 U.S. 313, 333 & 350.

SECOND REASONS FOR GRANTING REVIEW

68.

In federal actions, including § 1983 actions, a state-court judgment will not be given collateral-estoppel effect ... where "the party against whom an earlier court decision is asserted did not have a full and fair opportunity to litigate the claim or issue decided by the first court." **Haring**, 462 U.S. 306, 316 (text). Res judicata is subject to the same limitation as estoppel. **Kremer**, 456 U.S. 461, 481 n.22; **Taylor**, 553 U.S. 880, 892 (discussed the functionality of res judicata).

69.

To be valid in state forum or to be entitled to national recognition, state-court judgments must measure up to and satisfy the applicable requirements of the Due Process Clause under the 5th and 14th Amendment. **Kremer**, 456 U.S. 461, 482-483; **Richards**, 517 U.S. 793, 797 n.4.

70.

Prior to **Kremer**, the 3rd Circuit – following a Supremacy decision - identified the elements of due process *for any given situation*: (1) notice of the basis of the governmental action; (2) a neutral arbiter; (3) an opportunity to make an oral presentation; (4) a means of presenting evidence; (5) an opportunity to cross-examine witnesses or to respond to written evidence; (6) the right to be represented by counsel; and (7) a decision based on the record with a statement of reasons for the result. **Rogin**, 616 F.2d 680, 694 & n.66, *adopting the quote from J. Nowak, R. Rotunda & J. Young, Constitutional Law* 488-503 (1978) (collected cases); **Fehlhaber**, 681 F.2d 1015, 1027.

71.

The judgment rendered in the **Geico** litigation does not satisfy Due Process. To be sure, an original brief was filed contending – in part - that the state-court “erred under the Federal Constitution by failing to set a hearing date as ordered on the Motion to Compel Past Due Discovery, and by failing to provide notice of the Clerk’s inaction prior to the scheduled hearing date on the defensive peremptory exceptions.” See **2023 LA APP. CT. Briefs Lexis 36**, at *3-25 (Error #1). A supplemental brief was filed contending that - in violation of the Federal Constitution

- the district court “erred by failing to order subpoenas be served on six witnesses provided by statute to pauper litigants which does not require a short summary of the expected testimony to be offered, introduced, and admitted in evidence.” See **2022 LA App. Ct. Briefs Lexis 804**, at *1-27. They were left unaddressed - **2023 La. App. Unpub. Lexis 149**. Cf. *Ante*, at 45 ¶¶ 39-45.

72.

Motion for Leave to File Supplemental Petition and Application for Preliminary Injunction was filed on appeal in the **Washington** litigation asserting that party Smith, Washington, Doucet and Terry Arvie acted illegally when they mailed a certified letter expelling Arvie Aug. 21, 2023. **App. 93 ¶¶ 215a-216a; App. 226a-227a**. The filing conveyed the parties *admitted* that the Bylaws they relied on were false. **App. 220a ¶¶ 18-19**. The court failed to address the application. See **388 So. 3d 441**. Bylaws are subject to a formal investigation. **Dobbins**, 195 U.S. 223, 236.

73.

Louisiana prohibits the application of Revised Statutes 13:4231(3) when issues were never settled, litigated, or decided. **App. 241; Cowan**, 176 So. 3d 553, 558 (collected cases); **Skipper**, 762 So. 2d 56, 59 (same and noted the interest of justice outweighs the strict application of res judicata over procedural windfalls); **Jenkins**, 615 So. 2d 405, 407; **Guidry**, 326 So. 3d 1224, 1224-25 (facts arose after an opportunity to file amendment in trial court); **Cook**, 126 F.4th 1031, 1038.

74.

Application of the exceptional-circumstance clause under Revised Statutes 13:4232(A) is warranted if fraudulent evidence is admitted during the first litigation which indicate a risk of a miscarriage of justice. **App. 241; Sutton**, 356 So. 3d 1017, 1024-25. The facts, if true, convey Arvie was subjected to a miscarriage of justice, plus the denial of due process during the **Geico** litigation. To be sure, party Davis and the attorneys knew the settlement disbursement statement to be false before admitting it. *Ante*, at 47 ¶ 45. The same applies to false evidence which was introduced during the **Washington** litigation. *Ante*, at 53 ¶¶ 49-52; **App. 212a-213a (Charter)**.

75.

