Exhibit I

JUDICIAL COUNCIL OF THE SIXTH CIRCUIT
COMPLAINT OF JUDICIAL CONDUCT OR DISABILITY

MAIL THIS FORM TO: CIRCUIT EXECUTIVE OF THE SIXTH CIRCUIT
503 U.S. POST OFFICE & COURTHOUSE
CINCINNATI, OHIO 45202

MARK ENVELOPE "JUDICIAL MISCONDUCT COMPLAINT" OR JUDICIAL DISABILITY COMPLAINT.' DO NOT PUT THE NAME OF THE JUDGE OR MAGISTRATE ON THE ENVELOPE.

SEE RULE 2 FOR THE NUMBER OF COPIES REQUIRED.

1. Complainant's Name: David Schied
   Address: 20075 Northville Place Dr. North #3120 Northville, MI 48167

Daytime telephone: (248) 924-3129

2. Judge or Magistrate complained about:
   Name: a) **Martha Craig Daughtrey**
   b) **David William McKeague**
   c) **Gregory F. Van Tatenhove**
   Court: Sixth Circuit Court of Appeals

3. Does this complaint concern the behavior of the judge or magistrate in a particular lawsuit or lawsuits?

   Yes

   If "yes" give the following information about each lawsuit
   (use reverse side if there is more than one):
   Court: Sixth Circuit Court of Appeals: *David Schied v. Thomas A. Davis, Jr. et al*
   Docket number: 08-1895 –
   "*Petition for Writ of Mandamus and Motion for Criminal Grand Jury Investigation*"
   Are (were) you a party or lawyer in the lawsuit?

   Party

   If a party, give the following information:
   Lawyer's Name: I am a "*pro se*" and "*forma pauperis*" litigant
   Daryle Salisbury was the Michigan attorney of record in lower District Court case
   Address: n/a
   Telephone: (248) 348-6820

   Docket number(s) of any appeals of above case(s) to the Sixth Circuit Court of Appeals: Case on Appeal is 18-1879; It is for a complaint of violation of 42 U.S.C. §1983 – "*Deprivation of Rights Under Color of Law*"

4. Have you filed any lawsuits against the judge or magistrate?

   No

CONDUCT SUBJECT TO COMPLAINT

(Special treatment of peer group; Conduct prejudicial to litigant and business of the Court; Criminal conduct)

1. The Order *misrepresents* the factual basis of the Petitioner's pleadings.
2. The Order displays the familiar pattern of the Co-Defendants of denying *full faith and credit* to Petitioner's Texas clemency documents; and of obstructing Petitioner's free exercise of Constitutional rights, as otherwise guaranteed by Texas courts and the Texas Governor. It also reflects and reinforces the *pattern* of Co-Defendants' exploitation of a vulnerable victim.
3. The Order displays intentional *fraud* and a willful *cover-up* of allegations of criminal felony offenses, which itself constitutes felony offenses by the judges.
4. The judges had a *duty* to take immediate action under both state and federal statutes governing the rights of crime victims.
5. The Order displays the familiar patterns of a government cover-up of preferential treatment for government peers, an obstruction of justice, and a conspiracy against rights.
6. The Order displays the familiar pattern of the government Co-Defendants, of corruptly misleading the public by setting forth *fraudulent* authentication features in what is otherwise the restricted interstate communication of criminal history identification information. *
7. The Order displays the familiar pattern of the government Co-Defendants, *corruptly* misleading the public by libel, slander, and by trespassing upon Petitioner's personal and professional reputation.
8. The action of these judges demonstrates their role in a continuum of government *racketeering*.

I declare under penalty of perjury that I have read rules 1 and 2 of the Rules of the Sixth Circuit Governing Complaints of Judicial Misconduct or Disability, and the statements made in this complaint are true and correct to the best of my knowledge.

Cc.
U.S. Attorney Terrence Berg
U.S. Attorney General Michael B. Mukasey

9/3/2008

Attached submissions: (3 copies)

1. Cover Letter inclusive of 26 pages of "interpretation" of the 5-page *Statement of Facts*
2. 5-page *Statement of Facts*
3. "*Petition for Writ of Mandamus* and *Motion for Criminal Grand Jury Investigation*" as submitted to the Sixth Circuit Court under case #08-1985
4. Appendix for Referenced Exhibits in Support of Plaintiff-Appellant's "*Petition for Writ of Mandamus* and *Motion for Criminal Grand Jury Investigation*" consisting of Exhibits #1-25 **
5. Sixth Circuit Court "ORDER" filed Aug. 05, 2008

* Note: Statutory procedure requires agency notification of correction or refusal within 10 days of receipt of this complaint.
** Petitioner notes that a full set of Exhibits referenced by the *Appendix* are on file and readily accessible to the Court of Appeals. Petitioner is not sending additional copies of this two-inch (2") thick packet of related documents because the cost of copying those supporting pages would be too costly and a financial burden on this *forma pauperis* complainant.

STATEMENT OF FACTS

I. THE ORDER "*MISREPRESENTS*" THE FACTUAL BASIS OF THE PETITIONER'S PLEADINGS

A. **FACT** - The "Answer" of this Sixth Circuit Court of Appeals judges fits the criminal pattern described in plaintiff-appellant's "*Petition*" by MISREPRESENTING the underlying facts and basis for the Petitioner's pleadings, **through significant omissions and misstatements of Facts relevant to the petitioner's pleadings.**

II. THE ORDER DISPLAYS THE FAMILIAR *PATTERN* OF THE CO-DEFENDANTS "*DENYING FULL FAITH AND CREDIT*" TO PETITIONER'S TEXAS "*CLEMENCY*" DOCUMENTS; AND OF "*OBSTRUCTING*" PETITIONER'S "*FREE EXERCISE OF CONSTITUTIONAL RIGHTS*", AS OTHERWISE GUARANTEED BY TEXAS COURTS AND THE TEXAS GOVERNOR. IT ALSO REFLECTS AND REINFORCES THE *PATTERN* OF CO-DEFENDANTS' "*EXPLOITATION OF A VULNERABLE VICTIM*"

A. **FACT** – These three judges have willfully and wantonly ignored the Evidence of Texas court orders (presented to them in the pleadings as "*Exhibit items #1-3*"), and Petition arguments showing that these judges had a clear DUTY to enforce Mr. Schied's constitutional rights to "*Full Faith and Credit*" of his Texas clemency documents of "*set aside*" (1979), "*pardon*" (1983), and "*expunction*" (2004) of all criminal history.

B. **FACT** – The judges' Order presents "*the same pattern*" used by the co-defendants of minimizing the significance of the Petitioner's criminal allegations, even altogether denying recognition to Mr. Schied's specific references to FACTS and EVIDENCE in support of SPECIFIC CRIMINAL ALLEGATIONS against the co-defendants and other government officials for whose crimes these co-defendants are otherwise being criminally "*shielded*" and "*covered up*".

C. **FACT** – The three judges have disregarded federal statutes regarding the extent to which they are legally authorized to disclose or publish confidential and identifying information regarding a "*conviction*" or the "expungement" thereof.

III. THE ORDER DISPLAYS INTENTIONAL "*FRAUD*" AND A WILLFUL "*COVER UP*" OF ALLEGATIONS OF CRIMINAL FELONY OFFENSES, WHICH ITSELF CONSTITUTES FELONY OFFENSES BY THE JUDGES

A. **FACT** – By definition of several federal statutes, the "Answer" by the three judges constitutes "*Fraud*". The *Order* recently delivered by the Sixth Circuit Court judges *fraudulently* identifies Mr. Schied as an individual with a "*conviction*" that "*exists*"; and by its many omissions and misstatements of Fact, the Order performs the function of "*shielding from prosecution*" the co-defendants for the crimes Petitioner has clearly alleged them to be committing.

B. **FACT** – Under the legal definitions above, a reasonable person may conclude the following:
   1) That the judges named above are willing participants in a government "*Pattern*" or "*scheme*" to deny Mr. Schied's Constitutional right to Full Faith and Credit of his Texas court orders of "*set aside*" and "*expunction*", and to a Texas governor's "*full pardon*" with *full restoration of all civil rights*.
   2) That these judges are currently participants in a "*Conspiracy*" to reinstate "*guilt*" and a "*conviction*" where otherwise guilt and a conviction no longer exist; and that these judges are just the latest in a string of government "*co-defendants*" who have placed Mr. Schied in a position of " *Double Jeopardy*", establishing "*guilt*" and a "*conviction*" without *Due Process* of law.
   3) That the judges named above are willing participants in a scheme to effectively reinforce the taking away of Mr. Schied's other Constitutional rights to "*Privileges and Immunities*" and to "*Due Process*" in order to *cover up previous injustices* done against the Petitioner at the State level that presents a costly **PRECEDENCE** to legally rectify at the federal court level.
   4) That these judges are acting concertedly "*Under Color of Law*", in violation of the vary law they acknowledge themselves to be responsible for later litigating...acting with a "*course of conduct*" that adds to, not detracts from, the acts of criminal "*Harassment*" of the co-defendants.

IV. THE JUDGES HAD A"*DUTY*" TO TAKE *IMMEDIATE* ACTION UNDER BOTH STATE AND FEDERAL STATUTES GOVERNING THE *RIGHTS OF CRIME VICTIMS*

A. **FACT** – The Sixth Circuit judges failed entirely to address Mr. Schied's rights, and his family's rights, under federal victims' rights statutes, particularly when disregarding pleadings about ongoing retaliatory treatment by co-defendant Northville Public Schools' administrative officials and their Keller Thoma attorney against Petitioner's elementary school aged child as detailed in Evidence submitted to those judges in support of Mr. Schied's request for injunctive relief.

B. **FACT** – There are a plethora of State and Federal "criminal procedure" statutes governing the rights of victims "*to be reasonably protected from the accused*", which these federal judges have completely disregarded despite that Petitioner clearly spelled them out in the pleadings submitted to these judges of the U.S. Court for the Sixth Circuit.

C. **FACT** – These judges have ruled that "*the issues*" the Petitioner has petitioned to have "*litigated*" at this time will indeed be heard and litigated by the Sixth Circuit Court of Appeals in case number 08-1979 at a later time. Yet these judges fail entirely to define the issues that are to be litigated at that later time, essentially providing the Petitioner with a "empty" promise of justice and presenting the public with a "*false impression*" that these judges have fulfilled their obligation and "*duty*" in delivering an Order, but actually misleading both the petitioner and the public by encapsulating that judgment in a document that otherwise holds no substance and therefore no significant meaning. That action constitutes a continuing "*pattern*" of "*miscarriage of justice*" as set forth by the judges for the State of Michigan.

V. THE ORDER DISPLAYS THE FAMILIAR PATTERNS OF A GOVERNMENT "*COVER-UP*" OF PREFERENTIAL TREATMENT FOR GOVERNMENT PEERS, AN "*OBSTRUCTION OF JUSTICE*", AND A "*CONSPIRACY AGAINST RIGHTS*"

A. **FACT** – The pleadings of the Petitioner....indeed, even the Cover Page of those pleadings made clear that Petitioner's request for a Writ of Mandamus included the instrumental Motion for a Grand Jury Investigation into his allegations of CRIMES committed by Michigan government officials. Yet, these judges thwarted their DUTIES, either to issue arrest warrants or to inform the Grand Jury about Petitioner's allegations, to inform the Grand Jury of the identities of the "accused", and to summon a Grand Jury to discharge its obligations of determining the *truth* of those allegations. The Order submitted as a matter of official public record reflects such "*dereliction of duty*" and, as such, is proof of these judges' being an "*Accessory After the Fact*" by committing a "*Misprision of a Felony*".

B. **FACT** – These judges had 30 pages of precise allegations presented to them, written and sworn under penalty of perjury for their truthfulness by the Petitioner, and presented to the judges with 37 pages of itemized Appendix exhibits referencing a two inch (2") thick stack of supporting documentation to show the crimes that have been committed by the government Co-Defendants and their associates. Yet, without even acknowledging these allegations by any other means than to call them "*possible criminal charges*", these judges deny that these government crimes against Petitioner and his family are "extraordinary" and they deny, without supporting reason, that Petitioner has not shown "a clear and indisputable right to the relief sought". Moreover, these judges shirk what is otherwise their DUTY to issue notice of these crimes to other federal authorities and instead place the burden upon the Petitioner to present these issues to the United States Attorney for the summoning of the Grand Jury investigation.

C. **FACT** – The omissions and misstatements depicted by this Complaint are substantial issues of FACT that under the law constitute CRIMINAL violations of state and federal laws as well as violations of simple rules of judicial conduct. The action of these judges, to "***conceal***", to unreasonably "***delay***" criminal proceedings, and to hold in abeyance any direct notification of the U.S. Attorney or a Grand Jury about the criminal allegations, constitutes an "*Obstruction of Justice*" and places each of them in the position of being an "*Accessory After the Fact*".

D. **FACT** – The omissions and misstatements depicted by this Complaint significantly altered the meaning and the intended basis of the Petitioner's pleadings, and provided a necessary "*cover up*" of petitioner's proper reporting of *crimes* and a "*conspiracy to cover up*" those crimes by the co-defendants. Those omissions and misstatements also had the effect of "covering -up" petitioner's proper reporting to the United States judges of the Sixth Circuit Court of "*judicial misconduct*" by other judges working for the State of Michigan. Therefore, the act of these judges to administer the Order in this context of FACTS is "*PERJURY*" of their sworn Oath.

E. **FACT** – The omissions and misstatements depicted by this Complaint were created by an "*intentional design*" patterned upon arguments presented in the Complaint itself as clearly presented by the Petitioner. The above-named Sixth Circuit Court judges' omissions and misstatements were obviously MOTIVATED by the desire of these federal judges to provide

prejudicial "*favor*" toward their professional *contemporaries* in State government, and by their desire to *cover up* the crimes by their "*peer group*" of other judges. [1] In that context, the action of these judges presents genuine issues for the Judicial Council's review.

VI. THE ORDER DISPLAYS THE FAMILIAR PATTERN OF GOVERNMENT CO-DEFENDANTS, "*CORRUPTLY MISLEADING THE PUBLIC*" BY SETTING FORTH FRAUDULENT "*AUTHENTICATION FEATURES*" IN WHAT IS OTHERWISE THE *RESTRICTED* INTERSTATE COMMUNICATION OF CRIMINAL HISTORY IDENTIFICATION INFORMATION

A. **FACT** – By definition of several federal statutes, the "Answer" by the three judges constitutes "*Fraud*". The *Order* recently delivered by the Sixth Circuit Court judges fraudulently identifies Mr. Schied as an individual with a "*conviction*" that "*exists*". This document was manufactured by the judges with full knowledge that their statements were misleading and/or false, and that the co-defendants could or would later receive and use this document to mislead the public into believing that their continued criminal victimization of the Petitioner and deprivation of his Constitutional and Civil Rights is an activity sanctioned "*under color of law*" by the United States of America.

B. **FACT** – Government agencies, inclusive of the U.S. Court of Appeals for the Sixth Circuit, are mandated to follow the procedures outlined by The Privacy Act of 1974 (Title 5 U.S.C.. §552a as amended) for correcting records maintained on individuals.

C. **FACT** – As an agency of the United States, the Sixth Circuit Court of Appeals has the responsibility for ensuring that information security protections are in place and being implemented to safeguard confidentiality of records in accordance with the law in the trade and sharing of information between departments and with the public.

VII. THE ORDER DISPLAYS THE FAMILIAR PATTERN OF THE GOVERNMENT CO-DEFENDANTS, OF "*CORRUPTLY MISLEADING THE PUBLIC*" BY LIBEL, SLANDER AND BY TRESPASSING UPON PETITIONER'S PERSONAL AND PROFESSIONAL REPUTATION

A. **FACT** – By definition of several federal statutes, the "Answer" by the three judges (as depicted above) constitutes "*Misleading Conduct*", "*Libel/Slander*", and "*Corruption*".

B. **FACT** – The "*contempt*" by these judges of other State law, as reflected in Mr. Schied's Texas court orders of clemency, is not only "*prejudicial*", it demonstrates the willingness of

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[1] It is important here to recognize that a "*contemporary*" (i.e., referred to as a noun) by definition depicts a "RELATIVE" or "FRIEND" by the same "*peer group*" of individuals having the "*same status*". (*See* definition of "*peer group*" at http://www.hyperdictionary.com/dictionary/peer+group) "*Contemporary*" is also defined by instance of the same (professional) "*place*" of (background) "*origin*" and/or by reference to "*a person or their works*" that is "happening" – or "*marked by characteristics*" of "***what relates (people)***" – at about the same period in time. (*See* definitions provided by www.yourdictionary.com/contemporary and http://www.merriam-webster.com/dictionary/contemporary)

these judges to participate in a continuum of a "*conspiracy*" to further the Co-Defendants' fraudulent assertions the Petitioner.

C. **FACT** – The judges "planted" a false assertion in the form of a fraudulent proclamation by way of inclusion in an authoritative written document. **Knowingly, they issued that court Order to the public through means of electronic communications devices enabling that Order to be "*republished*" at will by anyone with access to Westlaw or having an account with Pacer. That action alone constitutes a "*Major Fraud on the United States*".**

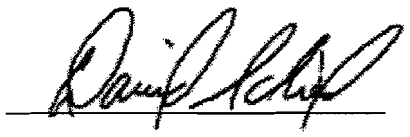
D. **FACT** – The "*miscarriage of justice*" undertaken by these judges, given the circumstances and facts listed above, was calculated and intentional; and as such, constitutes "*contempt*", a violation of "*victim/witness tampering*" and "*extortion*", which warrants a penalty of imprisonment for up to 20 years.

VIII. THE ACTION OF THESE JUDGES DEMONSTRATES THEIR ROLE IN A CONTINUUM OF "*GOVERNMENT RACKETEERING*"

A. **FACT** – The "Answer" of this Sixth Circuit Court of Appeals judges fits the criminal *pattern* described in plaintiff-appellant's "*Petition*" by their failure to specifically address the elements of the written petition or the itemized articles of Evidence submitted to the Court along with that petition.
   1. Being a "*criminal 'pattern of conspiracy', by government officials (including the Michigan judiciary), to re-establish Mr. Schied's 'guilt' and 'conviction' as matters of FACT, and to punish Mr. Schied a second time for the same offense, by denying him numerous inalienable rights otherwise provided by the Constitution of the United States as purportedly reinstated by Texas Governor Mark White a quarter-century ago in 1983.*" (See pages 2-3 of the attached pleadings.)
   2. Being a "*'chain conspiracy' characterized by a PATTERN of incompetence, intentional oversight, gross negligence, abuse of discretion, and malfeasance of ministerial DUTIES of government offices"; and being "perpetrated by those who are otherwise charged with enforcing the civil and criminal statutes of this State, of other States, and of the United States*". (See page 3 of the attached pleadings.)
   3. Being a "*pattern of incompetent performance, malfeasance of official duties, and gross negligence of the public's interest, committed in obvious violation of a plethora of state and federal statutes*". As such, the judges' actions constitute a criminal violation of the "Racketeering Influenced and Corrupt Organizations Act" (RICO) under Title 18, U.S.C. §1961.

B. **FACT** – Under the legal definitions and pattern descriptions, as articulated throughout this Complaint to the Judicial Council, a reasonable person may conclude the following:
   1. That these judges' action, by the constitution of Order they recently presented to the public, exhibits a "*course of conduct*" that has the effect of "*retaliating*" against Mr. Schied for raising civil and criminal claims against executive government officials, including their "*peer group*" of other judges.
   2. That these judges have exhibited a "*course of conduct*" already defined by the Petitioner's allegations against other government co-defendants as "***Racketeering***" by the perpetuation of ***FRAUD***, and a "***Conspiracy Against Rights***".

I declare, under penalty of perjury, that I have read rules 1 and 2 of the Rules of the Sixth Circuit Governing Complaint of the Judicial Misconduct of Disability. The statements made in this complaint, as articulated in the 5 pages designated as a concise "Statement of Fact" as seen above and as provided in the accompanying 25 pages of "*Interpretation*" of those facts, are true and correct to the best of my knowledge.