By federal standard, preclusion law does not apply if a state-court failed to decide the merits of federal claims. **Ante**, at 61 ¶ 71; **App. 189a–196a; 197a–205a (two recusal motions); Lewis**, 820 F.2d 143, 146; **Whiteford**, 155 F.3d 671, 674; **Simes**, 354 F.3d 823, 828 (As the above cases demonstrate, federal plaintiffs cannot be said to have had a reasonable opportunity to raise their federal claims in state court where the state court declines to address those claims and rests its holding solely on state law). **See 2024 La. App. Unpub. Lexis 115** (federal issues undecided).

76.

Louisiana’s failure to provide *neutral arbiters* denied a full-and-fair chance to litigate the **Geico** and **Washington** case. The contention is supported by party Pickett’s undated letter on the first recusal motion filed Aug. 10, 2023; Judge Genovese order of 08-16-2023 not bearing a filing date; the Ad Hoc order of Aug. 18, 2023; and the email Desiree received after she talked by phone with Arvie Aug. 21, 2023. The “dates” and “missing dates” are indicative. **App. 171a–175a**.

77.

As a matter of law, the court failed to provide an opportunity, procedurally, substantively, and evidentially to rebut the res judicata defense on screening the operative amended filing. The court impliedly raised the affirmative defense without notice. **See 2024 WL 4645502**. Movant bears the burden. **Taylor**, 553 U.S. at 907. The court did not give Arvie a chance to admit authentic evidence on why § 1738 is unenforceable. **2024 WL 4645483; Blonder**, 402 U.S. 313, 333.

78.

A judgement wanting in due process of law is infirm. **Wetmore**, 205 U.S. 141, 149 & 160; **Jorden**, 877 F.2d 245, 250 n. 21 (no discovery); **Holland**, 12 F. App’x 160, 161–62. The quality, extensiveness, or fairness of procedures followed is in question. **Haring**, 462 U.S. 306, 318.

79.

Question Two is worthy of review. It is clear that Due Process is a constitutional guarantee and not an act of grace. **Cleveland**, 470 U.S. 532, 541 (reversed at the motion-to-dismiss stage).

THIRD REASONS FOR GRANTING REVIEW

80.

In the State of Louisiana, the origin and purpose of government is regulated by the “will of the citizens.” The will of the people caused the legislature to decree the following, in part:

All government, of right, originates with the people, is founded on their will alone, and is instituted to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, protect the rights, and promote the happiness and general welfare of the people. The rights enumerated in this Article are inalienable by the state and shall be preserved inviolate by the state. **See La. Const. Art. I, § 1.**

81.

At the core of the question presented is Louisiana Constitution Article 5, Section 5.⁴¹ Also at the core of the question is Louisiana Constitution Article 5, Section 6.⁴²

82.

In accord with Article 1, judges enacted Louisiana Code of Judicial Conduct, Canon 3B(3).

See https://www.lasc.org/Court_Rules?p=CJC. Canon 3B(3) provides as follows:

A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware. Acts of a judge in the discharge of disciplinary responsibilities, as set forth above, are part of the judge's judicial duties and shall be absolutely privileged, and no civil action predicated thereon may be instituted against the judge, effective April 29, 2015.

See La. Code Judicial Conduct, Canon 3B(3). State law governing judges and lawyers mandate they report all known illegal acts or omissions of impropriety. **In re Riehlmann**, 891 So. 2d 1239, 1248 (noted each have an independent obligation to do so); **In re Cudzik**, 738 So. 2d 1054, 1055–56 (judge did so); **Sampognaro**, 890 So. 2d 704, 707 n.1 (panel); **Cf. Roberts**, 445 U.S. 552, 557.

⁴¹ **Louisiana Constitution Article 5, Section 5**, in part, provides as follows.:

The supreme court has general supervisory jurisdiction over all other courts. It may establish procedural and administrative rules not in conflict with law and may assign a sitting or retired judge to any court. The supreme court shall have sole authority to provide by rule for appointments of attorneys as temporary or ad hoc judges of city, municipal, traffic, parish, juvenile, or family courts. **See La. Const. Art. 5, § 5; Cf. Thoman**, 156 U.S. 353, 359.

⁴² **Louisiana Constitution Article 5, Section 6**, provides:

The judge oldest in point of service on the supreme court shall be chief justice. He is the chief administrative officer of the judicial system of the state, subject to rules adopted by the court. **See La. Const. Art. 5, § 6.**

83.