Executed on: 9/3/2008

David Schied
20075 Northville Place Dr. North #3120
Northville, MI 48167
248-924-3129
deschied@yahoo.com

8/28/2008

Attn: Judicial Council of the Sixth Circuit
Office of the Circuit Executive
503 Potter Steward, U.S. Post office and Courthouse Building
100 E. Fifth Street
Cincinnati, OH 45202

Re: Complaint of conduct prejudicial to the effective and expeditious administration of the business of the courts (i.e., "judicial misconduct") by **Martha Craig Daughtrey, David William McKeague**, and **Gregory F. Van Tatenhove**

Dear Judicial Council,

Enclosed you will find my 2-page Complaint, submitted under penalty of perjury for truthfulness of the facts; as well as my 5-page Statement of Facts. Please note that while your form Complaint restricts my statements to only 5 pages, I do not believe that "official corruption" or "patterns" of official corruption can be encapsulated by description in such minute number of pages. Therefore, I will seek to clarify by this letter a proper interpretation of the Statement of Facts as they have been presented in the attached.

Please note that I am sending copies of an Order granting issuance of "*forma pauperis*" standing with this Court to show reason why it is an extreme hardship upon my family to provide for the costs of multiple copies of the attached documents in Complaint of THREE judges in the Sixth Circuit Court of Appeals. The documents being provided as one complete set include the following:

a) This cover letter interpreting the 5-page Statement of Facts
b) Formal Complaint of Judicial Conduct – tailored in form provided by the Sixth Circuit Court
c) 5-page Statement of Facts
d) "*Petition for Writ of Mandamus* and *Motion for Criminal Grand Jury Investigation*" as submitted to the Sixth Circuit Court under case #08-1985
e) Appendix for Referenced Exhibits in Support of Plaintiff-Appellant's "*Petition for Writ of Mandamus* and *Motion for Criminal Grand Jury Investigation*" consisting of Exhibits #1-25.
f) Sixth Circuit Court "ORDER" filed Aug. 05, 2008

Please also note that my Judicial Misconduct complaint is not about a "*wrong decision*", a "*very wrong decision*", or arguments "*directly related to the merits*" of case or the judge's stated reasons for their decision. This Complaint is not to call into question the correctness of an official judgment by this tribunal of judges. **Though the Complaint *does* relate to the ruling, it goes beyond merely a challenge of the correctness based on the merits of the case to attack**

the propriety of these judges having arrived at this ruling in an illicit manner *and* with an apparent improper motive.

In this case, the evidence of an improper motive lay in the "context" in which this ruling falls within a "PATTERN" of criminal offenses; and by which a CONSPIRACY is proven to exist by a "*meeting of the minds*" on a "*common design*" that maintains the "*unity of purpose*" of "*concealing criminal conduct*" and "*thwarting government liability*" for the actions of other government authorities involved and/or referenced in the evidence about this case.

> *"Private persons, jointly engaged with state officials in the prohibited action, are acting 'under color' of law for purposes of the statute. To act 'under color' of law does not require that the accused be an officer of the State. It is enough that he is a willful participant in joint activity with the State or its agents,"* United States v. Price, 383 U.S. 787, 794 (1966)."

> *"If sufficient allegations appear of the acts of one defendant among the conspirators, causing damage to plaintiff, and the act of the particular defendant was done pursuant to the conspiracy, during its course, in furtherance of the objects of the conspiracy, with the requisite purpose and intent and under color of state law, then all defendants are liable for the acts of the particular defendant under the general principle of agency on which conspiracy is based."* Hoffman v. Halden 268 F.2d 280 (1959)

My Complaint is about prejudicial conduct by these judges, who have demonstrated an egregious manner of treating me as a litigant, by their "*engaging in conduct outside the performance of their official Court duties*", and while using their judiciary positions as means for perpetuating their crimes and covering up the crimes of others "*under color of law*". Their actions, given proper public attention, would therefore lead to a "substantial and widespread" lowering of public confidence in the Courts, at least among *reasonable* people.

I should remind this Judicial Council that these charges, as proven by reason as true, are very serious and that this Sixth Circuit Court's Judicial Council has a duty to the Constitution to protect the integrity of the courts. Plaintiff reminds this Council that its loyalties are to the People of the United States and not to the self interests of the Bar, or fellow judges, or to The Bar Plan company of liability insurance. The Plaintiff appreciates that it is difficult for a judge or council of judges to find and determine misconduct against his or her fellow judge. Plaintiff-Appellant believes that it is unconstitutional for the judicial system to be self regulating, as this case is evidence as to why self regulation doesn't work since Evidence already submitted to this U.S. Court of Appeals for the Sixth Circuit demonstrates that prior complaints have already been ignored by the State Bar of Michigan and Michigan's Judicial Tenure Commission. Nevertheless, the judiciary zealously defends its self regulation, so it has a DUTY to self-regulation and self-policing. Therefore, this Council, though presented with a *prima facia* conflict of interest, has a duty to protect the public perception of the integrity of this United States Court.

Many preambles, forwards, and prefaces to judicial codes of ethics and responsibility are found to state something effective of the following:

> *"The judicial and legal professions' relative autonomy carries special responsibilities of self governance. These professions have the responsibility of assuring the public that its regulations are conceived enforced in the public interest and not in furtherance of parochial or self-interested concerns of their judicial officers. Every lawyer and judge is responsible for observance of the Rules of professional practice. Each should also aid in securing their observance by other lawyers and judges. Neglect of these responsibilities compromises the independence of the judiciary and the public interest which it serves."*

The United States is a government of the people, by the people, and for the people. The judicial system's function is to serve the public by providing a means by which disputes may be resolved and justice may be served. This can only be done in an environment where honesty, integrity, and high moral standards are strictly enforced. The Courts therefore use disciplinary proceedings to protect the courts and the public from the official ministrations of judges and lawyers unfit to conduct legal proceedings in the practice of law.

Bad judges and lawyers hurt good ones. When a lawyer or a judge is allowed to abuse the judicial process for his own personal gain, or to provide gain or cover-up to the gain of others, it taints the image of the court and that of all lawyers and judges. As officers and officials of the court, judges and lawyers must be held to a higher standard of honesty and moral character, not a lower standard. It is therefore in the best interest of all judges and lawyers to determine who is failing to uphold that standard and therefore needs further retraining and knowledgeable support. Any organization that fails to take responsibility to *properly* police itself will eventually lose its autonomy from government regulation. If the courts allow judges and lawyers to use the court's power to abuse the people, the people will eventually find themselves without any further recourse except to rise up with contempt against the courts; to challenge and to strip them of their autocratic authority.

In the case of ELKINS ET AL. v. UNITED STATES, 364 U.S. 206, 80 S. Ct. 1437, 4 L. Ed. 2d 1669 the court in speaking about the imperative of judicial integrity stated:

> *"In a government of laws...existence of the government will be imperiled if it fails to observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious.* ***If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy."***

The three judges named above have not so cleverly exhibited their disdain for ethics and honesty by this recent ruling. Their contempt of the Rules of proper judiciary conduct is glaringly obvious by their having intentionally contributed to an ongoing CONSPIRACY TO COVER UP CRIMES against this litigant. Their Order, when placed in contrast with the content of the pleadings, serves <u>not</u> to underscore the "merits" of the pleadings themselves, but to underscore these judge's willingness to SUSTAIN and SANCTIFY ONGOING CRIMES against the plaintiff-appellant. The <u>manner</u> in which their Order was even written is itself demonstrative Evidence of conduct that was willful, deliberate and inexcusable.

In a society where professional attorneys become professional judges and judges go back to being lawyers, it would seem natural for the rule of law and "justice" to simply give way to the old idiom, "*You have to go along to get along*". It is likely that is what has happened in this case. (Note that this very same Sixth Circuit ruling by these three judges also serves as the basis for

my Complaint about former U.S. Attorney Stephen Murphy, who I reported federal crimes to a year and a half ago in Detroit, who thwarted his duty to prosecute those crimes or to remand the case to a Grand Jury for indictments, and who has just recently changed careers to become a federal judge for the Eastern District of Michigan.) Judges are not above the law, however. It is illegal to conspire with lawyers and/or other judges to cover up for each other and while simultaneously making a mockery of "justice" and the public. They have the DUTY to serve the public in the name of the law and the *duty* to serve justice, not themselves.

Gross Negligence, Incompetence, and Intentional Malfeasance of Duty is outside the Scope of "Official Judiciary Duty"

One need not consider the "*merits*" of these judges' ruling as weighed against the legal arguments to rationalize a willful omission of these judges to even address the Arguments and the Evidence presented by the litigant's pleadings. Neither does one need to consider the "merits" to reasonably prove that these judges' *Order of Dismissal* of plaintiff-appellant's "*Motion for Writ of Mandamus and Motion for Criminal Grand Jury Investigation*" demonstrated a ruling made with "*prejudicial bias*" toward the government co-defendants and against the plaintiff-appellant as the Petitioner. One need only look at the surface features here, of the pleadings and the judge's answer to those pleadings via their ruling, to see that the Order itself follows the same criminal pattern about which the petitioner complains needs to investigated, and to have indictments issued, in order to stop ongoing victimization of the plaintiff and his family.

I. THE ORDER "*MISREPRESENTS*" THE FACTUAL BASIS OF THE PETITIONER'S PLEADINGS

A. **FACT** - The "Answer" of this Sixth Circuit Court of Appeals judges fits the criminal pattern described in plaintiff-appellant's "*Petition*" by MISREPRESENTING the underlying facts and basis for the Petitioner's pleadings, **through significant omissions and misstatements of Facts relevant to the petitioner's pleadings.**

1. In the very first sentence of their Order, these judges wrote: "*The petitioner filed a civil rights action in the district court alleging the named defendants had refused to remove from their records a 1977* ***conviction*** *for which he received a* ***pardon***."
   a) This statement alone presents a combination of "omissions" with "falsehood" by the fact that the Arguments and Evidence submitted in the Petition itself had demonstrated that "*no conviction exists*" and that more significant than the governor's full pardon (received in 1983), this litigant received a court-ordered SET ASIDE in 1979 (which included "*withdrawal of plea*", a "*dismissal of indictment*", and a "*set aside of judgment*" essentially providing him with a "*clean slate*"); and this litigant additionally received a court-ordered "*expunction*" of all else remaining of the "*arrest and prosecution*" after having received that pardon.[1]

[1] Significant to plaintiff-appellant's argument about the underlying "*conviction*" being wrongly portrayed by the co-defendants in the first place is the FACT that litigant Mr. Schied presented the Sixth Circuit judges with Attorney General opinions, Texas case law, and Texas Administrative Statutes which all demonstrate that for all legal purposes "*no conviction exists*" after receipt of a Texas set aside such as the one Mr. Schied received in 1979; that the definition of "*conviction*" no longer applies to a subject after receipt of a Texas governor's executive full pardon such as the one Mr. Schied received in 1989, and that "*no conviction exists*" after receipt of a Texas court order of Expunction such as what Mr. Schied received in 2004. (*See* pp. 20-21 of litigant's *Petition* and Exhibits #s 1and 2 of the Appendix.) In FACT, the significance of Mr. Schied having received the pardon in the first place calls focus to the fact that Texas Attorney Generals have clarified that once an individual has received a "set aside" such as the

2. In the very second sentence of their Order, these judges MISREPRESENT the "*existence*" of a "*conviction*" demonstrating prejudicial treatment toward co-defendants' arguments and indicating that these judges either neither read or completely disregarded Petitioner's arguments and evidence making this statement a significant factual issue, and reasonably disputed topic of debate.
   a) **Petitioner challenges these Sixth Circuit Court of Appeals judges to show proof of any "*conviction*" they have stated now "*exists*", or even existed at the time they wrote this Order.**
   b) Petitioner challenges the Sixth Circuit Court of Appeals judges to provide interpretation to State or Federal **full faith and credit** laws to prove that the following are NOT "***facts***":
      1) That **Exhibit #1** presented to these judges with the pleadings, the Texas court document of "*Early Termination Order of the Court Dismissing the Cause*" (otherwise referred to as a "*set aside*") from 1979, DID NOT "*withdraw guilt*", "*dismiss the indictment*", and "*set aside the judgment*".
      2) That **Exhibit #2**, presented to these judges with the pleadings, the Texas governor's "Full Pardon" (with restoration of "full civil rights) from 1983, DID NOT relieve Mr. Schied of any remnants of the legal "*penalties and disabilities*" brought on by Mr. Schied's teen indiscretion of 1977, and that the governor's Full Pardon DID NOT preclude all possibility that the term "*conviction*" should continue to apply to Mr. Schied after 1983 – even if these judges choose to follow the Co-Defendants and Michigan state judges in ignoring Texas case laws and attorney general opinions (also provided to the judges with the original pleadings) clarifying that Mr. Schied's 1979 "set aside" had previous "*wiped away*" the so-called "*conviction*".
      3) That **Exhibit #3**, presented to these judges with the pleadings, the Texas court document of "*Agreed Order of Expunction*" from 2004 DID NOT "*obliterate*" all remaining legal remnants of Mr. Schied's teen indiscretion by "*expunging*" what remained of Texas records about the state's "*arrest and prosecution*" for the 1977 offense.
      4) **Petitioner challenges these Sixth Circuit Court of Appeals judges to interpret the following excerpt from Title 28 USC, §1738 for the Judicial Council:**

         "*Records and judicial proceedings or copies thereof....**shall have the same full faith and credit in every court within the United States**... as they have by law or usage in the courts of such State... from which they are taken.*"

      5) **Petitioner also challenges the Sixth Circuit Court of Appeals judges to explain why they have used the course of their judicial duties to manufacture an official federal court Order identifying Mr. Schied as Petitioner and making public their determining that a "*conviction*" exists for this individual when Mr. Schied's court documents and the State laws of both Michigan and Texas make clear that the dissemination of such "*nonpublic*" information,**

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kind which Mr. Schied received, that individual is not even eligible for a pardon "*for lack of an object*" to pardon. The FACT is that "*no conviction exists*" and the Sixth Circuit judges have presented a public document which otherwise speaks about a "*Texas conviction*" prejudicially in favor of the co-defendants' argument that is indeed something that DOES EXIST. In fact, the second line of the first paragraph specifically states the existence of the "conviction" as FACT, in complete concurrence with the co-defendants' arguments, and without proper litigation of this issue.

knowing that it has been set aside, pardoned, and/or expunged, is a CRIMINAL offense punishable by fine and imprisonment. [2]

3. **The evidence of "PREJUDICE" and "BIAS" presented by the judges' public assertion and this written permanent record is therefore reasonable grounds to inquire into possible misconduct by these judges.**
   a) **These judges knew that they were <u>providing co-defendants with yet another misleading Court document for co-defendants to use later to reassert their fraudulent pattern of claims</u>:**
      1) That such "*conviction*" existed in 2003 when they terminated his employment,
      2) That such "conviction" is proof of "*unprofessional conduct*" by the petitioner even as a schoolteacher in 2005, and
      3) That such "*conviction*" continues to justify ("*under color of law*") the co-defendants otherwise ILLEGAL dissemination of outdated criminal history documents in malicious criminal defiance of both the *spirit* and the *letter* of a multitude of state and federal laws.
      4) That the issues currently being presented to the Sixth Circuit Court of Appeals by the Petitioner have already been "*litigated*" in three State courts and once already in a U.S. District Court.
      5) That Petitioner is simply acting *maliciously* to file *frivolous* and "*vexatious*" lawsuits against the co-defendants because his character is "*the same*" as it was in 1977 when he received the "*conviction*" that now is the focal point of all legal TRUTH. [3]

II. THE ORDER DISPLAYS THE FAMILIAR *PATTERN* OF THE CO-DEFENDANTS "*DENYING FULL FAITH AND CREDIT*" TO PETITIONER'S TEXAS "*CLEMENCY*" DOCUMENTS; AND OF "*OBSTRUCTING*" PETITIONER'S "*FREE EXERCISE OF CONSTITUTIONAL RIGHTS*", AS OTHERWISE GUARANTEED BY TEXAS COURTS AND THE TEXAS GOVERNOR. IT ALSO REFLECTS AND REINFORCES THE *PATTERN* OF CO-DEFENDANTS' "*EXPLOITATION OF A VULNERABLE VICTIM*"

A. **FACT** – These three judges have willfully and wantonly ignored the Evidence of Texas court orders (presented to them in the pleadings as "*Exhibit items #1-3*"), and Petition arguments showing that these judges had a clear DUTY to enforce his constitutional rights to "*Full Faith and Credit*" of Mr. Schied's Texas clemency documents of "*set aside*" (1979), "*pardon*" (1983), and "*expunction*" (2004) of all criminal history.
   1. Title 18, U.S.C. §1509 ("*Obstruction of Court Orders*") holds:
      "Whoever....willfully attempts to prevent, obstruct, impede, or interfere with, the due exercise of rights or the performance of duties under any order, judgment,

[2] These criminal offenses were clearly delineated in Mr. Schied's original pleadings to the Sixth Circuit Court judges as shown in footnotes on page 2, and in the body of those pleadings on pages 21-23.

[3] Petitioner maintains that the focus of the all pleadings in this case is threefold: First is whether or not a "*conviction*" currently "*exists*" and if not, when exactly that "conviction" legally "*disappeared*" or was "*wiped away*". Second is whether the co-defendants dissemination of outdated criminal history documents, surrendered to the co-defendants under conditions of fraud and extortion, are being *criminally* disseminated "*under color of law*". Third is whether or not the condoning and sanctioning by Michigan judges of co-defendants actions up to this point constitutes crimes in and of themselves by the willful negligence of these judges to carry out their DUTIES in accordance with their sworn Oaths, to uphold and enforce civil and criminal statutes governing the Constitutional rights, the civil rights, and the victims' rights belonging to the Petitioner.

or decree of a court of the United States, shall be fined under this title or imprisoned not more than one year, or both."

Title 18, U.S.C. §1509 also emphasizes:

"No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a CRIME."

B. **FACT** – The judges' Order presents "*the same pattern*" used by the co-defendants of minimizing the significance of the Petitioner's criminal allegations, even altogether denying recognition to Mr. Schied's specific references to FACTS and EVIDENCE in support of SPECIFIC CRIMINAL ALLEGATIONS against the co-defendants and other government officials for whose crimes these co-defendants are otherwise being criminally "*shielded*" and "*covered up*".

1. In the second paragraph, **the judges have intentionally *misled* readers of the Order** to understand that the Petition was *only* filed as a *Writ of Mandamus* for which *only* four injunctive requests had been made, when that is wholly untrue.
   a) The judges relegated the "criminal" issues to a single sentence about the Petitioner's request "*for the appointment of a Special Master or Grand Jury to investigate possible criminal charges against the defendants*", without providing even mention of the basis for ANY of the petitioner's requests.
   b) The judges displayed an apparent disregard for the fact that the "Cover Sheet" for the Petition provided for a "*Motion for a Criminal Grand Jury Investigation*" as well as a *Petition for Writ of Mandamus*. [4]
   c) The judges displayed intentional omissions and executed purposeful misstatements when summarizing and/or listing the Petitioner's requests for relief.
      1) The judges misrepresented what the Petitioner was asking the Court to do since they listed Petitioner's request #2 as "*to order two school districts to stop disseminating of his conviction*", when Petitioner's actual request was "*to order the two school districts, THE MICHIGAN STATE POLICE, AND ANY OTHER PUBLIC OR PRIVATE AGENCY to stop the CRIMINAL dissemination of ERRONEOUS AND/OR NONPUBLIC CRIMINAL HISTORY INFORMATION*".
      2) The judges misrepresented what the Petitioner was asking the Court to do since they listed Petitioner's request #3 as "*to reverse state court rulings adverse to his interests*", when Petitioner's actual request was for an "*Order remanding this case to the United States Supreme Court for* (the following):" [5]
         a. Superintending Control and reversal of two state court rulings
         b. Notice to the Supreme Court that the basis of such reversal is because those two state court rulings are UNCONSTITUTIONAL
         c. Notification that Petitioner had properly reported, and provided the Sixth Circuit Court with evidence about, multiple occurrences of "*Judicial Misconduct*" by Michigan State judges

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[4] Any argument by the judge claiming they had provided equal treatment to the "*Motion for a Criminal Grand Jury Investigation*" would be equally misleading given their failure to place that information in the same sentence about "*what was filed*", and the fact that the cover sheet most certainly did not included any "Motion for the Appointment of a Special Master" to investigate "*possible*" criminal charges against the defendants.