Persons who fail to perform mandatory duties are not absolutely immunized. **Byers**, 508 U.S. 429 (reporter required to record proceedings verbatim); **Chrissy**, 925 F.2d 844, 850 (DA's failure to report sex charge); Cf. **Van de Kamp**, 555 U.S. 335 (held absolute immunity applicable only if the obligation necessarily requires legal knowledge and the exercise of related discretion).

84.

Absolutely immunity was granted to the judges under Canon 3B(3). **App. 8a**. The decision is in conflicts. **Reed**, 145 S. Ct. 465, 470 ("a state law that immunizes ... conduct subject to suit under §1983 is preempted...."). Immunity was impliedly granted to the attorneys. **App. 1a-18a**. But lawyers are not immune. **Tower**, 467 U.S. 914, 922-23 **Ferri**, 444 U.S. 193, 204-05. Federal courts must search out the fact and truth of the proceedings. **Evans**, 396 U.S. 435, 443-44.

85.

At the core of the question also is the existence of a PRESUMPTIVE POLICY created by Supreme Court Judges in their administrative managerial capacity mandating officers of the court to report all known improprieties to the proper authorities. Existence of the policy's is predicated on a presumption. "It is a presumption of law, that all public officers, and especially such high functionaries, perform their proper official duties, until the contrary is proved." **Philadelphia**, 39 U.S. 448, 458; **Vaughan**, 243 La. 390, 407; **Bryant**, 245 La. 208, 221-23 (outlined performance).

86.

Article 1, Section 1 of the State Constitution, underscores the presumption. The enactment declares that all government is instituted to protect the inalienable rights enumerated in the article for the good of the people as a whole, preserved inviolate by the state. **Ante**, at 64, ¶ 80.

87.

Within the meaning of the enactment, the Supreme Court is the head of the judicial branch of state government. **Bester**, 779 So. 2d 715, 717. The Chief Justice is the chief administrative officer of Louisiana's judicial system within the meaning of Article 5, Sections 1, 3, 5(A) and 6 of

Davis then declared that he had private talks with the parties (Cox, Clement, and members of the Church). Davis made clear the Church did not want Arvie for a Pastor. **App. 89a ¶¶ 204-205.**

97.

The parties continued to withhold discovery on the settlement agreement between Wilshire and unelected members of the Church to preclude the ultra vires claim. **App. 90a ¶ 205.** Davis and the lawyers tacitly agreed to omit their duty requiring they report all known improprieties. They knew the ODC would have replaced party Wilson and filed charges. **App. 89a ¶ 202 & n.33.**

98.

On appeal in the **Gieco** case, a recusal motion was filed Aug. 10, 2023. Pickett faxed and *undated letter* to Supreme Court deputy Babin without notice. The letter evinces Gibson (a private party) had been communicating ex parte with Judge Pickett (a state actor) on behalf of all parties after Arvie filed the federal suit on May 31, 2023. Each party concealed the talks. **App. 175a.** Ad Hoc Porter signed an order Aug. 18, 2023, without notice from the Supreme Court. Arvie called Supreme Court deputy Desiree Aug. 21, 2023, and learned an Ad Hoc had not been appointed. At the hearing Aug. 23, 2023, Arvie discovered Gibson and Pickett's ex parte talks and an August 16 order by party Genovese *not bearing a filing date* appointing Porter without the input of the other judges – **Ante, at 64 n.41.** The parties failed to refute the events, Arvie was barred, and Porter denied relief. **App. 171a-174a.** For the unfair acts assigned, a second recusal motion raising the conspiracy was filed in the **Washington** litigation Sept. 15, 2023. **App. 149a ¶ 47-60.** Each judge failed to state why recusal was not warranted – **Adams, 387 So. 3d 836, 839. App. 177a-179a.**

99.

In the **Reconventional** case, Davis *appointed a lawyer* to replace party Cook. The parties acquiesced in that act without notice to Arvie, along with Clerk Jones. **App. 101a ¶¶ 233a-239a.** Question four is worthy of review. Plausibility is established when there is no "obvious alternative explanation" for the conduct. **Pickett, 37 F.4th 1013, 1034, citing Ashcroft, 556 U.S. 662, 682.**

FIFTH REASONS FOR GRANTING RELIEF

100.

The 5th Circuit *sua sponte* invoked *Younger's abstention rule*. **App. 5a-6a.** Application for Rehearing was filed contesting the rule. It was denied without comment. **App. 19-20.**

101.