[5] Evidence of these claims is supported by proof of the Complaint itself, pages 28-30, whereby Petitioner draws a clear conclusion by requesting that the Sixth Circuit Court provide him with the return of "civil rights" that had been denied him for the past five years by the co-defendants and their agents; and while "respectfully urging this Sixth Circuit Court to rule justly, with fairness, and in light of the compelling facts, evidence, and arguments surrounding this case.

d. Allegations substantiated by Evidence that these State judges had violated both State and Federal court rules
e. The ordering of a criminal investigation of these Michigan state judges by a federal grand jury and/or the U.S. Department of Justice as was otherwise needed and requested.

2. The judges listed petitioner's request for defendants and their counsel to be held in "*contempt of court*" but failed to provide any basis for such request. What these judges have implied by that omission is that no such basis exists, thus leaving the reader to draw their own logical conclusion (when put into context of the other misstatements and omissions) that Petitioner's pleadings are unsubstantiated and unjustified. [6]
3. The judges have followed suit with the pattern set by the co-defendants in creating yet another public record that "*misleads*" any reader of the Order, causing possibility for them to believe any of the following statements despite that the statements themselves are grossly erroneous claims being perpetuated by the government co-defendants:
   a) That the "*merits*" of the case were actually considered and "*litigated*" by the judges [7]
   b) That it is logical to conclude that a "*conviction*" always has and always will "*exist*" to justify the judge's continued sanctioning of what is otherwise the CRIMINAL dissemination of outdated criminal history information "*under color of law*"
   c) That the focus should be upon the Petitioner being a "*pro se*" litigant and/or a "*forma pauperis*" litigant, who has had the "*merits*" of his case already "*heard*", and that these merits are otherwise "*tied to previous case filings*". [8]
   d) That because the "*pattern of focus*" is on "*a*","*b*", and "*c*" above in the judges' recent Order, as they were summarily also written into previous civil court judgments as well as government-perjured crime reports, these statement (which were otherwise supposed to be "*concise*" but **truthful**) have the effect of causing subsequent readers of the document(s) to believe the co-defendants' (illegitimate) reasoning that plaintiff-appellant is merely acting out of "*angst*", and that Petitioner's arguments are therefore "*meritless*" and "*frivolous*".
4. What is implied by the actions listed above is that these judges contributed to and participated in a "*meeting of the minds*" on the "*exploitation of a vulnerable victim*", a violation of Michigan state law under MCL 777.40.
   a) MCL 777.40 (Code of Criminal Procedure) states: "'***Exploitation of a vulnerable victim' occurs when 'an offender abuses his or her authority status'***"
   b) Under MCL 777.40, "*Abuse of authority status*" is defined as meaning, "***A victim was exploited out of fear or deference to an authority figure***".

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[6] Petitioner's depiction of "*the reader*" is not only that of any public citizen, but of the co-defendants themselves by their own past *pattern of misinterpreting* court documents to suit their own fraudulent purposes when they take illegitimate advantage of "holes" left in what otherwise are straightforward legal arguments and "*concise*" legal documents.

[7] In their recent Order, these Sixth Circuit Court judges even went so far as to state that "*The remedies sought by the petitioner in his mandamus petition are tied directly to the merits of the action filed in the district court*" despite that the Eastern District Court Judge Paul D. Borman never "*litigated*" the merits of the CRIMINAL claims before dismissing Plaintiff's request for relief under *42 U.S.C. §1983* "*Deprivation of rights under color of law*" **at the very first hearing on the matter.**

[8] Petitioner otherwise believes that the co-defendants hold an unnecessary spotlight upon his acting on his own behalf, "*pro per*" and without an attorney to represent him, in order to keep the spotlight off of their illegal activities and the fact that this "miscarriage of justice" has undermined and fragmented the financial and the emotional foundation of the Plaintiff's entire family, causing him to no longer be able to afford either an attorney or a family counselor.

c) Under MCL 777.40, "*Exploit*" means "***to manipulate a victim for selfish or unethical purposes***"

d) Under MCL 777.40, "*Vulnerability*" means "***the readily apparent susceptibility of a victim to injury**, physical restraint, persuasion, or temptation.*"

5. Title 42 U.S.C., §14141 (*Cause of Action*) defines the above actions of the judge as "*unlawful conduct*" and provides for civil relief by intervention of the Attorney General of the United States.

a) Title 42 U.S.C., §14141 states, "***It shall be unlawful for any governmental authority, or any agent thereof, or any person acting on behalf of a governmental authority, to engage in a pattern or practice of conduct ... that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.***"

C. **FACT** – The three judges have disregarded federal statutes regarding the extent to which they are legally authorized to disclose or publish confidential and identifying information regarding a "*conviction*" or the "expungement" thereof.

1. Title 18, U.S.C. §1905 (Disclosure of Confidential Information) states: "*(a) Whoever, being an officer or employee of the United States... publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties... which information concerns or relates to.... the identity, confidential statistical data...or particulars thereof to be seen or examined by any person except as provided by law; shall be fined under this title, or imprisoned not more than one year, or both; and shall be removed from office or employment.*"

2. Title 18, U.S.C. §1905 also states, "*Whenever the Attorney General has reasonable cause to believe that a violation of paragraph (1) has occurred, the Attorney General, for or in the name of the United States, may in a civil action obtain appropriate equitable and declaratory relief to eliminate the pattern or practice.*"

III. THE ORDER DISPLAYS INTENTIONAL "*FRAUD*" AND A WILLFUL "*COVER UP*" OF ALLEGATIONS OF CRIMINAL FELONY OFFENSES, WHICH ITSELF CONSTITUTES FELONY OFFENSES BY THE JUDGES

A. **FACT** – By definition of several federal statutes, the "Answer" by the three judges constitutes "*Fraud*". The *Order* recently delivered by the Sixth Circuit Court judges *fraudulently* identifies Mr. Schied as an individual with a "*conviction*" that "*exists*"; and by its many omissions and misstatements of Fact, the Order performs the function of "*shielding from prosecution*" the co-defendants for the crimes Petitioner has clearly alleged them to be committing.

1) Under Title 18, U.S.C. §1961, "*Fraud*" and the "*Conspiracy to Commit Fraud*" (such as the type related to the falsification of identification documents) constitutes a "*Racketeering activity*".

2) Under **Title 18, U.S.C. §1028** (f) (***Attempt and** Conspiracy*) — *Any* person who attempts or conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

B. **FACT** – Under the legal definitions above, a reasonable person may conclude the following:

1) That the judges named above are willing participants in a government "*Pattern*" or "*scheme*" to deny Mr. Schied's Constitutional right to Full Faith and Credit of his Texas court orders of "*set aside*" and "*expunction*", and to a Texas governor's "*full pardon*" with *full restoration of all civil rights*.
2) That these judges are currently participants in a "**Conspiracy**" to reinstate "*guilt*" and a "*conviction*" where otherwise guilt and a conviction no longer exist; and that these judges are just the latest in a string of government "*co-defendants*" who have placed Mr. Schied in a position of " Double Jeopardy", establishing "*guilt*" and a "*conviction*" without Due Process of law.
3) That the judges named above are willing participants in a scheme to effectively reinforce the taking away of Mr. Schied's other Constitutional rights to "Privileges and Immunities" and to "Due Process" in order to *cover up previous injustices* done against the Petitioner at the State level that presents a costly **PRECEDENCE** to legally rectify at the federal court level.
4) That these judges are acting concertedly "Under Color of Law", in violation of the vary law they acknowledge themselves to be responsible for later litigating...acting with a "*course of conduct*" that adds to, not detracts from, the acts of criminal "*Harassment*" by the co-defendants.

IV. THE JUDGES HAD A"*DUTY*" TO TAKE *IMMEDIATE* ACTION UNDER BOTH STATE AND FEDERAL STATUTES GOVERNING THE *RIGHTS OF CRIME VICTIMS*

A. **FACT** – The Sixth Circuit judges failed entirely to address Mr. Schied's rights, and his family's rights, under federal victims' rights statutes, particularly when disregarding pleadings about ongoing retaliatory treatment by co-defendant Northville Public Schools' administrative officials and their Keller Thoma attorney against Petitioner's elementary school aged child as detailed in Evidence submitted to those judges in support of his request for injunctive relief.
   1. These judges completely disregarded a plethora of Evidence provided to the Sixth Circuit Court of Appeals to show proof that numerous previous complaints had been filed with several State and Federal agencies of the Department of Education but that they had been disregarded and had not been appropriately acted upon yet.
      a. These Complaints described in detail ongoing retaliatory suspensions by an elementary school principal that Mr. Schied had named as having "*obstructed*" a formal criminal investigation of his crime report to the Michigan State Police.
      b. The Complaints described in detail the manner in which the employer of that school principal, a Co-Defendant in the referenced case currently residing in the Sixth Circuit Court of Appeals, is conspiring with their legal "representatives" to thwart and investigation of this school principal.
      c. The Complaints described in detail the manner in which the Regional Educational Service Agency (RESA) and the Michigan Department of Education (MDE) are "*discriminating*" against the Petitioner, acting in concert to "*shield*" the school district's administrative officials and school board from liability from allegations that the Co-Defendant and his subordinate administrative officers have violated his son's rights to a Free and Appropriate Public Education (FAPE) as otherwise guaranteed

under the Individuals With Disabilities in Education Act (IDEA) and the Family Educational Rights in Education Act (FERPA). [9]

2. Petitioner reported to these judges of the Sixth Circuit Court that such discrimination by these government "Co-Defendants" was motivated because of the Co-Defendants' attorneys publicizing the erroneous claim that Mr. Schied's claims were "*invalid*" as they expressed the belief that Mr. Schied was the one "harassing" school officials because he was displeased with the outcome of a Michigan court ruling allowing the Northville Public Schools administration to go on disseminating Mr. Schied's "nonpublic" Texas expunction document as "*proof of unprofessional conduct*" as it related to his employment as a schoolteacher at the Northville Public Schools.
3. These judges also completely disregarded a plethora of Evidence to the Sixth Circuit Court of Appeals to show proof that numerous previous complaints had been filed with several State and Federal agencies of law enforcement depicting his reporting of misdemeanor and felony crimes.
   a. These Complaints to law enforcement supervisors and to the Office of the Michigan Attorney General were inclusive of allegations supported by Evidence that police officers had "perjured" crime reports, solicited the subornation of perjury by prosecutors for the State, and that those prosecutors had "retaliated" against Mr. Schied for having sent prior evidence of these occurrences to the Attorney General's representatives in proof of other acts of their "*gross negligence*" and "*abuse of prosecutorial discretion*".
   b. When the Attorney General's representatives were found to respond with only rhetorical nonsense and recommendation to take these "criminal' matters to a "civil" Court, Mr. Schied escalated his complaints to the Office of the Michigan Governor, adding additional complaints about the handling of the matters by the Attorney General and his representative Bureau and Division chiefs. [10]

B. **FACT** – There are a plethora of State and Federal "criminal procedure" statutes governing the rights of victims "*to be reasonably protected from the accused*", which these federal judges have completely disregarded despite that Petitioner clearly spelled them out in the pleadings submitted to these judges of the U.S. Court for the Sixth Circuit.
   1. Title 18, U.S.C. §3771 regarding any *Motion for Relief* and *Writs of Mandamus*, states that the Court....

> " ...*SHALL take up and decide any motion asserting a victim's right forthwith. In no event shall proceedings be stayed or subject to a continuance of more than five days....If the Court of Appeals denies the relief sought, THE REASONS FOR THE*

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[9] **Note** that when Petitioner's complaints to the RESA and MDE failed to generate an appropriate response to this discriminatory and retaliatory behavior of the Northville Public School officials in conjunction with coinciding behavior of their attorneys, Mr. Schied filed a Complaint with the Michigan Department of Civil Rights and the Civil Rights Commission. When the Civil Rights Commission refused to act to stop these violations against Mr. Schied's young child, Mr. Schied next went to the Michigan State Administrative Board and to Governor Jennifer Granholm. Gov. Granholm was then named as a Co-Defendant in the instant case before the Sixth Circuit Court of Appeals because of her "*negligence*" in doing anything either about these and other offenses by officials of the Michigan government.

[10] As already noted, the Michigan Governor and her representative counsel also disregarded Mr. Schied's complaints, setting up a clear "pattern" of disregard for the law. That disregard then, is the basis for the instant Complaint now pending as case number 08-1979 in the United States Court of Appeals for the Sixth Circuit, and for which the instant case (08-1985) was filed for "immediate" action to stop CRIMINAL offenses from continuing against the Petitioner (and his family).

DENIAL SHALL BE CLEARLY STATED ON THE RECORD IN A WRITTEN OPINION.

In addition, Title 18, U.S.C. §3771 states,

> *"A crime victim has the following rights: (1) **The right to be reasonably protected from the accused.** (6) The right to full and timely restitution as provided in law. (7) **The right to proceedings free from unreasonable delay.** (8) The right to be treated with fairness and with respect for the victim's **dignity and privacy.***

2. Title 18, U.S.C. §1514 defines "*Harassment*" as:

> "*A course of conduct directed at a specific person that causes substantial emotional distress in such person and serves no legitimate purpose*".

The same statute defines "*Course of conduct*" as:

> "*A series of acts over a period of time, however short, indicating a continuity of purpose*".

C. **FACT** – These judges have ruled that "*the issues*" the Petitioner has petitioned to have "*litigated*" at this time will indeed be heard and litigated by the Sixth Circuit Court of Appeals in case number 08-1979 at a later time. Yet these judges fail entirely to define the issues that are to be litigated at that later time, essentially providing the Petitioner with a "empty" promise of justice and presenting the public with a "*false impression*" that these judges have fulfilled their obligation and "*duty*" in delivering an Order, but actually misleading both the petitioner and the public by encapsulating that judgment in a document that otherwise holds no substance and therefore no significant meaning. That action constitutes a continuing "*pattern*" of "*miscarriage of justice*" as set forth by the judges for the State of Michigan.

V. THE ORDER DISPLAYS THE FAMILIAR PATTERNS OF A GOVERNMENT "*COVER-UP*" OF PREFERENTIAL TREATMENT FOR GOVERNMENT PEERS, AN "*OBSTRUCTION OF JUSTICE*", AND A "*CONSPIRACY AGAINST RIGHTS*"

A. **FACT** – The pleadings of the Petitioner....indeed, even the Cover Page of those pleadings made clear that Petitioner's request for a Writ of Mandamus included the instrumental Motion for a Grand Jury Investigation into his allegations of CRIMES committed by Michigan government officials. Yet, these judges thwarted their DUTIES, either to issue arrest warrants or to inform the Grand Jury about Petitioner's allegations, to inform the Grand Jury of the identities of the "accused", and to summon a Grand Jury to discharge its obligations of determining the *truth* of those allegations. The Order submitted as a matter of official public record reflects such "*dereliction of duty*" and, as such, is proof of these judges' being an "*Accessory After the Fact*" by committing a "*Misprision of a Felony*".

1. Under MCL 761.1 of Michigan's Code of Criminal Procedure, the "*formal written complaint*" that was sworn and submitted to the judges of the U.S. Court of Appeals of the Sixth Circuit, constituted "*indictments*" on the individuals the Petitioner named as having committed specific crimes. Yet the judges wrote their Order as if the petitioner's request was for a Grand Jury investigation to "*investigate possible criminal charges*".
2. Under MCL 764.1 and MCL 767.1(b) "*Upon proper complaint alleging the commission of an offense...judges have a DUTY to call for an arrest without delay.*" MCL 767.3 states:

> "*Whenever by reason of the filing of any complaint which may be upon information and belief....any judge of a court of law and of record SHALL have*

probable cause to suspect that any crime, offense or misdemeanor has been committed within his jurisdiction..."

3. Similarly, Title 18 (Appendix), Federal Rules of Civil Procedure, Rule 4 dictates:

> "*(a)* ***If the complaint of one or more affidavits filed with the complaint establish probable cause to believe that an offense has been committed and that the defendant committed it, the judge MUST issue an arrest warrant*** *to an officer authorized to execute it.*" [11]

4. Under Title 18 U.S.C §4 it is a "*Misprision of Felony*" to not take proper action upon receipt of report and evidence about federal crimes that have been committed. The federal statute states:

> "*Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States,* ***conceals*** *and does not as soon as possible* ***make known*** *the same to some judge OR OTHER PERSON in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.*"

B. **FACT** – These judges had 30 pages of precise allegations presented to them, written and sworn under penalty of perjury for their truthfulness by the Petitioner, and presented to the judges with 37 pages of itemized Appendix exhibits referencing a two inch (2") thick stack of supporting documentation to show the crimes that have been committed by the government Co-Defendants and their associates. Yet, without even acknowledging these allegations by any other means than to call them "*possible criminal charges*", these judges deny that these government crimes against Petitioner and his family are "extraordinary" and they deny, without supporting reason, that Petitioner has not shown "a clear and indisputable right to the relief sought". Moreover, these judges shirk what is otherwise their DUTY to issue notice of these crimes to other federal authorities and instead place the burden upon the Petitioner to present these issues to the United States Attorney for the summoning of the Grand Jury investigation.

1. This is official "*malfeasance*". These judges were – or should have been – fully aware that under Title 18, U.S.C. §3332 (*Powers and Duties*), the Grand Jury empanelled for any judicial district is **obliged** to be the one to "*to inquire into offenses against the criminal laws of the United States alleged to have been committed within that district.*"
2. Moreover, these judges were reminded (on page 16 of Petitioner's pleadings) that under Title 18 U.S.C §4 (as articulated above) they are to be held accountable for responding to notice of crimes being perpetrated within their regional jurisdiction.
3. Title 18, U.S.C. §3332 additionally calls upon judges to properly use their judiciary discretion, for the purpose of preventing additional cost, delay or further victimization of the purported injured party, to notify the grand jury themselves about these allegations. Title 18, U.S.C. §3332 states,

> "***Such alleged offenses may be brought to the attention of the grand jury by the court*** *or by any attorney appearing on behalf of the United States for the presentation of evidence.* ***Any such attorney receiving information concerning such an alleged offense from any other person SHALL, if requested by such other person, inform the grand jury of such alleged offense, the identity of such other person, and such attorney's action or recommendation.***"

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[11] This is to emphasize that Title 18 (Appendix), Federal Rules of Civil Procedure, Rule 2 (*Interpretation*) was written to underscore that, "***These rules are to be interpreted to provide for the just determination of every criminal proceeding, to secure simplicity in procedure and fairness in administration, and to eliminate unjustifiable expense and delay.***"

C. **FACT** – The omissions and misstatements depicted by this Complaint are substantial issues of FACT that under the law constitute CRIMINAL violations of state and federal laws as well as violations of simple rules of judicial conduct. The action of these judges, to "***conceal***", to unreasonably "***delay***" criminal proceedings, and to hold in abeyance any direct notification of the U.S. Attorney or a Grand Jury about the criminal allegations, constitutes an "*Obstruction of Justice*" and places each of them in the position of being an "*Accessory After the Fact*".

1. Title 18, U.S.C. §2071 (Concealment, Removal, or Mutilation) clearly states, "***Whoever willfully and unlawfully conceals***, *removes, mutilates, obliterates, or destroys, or attempts to do so...* ***any record...paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined under this title or imprisoned not more than three years, or both.***"
2. Title 18, U.S.C. §1510 defines "*Obstruction of Justice*" as: "*Willful obstruction, **delay** or prevention of communication relating to the violation of any criminal statute of the United States by any person to a criminal investigator...*"
3. Title 18 U.S.C §4 holds that, "*Whoever, knowing that an offense against the United States has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an Accessory After the Fact.*"
4. Title 18 U.S.C §4 additionally holds that, "*Except as otherwise expressly provided by any Act of Congress, an Accessory After the Fact shall be imprisoned not more than one-half the maximum term of imprisonment or (notwithstanding section 3571) fined not more than one-half the maximum fine prescribed for the punishment of the principal, or both; or if the principal is punishable by life imprisonment or death, the accessory shall be imprisoned not more than 15 years.*"

D. **FACT** – The omissions and misstatements depicted by this Complaint significantly altered the meaning and the intended basis of the Petitioner's pleadings, and provided a necessary "*cover up*" of petitioner's proper reporting of *crimes* and a "*conspiracy to cover up*" those crimes by the co-defendants. Those omissions and misstatements also had the effect of "covering -up" petitioner's proper reporting to the United States judges of the Sixth Circuit Court of "*judicial misconduct*" by other judges working for the State of Michigan. Therefore, the act of these judges to administer the Order in this context of FACTS is "*PERJURY*" of their sworn Oath.