The state finalized the **Geico** and **Washington** litigation on or before Oct. 1, 2024. **Ante, at 35 ¶ 6(1, 3).** **Reconventional** proceedings are still ongoing. **Ante, at 51 ¶ 47.** Neutral judges continue to be denied. **Ante, 48 ¶ 46.** Party Davis is now a circuit judge. **Dresser**, 406 So. 3d 485, 487. The successor judge has failed to act. **La. Code Jud. Cond. Canon 3(A)(7).** Those factual circumstances convey that the *three exceptional categories* that define *Younger's* scope does not apply. **Sprint**, 571 U.S. 69, 78. **Sprint** was left out of the equation. **App. 5a-6a.**

102.

Judicial bias - prejudgment of the facts or personal interest - is an exceptional circumstance. **Gibson**, 411 U.S. 564, 577-79. Supreme Court Judges had an interest in protecting Davis's interest in his campaign when Arvie filed a priority writ due to Davis's failure to recuse. **App. 89a ¶ 203.** The judges had previously appointed Davis to several positions. **App. 46a.** That interest caused the judges to forgo appointing conscientious qualified judges or attorneys in their stead on whether to remove party Davis *sua sponte*. **Ante, at 64 n.41; Will**, 449 U.S. 200, 217–218.

103.

The facts, if true, depict *Younger* is inapplicable. Recusal issue does not involve an order in furtherance of the state courts' ability to perform judicial functions. **Ante, at 53 ¶ 47.** Nor does the **Reconventional** case in which Davis performed an unprotected function. **App. 101a ¶¶ 233a-239a.** The issues are redressable. **Steffel**, 415 U.S. 452, 460-475; **Forrester**, 484 U.S. 219.

104.

Question five is worthy of review. Where there is a legal right, there is also a legal remedy in suit or action whenever that right is invaded. **Marbury**, 5 U.S. 137, 163.

SIXTH REASONS FOR GRANTING REVIEW

105.

Party Jones and three deputies are accused of failing to provide free copies to prepare and file a writ in compliance with statewide rules governing the filing - **Alex**, 951 So. 2d 138, 144 n.5. **App. 85a ¶ 191-195a**. The operative filing prayed for relief but for the tortious retaliatory conduct that caused injury. **App. 102a-104a**. Absolute immunity was granted on the claim. **App. 13a-14a**.

106.

Circuit Clerk Simien also was granted absolute immunity. **App. 10a**. Application to File Supplemental Petition and Injunctive Relief was filed averring that party Doucet, Smith, Terry, and Washington admitted in a certified letter of Aug. 21, 2022, that they expelled Arvie for filing the **Washington** case. **App. 214a-229a**. Simien mailed a letter Jan. 10, 2024. She failed to have a judge rule on the motion. **App. 237a**. The Motion for Judgeship Intervention was filed asserting a right to first have a single-judge act on the motion and that Simien's omission continued to violate the First Amendment. **App. 230a-238a**. Simien mailed a letter Feb. 7, 2024. She failed to have a judge rule on the motion. **App. 204a**. Simien had a ministerial duty to file and obtain a judge's signature. **La. R.S. 13:125; La. Const. Art. 5, § 2; Traigle**, 399 So. 2d 183, 186; **Johnson**, 241 So. 2d 799, 801-02; **Smith**, 238 La. 432, 447 (statutory construction).⁴⁴ Clerk Simien and Manuel also failed to file a prior recusal motion seeking subpoenas Sept. 14, 2023. **App. 239a (Letter)**.

107.

The parties are liable. **Crawford**, 523 U.S. 574, 588 n.10 (retaliation offensive); **Pembaur**, 475 U.S. 469, 480; **Wood**, 612 F.2d 982, 985-86 (clerk denied absolute immunity); **Tucker**, 173 F. App'x 969, 969-70 (similar situated facts); **Byers**, 508 U.S. 429, 432 & n.4 (burden on movant).

⁴⁴ **Louisiana Revised Statute 13:125** provide, in its entirety, as follows:

The duties of the clerk and the deputy clerks shall be such as are fixed by law, or by the Supreme Court. **La R.S.13:125**.

Louisiana Constitution Article 5, Section 2, provides entirely as follows:

A judge may issue writs of habeas corpus and all other needful writs, orders, and process in aid of the jurisdiction of his court. Exercise of this authority by a judge of the supreme court or of a court of appeal is subject to review by the whole court. The power to punish for contempt of court shall be limited by law. **See La. Const. Art. 5, § 2**.