1. Title 18 U.S.C. §1621 describes an official as having committed perjury as, "*Whoever, (1) having taken an oath ... in any case in which a law of the United States authorizes an oath to be administered... that he will ...certify truly ... any written ... declaration ... or certificate ... is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true... is guilty of perjury and SHALL, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.*"
2. As shown, not one but three Sixth Circuit judges, each sworn under Oath to TRUTH and the enforcement of the laws, have altogether reinforced each others' decisions to disregard criminal allegations and Evidence of crimes having been committed by

government officials in the State of Michigan. That action alone justifies the application of Title 18 U.S.C. §1622 which holds,

> *"Whoever procures another to commit any perjury is guilty of subornation of perjury, and shall be fined under this title or imprisoned not more than five years, or both."*

E. **FACT** – The omissions and misstatements depicted by this Complaint were created by an "*intentional design*" patterned upon arguments presented in the Complaint itself as clearly presented by the Petitioner. The above-named Sixth Circuit Court judges' omissions and misstatements were obviously MOTIVATED by the desire of these federal judges to provide prejudicial "*favor*" toward their professional *contemporaries* in State government, and by their desire to *cover up* the crimes by their "*peer group*" of other judges. [12] In that context, the action of these judges presents genuine issues for the Judicial Council's review.

1. While these judges might be found to have performed a "*Subornation of Perjury*" because they have acted concertedly rather than independently, it might also be argued that they committed a "*Conspiracy Against (Petitioner's) Rights*" while acting "*under color of law*".
2. Title 18, U.S.C. §241 defines "*Conspiracy against rights*" as:

> *"Two or more persons conspiring to injure, oppress, threaten, or intimidate any person in any State...in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same..."*

The same statute additionally states:

> *"If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured....They shall be fined under this title or imprisoned not more than ten years, or both."*

3. As it relates to these judges' disregard for Mr. Schied's Constitutional rights to *due process*, *full faith and credit*, and *privileges and immunities* as guaranteed by the Texas court documents submitted to these Sixth Circuit Court judges as Exhibits #1-3, Title 18, U.S.C. §242 also holds: "*Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State... or District to the* ***deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States****...shall be fined under this title or imprisoned not more than one year, or both."*
4. Because the original pleadings pertained to requests for "victims' relief" as a result of alleged crimes occurring at places of Petitioner's previous employment, Title 18, U.S.C. §246 (Deprivation of Relief Benefits) might also arguably apply to this circumstance.
   a) Petitioner David Schied originally alleged that the Co-Defendants are past employers who have "*retaliated*" against him for standing up for his legal rights in various venues; and that these criminal violations have affected his

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[12] It is important here to recognize that a "*contemporary*" (i.e., referred to as a noun) by definition depicts a "RELATIVE" or "FRIEND" by the same "*peer group*" of individuals having the "*same status*". (*See* definition of "*peer group*" at http://www.hyperdictionary.com/dictionary/peer+group) "*Contemporary*" is also defined by instance of the same (professional) "*place*" of (background) "*origin*" and/or by reference to "*a person or their works*" that is "happening" – or "*marked by characteristics*" of "***what relates (people)***" – at about the same period in time. (*See* definitions provided by www.yourdictionary.com/contemporary and http://www.merriam-webster.com/dictionary/contemporary)

employment to such degree that he has had to present his case to the Sixth Circuit judges with such urgency that it required a "*Writ*" of immediate action. In addition to the Evidence sent with that original Complaint, Petitioner sent proof that the "chain" of employer's actions has left him with no choice but to file his action as a "*forma pauperis*" litigant, and the Evidence that went along with that second petition was obviously compelling enough that the judges granted it before reviewing Mr. Schied's other petition for the "*Writ*".

b) Title 18, U.S.C. §246 holds, "*Whoever directly or indirectly deprives, attempts to deprive, or threatens to deprive any person of any employment, position, work, compensation, or other benefit provided for or made possible in whole or in part by any Act of Congress appropriating funds for work relief or relief purposes, on account of political affiliation, race, color, sex, religion, or national origin, shall be fined under this title, or imprisoned not more than one year, or both.*"

VI. THE ORDER DISPLAYS THE FAMILIAR PATTERN OF GOVERNMENT CO-DEFENDANTS, OF "*CORRUPTLY MISLEADING THE PUBLIC*" BY SETTING FORTH FRAUDULENT "*AUTHENTICATION FEATURES*" IN WHAT IS OTHERWISE THE *RESTRICTED* INTERSTATE COMMUNICATION OF CRIMINAL HISTORY IDENTIFICATION INFORMATION

A. **FACT** – By definition of several federal statutes, the "Answer" by the three judges constitutes "*Fraud*". The *Order* recently delivered by the Sixth Circuit Court judges fraudulently identifies Mr. Schied as an individual with a "*conviction*" that "*exists*". This document was manufactured by the judges with full knowledge that their statements were misleading and/or false, and that co-defendants would later receive and use this document to mislead the public into believing that their continued criminal victimization of the Petitioner and deprivation of his Constitutional and Civil Rights is an activity sanctioned "*under color of law*" by the United States of America.

1. "***Fraud***" by definition of Title 18, U.S.C. §1001 is committed whenever someone…
   "*(a) Knowingly and willfully: (1) falsifies, conceals or covers up by any trick, scheme or device, a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry.*"
2. Title 18, U.S.C. §1028 defines "*Fraud*" as it is a "*related activity in connection with identification documents, authentication features, and information*" as:
   a) "*(7) to knowingly transfer, possess, or use, without lawful authority, a means of identification of another person with the intent to commit, **or to aid or abet**, or **in connection with, any unlawful activity that constitutes a violation of Federal law, or that constitutes a felony under any applicable State or local law.***"

And…

b) "*(5) to knowingly produce, transfer, or possess a document-making implement or authentication feature with the intent such document-making implement or authentication feature will be used in the production of a false identification document or another document-making implement or authentication feature which will be so used.*"[13]

[13] As "*official State-issued documents*", Mr. Schied's Texas court orders of "*set aside*" and "*expunction*", as well as his Texas governor's pardon, altogether provide "*authenticated information*" written by a "*lawful authority*", that identifies Mr. Schied as being recognized as an individual who has had his guilty plea "*withdrawn*", who has had a

c) These judges well knew that by publishing their Order, delivering copies of that order to the Co-Defendants and to the public through Pacer Service Center and other publishing outlets like Westlaw, they were disseminating an informational means for which the co-defendants could use as a wrongful tool of "advantage" in another Court of Appeals case, they knew they were providing a means by which the public at large might also wrongly identify Mr. Schied as being an individual with a "*conviction*".

1) The term "*means of identification*" as described under Title 18, U.S.C. §1028, refers any name along with *any other information* that is used to identify a specific individual.
   a. Title 18, U.S.C. §2725 depicts "*personal information*" as "*information that identifies an individual*" inclusive of an individual's name and "*disability*", with disability information being classified as "*highly restrictive personal information*".
   b. Meanwhile, Texas, Michigan, and Federal laws all three recognize that having a "*conviction*" is indeed a "*disability*" and the three judges of the U.S. Court of Appeals for the Sixth Circuit were well informed by the Petitioner in his initial pleadings that under Texas set aside law (Article 42.12 of Texas Code of Crim. Proc.) Mr. Schied was "*released of all penalties and disabilities*" more than 30 years ago.
2) An "*identification record*" is defined by 28 CFR, §1631 described as an FBI document that includes certain criminal history information including the arrest charge and the disposition of the arrest if it is made known to the FBI by the reporting agency. Information data included in an identification record are obtained from fingerprint submissions, disposition reports, and other reports submitted by agencies having criminal justice responsibilities. [14]
3) Title 5 U.S.C., §552a (*Records Maintained on Individuals*) defines a "*record*" as "*Any item, collection, or grouping of information about an individual ... including, but not limited to criminal or employment history and that contains his name... or other identifying particular assigned to the individual.*"
4) An "*identification document*" is described under Title 18, U.S.C. §1028 as a document, issued by or under the authority of the United States, with an

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criminal indictment "*dismissed*", who has had a criminal judgment "*set aside*", who has had the underlying offense "*pardoned*", and who has had any remaining vestiges of the arrest record "*expunged*". Yet the judges for the State of Michigan have set up another set of "**false**" documents for the government co-defendants to be relying on and using to identify Mr. Schied as being an individual with a "sustained" conviction at all points in time at which those documents were produced. Examples consist of the following: **A)**The 2006 Michigan Court of Appeals decision in which the judges determined that though Mr. Schied had a Texas "set aside" and "pardon", because he did not have the remaining arrest record expunged the "*conviction*" still "*existed*" somehow. **B)** The 2007 Wayne County, Michigan Circuit decision in which Judge Cynthia Stephens determined that the Petitioner's "Expunction" document itself was "*proof of unprofessional conduct*" and that Texas laws "**obliterating**" the offense and prohibiting the dissemination of the expunged offense was a "*MYTH*", placing Mr. Schied in the position of being under a "*LIFE SENTENCE*" for his 30+ year old single teen indiscretion. **C)** U.S. District Court Judge Paul Borman's 2008 ruling and court transcripts – in which he endorsed co-defendants' arguments that the "*merits*" of Petitioner's pleadings were already "*litigated*", despite that Petitioner's "criminal" allegations against the government co-defendants have thus far gone completely unaddressed as a matter of *ANY* record. D) **Now, again in 2008 the U.S. Circuit Court of Appeals has generated yet another "*official*" court document for the co-defendants to illegitimately use in future proceedings that identifies Mr. Schied as being an individual with a "*conviction*" that "exists" when that is clearly a fraudulent statement about the Petitioner.**

[14] Petitioner notes that the FBI Criminal Justice Information Services Division is not the source of the arrest data reflected on an identification record. The U.S. Court of Appeals for the Sixth Circuit is just such a government agency with the criminal justice responsibilities of ensuring accurate recordkeeping by the FBI as the "*official*" source for criminal history information.

authentication feature that is of a type commonly accepted for identifying individuals.

5) A "*false identification document*" is described under Title 18, U.S.C. §1028 as a document that appears to be issued under the authority of the United States but was altered in some way to reflect false information about the individual it identifies.