SEVENTH REASONS FOR GRANTING REVIEW

108.

Two separate recusal motions reflect neutral arbiters were not afforded on appeal and in the federal trial court prior to entry of the final judgments. **App. 23a-36a; App. 37a-47a.**

109.

One motion illustrate district court Judge Cain and Magistrate Whitehurst knew party Cox was operating in a “dual attorney-client role” on behalf of party Davis and Arvie when Arvie filed the suit May 31, 2023. **App. 37a-47a.** They also knew the parties had concealed that fact. To be sure, the operative complaint shows that Arvie raised two grounds for recusal Feb. 7, 2023. The dual role was not mentioned and Davis failed to recuse on facts he and the federal arbiters knew required recusal. **App. 82a ¶¶ 178-179.** After the campaign article surfaced, the facts merged and Arvie pled the dual role matter and raised the issue of “interest” requiring recusal. **App. 37a-47a.**

110.

The appellate motion shows the Fifth Circuit harbors an unwarranted animus against Arvie. Judge Kurt Engelhardt’s continued participation on three-judge panel review of his single-judge decision infected the entire case. **Withrow**, 421 U.S. 35, 58 n.25. That fact is clear, given the full court and the merit-panel failed to act on Arvie’s En banc request. **App. 27a ¶ 27.** Otherwise, the panel prevented the full court from addressing the matter. **App. 1a-18a.** Under either scenario, the failure denied the appointment of counsel the court had just granted to a similar situated party. **App. 27a, ¶¶ 1-27; Cf. Ricks**, 135 F.4th 296 **White**, 536 U.S. 765, 775–76 (defined impartiality).

111.

The decisions conflict with Supremacy decisions or the like. **App. 17a; 28 U.S.C. § 455(a); Liljeberg**, 486 U.S. 847, 850-61; **Williams**, 579 U.S. 1, 8-17 (actual bias and structural error are forbidden, and persons are assured that no judge will be disposed to find against him). The interest raised in each motion *cannot be defined with precision*. **Aetna**, 475 U.S. 813, 822, 830-31, 831-833 **Bobby Berosini, Ltd.**, 111 Nev. 431, 438 (reversed on the precept of “interest”).

EIGHTH REASONS FOR GRANTING REVIEW

112.

The core of the question is Federal Rule 52(a)(1) of the Rules of Civil Procedure.⁴⁵ It is of the highest importance to a proper review of the action ... in granting or refusing a preliminary injunction that there should be fair compliance with Rule 52(a).... **Mayo**, 309 U.S. 310, 316.

113.

The Fifth Circuit failed to enforce the statute and exceeded its function by acting as a court of first review and supplying factual findings and conclusions. **Kelley**, 319 U.S. 415, 421-22.

114.

The operative filing sought declaratory and injunctive relief over First Amendment rights. **App. 102a-04a**. It also requested monetary relief. Motion to Amend was filed May 6, 2023. An application was attached as filed with and left unaddressed by the state appeals court after 12-19-2023. **App. 214a-229a**. It showed Doucet, Washington, Terry, and Smith took part in forming a certified letter expelling Arvie from the Church based on false Bylaws. **App. 226a-229a**. It also showed the parties admitted retaliating due to the **Washington** litigation. **App. 220a ¶¶ 18-19**. Declaratory relief was properly requested. **Steffel**, 415 U.S. 452, 453 (failure to plead irreparable injury no bar). The operative filing showed party Davis performed an act outside of his judicial function, e.g., appointing an attorney to replace counsel for the reconventional parties. **App. 101a ¶¶ 233a-239a**. Reasons were not provided on why absolute immunity would overcome the request for monetary relief over the act by Davis. **See 2024 WL 4645483; Forrester**, 484 U.S. 219, 228.

115.

The decision is in conflict. **App. 15a; Mayo**, 309 U.S. 310, 317 (complaint raised questions of due process, equal protection, and contract violation requiring remand to comply with Rule 52).

⁴⁵ **Federal Rules of Civil Procedure 52(a)(1)**, in part, provide as follows:

In an action tried on the facts without a jury or with an advisory jury, the court must find the facts specially and state its conclusions of law separately. The findings and conclusions may be stated on the record after the close of the evidence or may appear in an opinion or a memorandum of decision filed by the court. Judgment must be entered under Rule 58. **See Fed. R. Civ. P. 54(a)(1)**.

NINETH REASONS FOR GRANTING REVIEW

116.

Party Manual failed to file a recusal motion requesting subpoenas be issued Sept. 14, 2023, claiming the court does not do so. She instructed to delete the request. **App. 239a (Letter)**.

117.

A recusal hearing had been held in the **Geico** matter. Party Wilson testified under subpoena authority. **App. 173a**. Thereafter, Manuel's letter convey Simien erected the *unwritten managerial policy*. Each judge adopted the policy. **Cf. App. 177a-179a**. The refiled recusal motion raised the policy. **App. 155a n.17**. Adoption of the *policy* convey that the matter constitutes ongoing acts in conflict with federal law on the right to be heard on valid issues. **Ante, at 35 ¶¶ 8-53**. The state government failed to preserve the rights of Arvie inviolate - **393 So.3d 867**. **Ante, at 64, ¶ 80**.

118.

Ongoing denials of neutral arbiters' conflict with federal law if other qualified persons can be assigned. **Cf. Ante, at 64 n.11; Will, 449 U.S. 200, 217-218**. The ongoing Washington case must be filed before partial judges and raised the same facts for recusal. Davis is now a circuit judge. Supreme and Circuit Judges continue to fail in their duty to file a report. **Ante, at 40 n.11**.

119.

Determining whether *Ex parte Young* avoids the 11th Amendment bar, courts conduct a straightforward inquiry into whether the suit alleges an ongoing violation of federal law and seek forward-looking relief. **Virginia Office, 563 U.S. 247, 255**. Declaratory, injunctive, and monetary are pursuable. **App. 102a-104a**. The facts, if true, plausibly present a claim. To be sure, Manuel's assertions are not supported by the statewide rules of court, or the circuit court, which undergird the fact that the parties were acting in a managerial capacity to unfairly bar relevant evidence.

120.

Question nine is worthy of review. The decisions are in conflict. **Pearson, 555 U.S. 223, 242-43** (immunity unavailable). A personal suit is maintainable. **Lewis, 581 U.S. 155, 161-64**.

TENTH REASONS FOR GRANTING REVIEW

121.

“Unless ... declaratory relief was unavailable,” federal courts may not grant injunctive relief against public officers for illegal acts or omissions in their official capacity. **Ante, at 34 n.4.**

122.

On Sept. 14, 2023, based on federal law, a recusal motion was presented in the **Washington** case seeking subpoenas. Party Manual failed to file the motion, stating the court does not do so. **App. 239a.** The motion was refiled Sept. 15, 2023, praying for any relief allowed by law under the 14th Amendment. **App. 139a-160a.** It was denied. **App. 177a-179a.** Due to their prior illegal acts or omissions, Supreme Court Judges failed to appoint other qualified persons to decide Arvie’s Writ - **393 So.3d 867. Ante, at 68 ¶ 98.** State law provided authority to make the appointment to do so achieve fair proceedings. **Ante at 64 n. 41; Ante, at 66 n.43; Will, 449 U.S. 200, 217–18.**

123.

Declaratory relief was “unavailable” within the meaning of the FCIA of 1996. **Ante, at 34 n.4; Perttu, 605 U.S. 460, 465** (acts by state administrators rendered proper use of the grievance procedures unavailable). Here, the recusal motion in the **Washington** litigation requested any relief allowed by law. **App. 139a, 156a.** The first amended complaint likewise did so. **App. 82a ¶¶ 176-177.** The 3rd amendment did so. **App. 135a, 136a.** When the amendment was filed, Arvie had a right to file the amendment prior to citation. **App. 86a ¶¶ 198; Hayes, 248 La. 934, 940.**

CONCLUSION:

Review or any other relief be granted to which Arvie is entitled as a matter of law and fact. **Fed. R. Civ. P. 10(c); Fed. R. Civ. P. 54(c); 28 U.S.C. § 2106; Lawrence, 516 U.S. 163, 167.⁴⁶**

Authored and Filed By:

/s/ **Rev. H. Arvie**

Rev. Hubert Arvie, Petitioner

⁴⁶ Predecessor Justices decreed that “[i]t is a necessary and well settled rule that the exercise of jurisdiction by this court to protect constitutional rights cannot be declined when it is plain that the fair result of a decision is to deny the rights.” **Rogers, 192 U.S. 226, 230 (text); Andrew, 604 U.S. 86, 92** (defined “holding” of the court).