6) A "*false authentication feature*" is described under Title 18, U.S.C. §1028 as possibly genuine, but is intended for connection with an unlawfully made identification document or **unlawful means of identification to which such** authentication **feature is not typically intended by the respective issuing authority**.

d) These judges knew that by their Court "*Order*" they were acting outside their powers and duties, and in **tortuous violation of Mr. Schied's Constitutional right to privacy**, when issuing a false identification statement wrongfully identifying Mr. Schied as having a "*conviction*", on a document with the authenticating feature of it being an official Court record that also identified Mr. Schied as being a "*pro se*" litigant and listing Mr. Schied as the "*Petitioner*" in this "*public*" court case.

1) The judges had possession of Mr. Schied's Texas "*Agreed Order of Expunction*" from a Texas court informing them (as item #1 of the Decree) that once all records of the Petitioner's arrest...and prosecution...are destroyed by the named government agencies in the State of Texas, "*all release, dissemination or use of records pertaining to such arrests and prosecutions is **prohibited***".

2) The judges also knew by the content of that Texas court order of Expunction, that Petitioner has long had the right to "*deny the occurrence of the expunged arrest and prosecutor*" and even the existence of the expunction order itself. Yet by establishing a public proclaiming about Mr. Schied as having a "conviction" as a matter of "FACT", these judges have tortuously "trespassed" upon Mr. Schied's right and, in fact, established an authoritative document that might be used to bring "perjury" claims against Mr. Schied he to deny the "existence" of the "conviction" that the Sixth Circuit Court of Appeals has now placed upon him without "*due process*" of law.

B. **FACT** – Government agencies, inclusive of the U.S. Court of Appeals for the Sixth Circuit, are mandated to follow the procedures outlined by The Privacy Act of 1974 (Title 5 U.S.C., §552a as amended) for correcting records maintained on individuals.

1. Title 5 U.S.C., §551 defines "*agency*" as "the authority of the Government" to include "*(1)(B) the Courts of the United States*" and "§552**(a)(1)** *any independent regulatory agency*".

a) Petitioner notes that the Judicial Council of the Sixth Circuit regards itself as an independent, self-governing, regulatory and administrative committee composed of individuals that "*oversees the operations*" of their various court units.

2. The term "*system of records*" under Title 5 U.S.C., §551 refers to "*a group of any records under the control of any Agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.*"

a) Petitioner notes that the Order is searched for in the "Pacer Service Center", by Westlaw, and by other public searches by direct reference of Petitioner's name "*David Schied*" or by the case number "*08-1895*" assigned directly to Mr. Schied's case and naming him as both "*Petitioner*" and the "*Counsel* of Record".

3. Under Title 5 U.S.C., §552a, to ensure accuracy of records the following procedures must be followed:
   a) "***(5)(d)*** *Each agency that maintains a system of records SHALL...* ***(2)*** *permit the individual to request amendment of a record pertaining to him and...* ***(A)*** *not later than 10 days (excluding Saturdays, Sundays, and legal public holidays) after the date of receipt of such request, acknowledge in writing such receipt; and...* ***(B)*** *promptly, either...* ***(i)*** *make any correction of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or...* ***(ii)*** *inform the individual of its refusal to amend the record in accordance with his request, the reason for the refusal, the procedures established by the agency for the individual to request a review of that refusal by the head of the agency or an officer designated by the head of the agency, and the name and business address of that official.*"
   b) In addition, "***(5)(e)*** *Each agency that maintains a system of records SHALL...* ***(2)*** *collect information to the greatest extent practicable directly from the subject individual when the information may result in adverse determinations about an individual's rights, benefits, and privileges...* ***(5)*** *maintain all records which are used by the agency in making any determination about any individual with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual in the determination;* ***(6)*** *prior to disseminating any record about an individual to any person other than an agency, unless the dissemination is made pursuant to subsection (b)(2) of this section, make reasonable efforts to assure that such records are accurate, complete, timely, and relevant for agency purposes;* ***(9)*** *establish rules of conduct for persons involved in the design, development, operation, or maintenance of any system of records, or in maintaining any record, and instruct each such person with respect to such rules and the requirements of this section, including any other rules and procedures adopted pursuant to this section and the penalties for noncompliance; and,* ***(10)*** *establish appropriate administrative, technical, and physical safeguards to insure the security and confidentiality of records and to protect against any anticipated threats or hazards to their security or integrity* ***which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom information is maintained****...*"
   c) Finally, Title 5 U.S.C., §552a(5)(g)(1) holds, Whenever any agency **(A)** makes a determination not to correct or amend the record in accordance with his request; **(B)** refuses to comply with an individual request to review or access the record in question; (C) "*fails to maintain any record concerning any individual with such accuracy, relevance, timeliness, and completeness as is necessary to assure fairness in any determination relating to the qualifications, character, rights, or opportunities of, or benefits to the individual that may be made on the basis of such record, and consequently a determination is made which is adverse to the individual*"; or **(D)** fails to comply with any other provision or rule promulgated by this statute, in such a way as to have an adverse effect on an individual....**that individual "*may bring a civil action against the agency*, *and the district courts of the United States shall have jurisdiction in the matters under the provisions of this subsection*".

C. **FACT** – As an agency of the United States, the Sixth Circuit Court of Appeals has the responsibility for ensuring that information security protections are in place and being implemented to safeguard confidentiality of records in accordance with the law in the trade and sharing of information between departments and with the public.

1. Title 44 U.S.C., §3534 and §3544 (Federal Information Policy) holds: "*The head of each agency shall **(1)** be responsible for **(A)** providing information security protections commensurate with the risk and magnitude of the harm resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of **(i)** information collected or maintained by or on behalf of the agency; **(ii)** information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency; and, **(B)** complying with the requirements of this subchapter and related policies, procedures, standards, and guidelines, including **(i)** information security standards promulgated under section 11331 of title 40; and **(ii)** information security standards and guidelines for national security systems issued in accordance with law and as directed by the President.*"
2. Title 44 U.S.C., §3506 (Federal Agency Responsibilities) holds that "*Each agency SHALL **(1)** ensure the relevance, **accuracy**, timeliness, **integrity**, and **objectivity of information** collected; **(3)** protect respondents' privacy and **ensure that disclosure policies fully honor pledges of confidentiality**; and, **(4)* ***observe Federal standards and practices for data collection, analysis, documentation, sharing, and dissemination of information***."

VII. THE ORDER DISPLAYS THE FAMILIAR PATTERN OF THE GOVERNMENT CO-DEFENDANTS, "*CORRUPTLY MISLEADING THE PUBLIC*" BY LIBEL, SLANDER AND BY TRESPASSING UPON PETITIONER'S PERSONAL AND PROFESSIONAL REPUTATION

A. **FACT** – By definition of several federal statutes, the "Answer" by the three judges (as depicted above) constitutes "*Misleading Conduct*", "*Libel/Slander*", and "*Corruption*".
   1. As it pertains to the "*Obstruction of Justice*", Title 18, U.S.C. §1515 defines "***Misleading Conduct***" as:
      *"**(A)** knowingly making a **false statement**; **(B)** intentionally **omitting information from a statement** and thereby causing a portion of such statement to be misleading, or intentionally **concealing a material fact**, and thereby creating a **false impression** by such statement; **(C)** with intent to mislead, knowingly submitting or **inviting reliance on a writing or recording that is false**, forged, altered, or otherwise lacking in authenticity; **(D)** with intent to mislead, knowingly submitting or inviting reliance on a sample, specimen, map, photograph, boundary mark, or other object that is misleading in a material respect; or **(E)** knowingly using a trick, scheme, or device with intent to mislead."*
   2. MCL 600.2911 (*Action for Libel or Slander*) of the Revised Judicature Act of 1961 describes a ***libelous act*** as by an action such as, "*the uttering or publishing of words imputing the commission of a criminal offense*"; which is actionable in a court of law with an entitlement by the plaintiff to "*actual damages which he or she has suffered in respect to his or her property, business, trade, profession, occupation, or feelings*".
   3. One legal definition of "*trespassing*" is "*Any unauthorized intrusion or invasion of the private premises of another*". *Antkiewicz v. Motorists Mut. Ins. Co.*, 91 Mich.App. 389, 283 N.W.2d 749, 753.
      a) The term, "*Trespass*" comprehends any misfeasance, transgression or offense which damages another person's health, ***reputation*** or property. *King v. Citizens Bank of De Kalb*, 88 Ga.App. 40, 76 S.E.2d 86, 91.

b) To "*trespass*" is to do an unlawful act, or to do a lawful act in unlawful manner, causing injury of another's person or property. *Waco Cotton Oil Mill of Waco v. Walker*, Tex.Civ.App., 103 S.W.2d 1071, 1072.

c) "*Trespassing*" comprehends not only forcible wrongs, but also acts the consequences of which make them *tortious*. *Mawson v. Vess Beverage Co.*, Mo.App., 173 S.W.2d 606, 612, 613, 614.

d) To "*trespass on the* case" is by form of action resulting to a party from the wrongful act of another, unaccompanied by direct or immediate force; or action which is the "*indirect or secondary consequence of defendant's act*". Such action is "*the ancestor of the present day action for negligence where problems of legal and factual cause arise*". *Mueller v. Brunn*, 105 Wis.2d 171, 313 N.W.2d 790, 794.

4. According to Title 18, U.S.C. §1505 (*Obstruction of Proceedings Before Departments, Agencies, and Committees*) **Misleading conduct becomes "*corrupt*" when the action "*impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States*".**

a) Title 18, U.S.C. §1515 (*Obstruction of Justice*) interprets "***corruptly***" (as it pertains to §1505) to mean, "*acting with an improper purpose, personally or by influencing another, including making a false or misleading statement, **or withholding, concealing, altering, or destroying a document or other information.***"

B. **FACT** – The "*contempt*" by these judges of other State law, as reflected in Mr. Schied's Texas court orders of clemency, is not only "*prejudicial*", it demonstrates the willingness of these judges to participate in a continuum of a "*conspiracy*" to further the Co-Defendants' fraudulent assertions the Petitioner.

1. Title 18, U.S.C. §1038 describes "*False Information and Hoaxes*" as "*conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute a ... ("Crime" by) ... violation of ... Chapter 44" of federal firearms laws.*"
2. Title 18, Chapter 44 includes §922, which makes any attempted purchase, transport, or sale of a firearm by the Petitioner a federal criminal offense were authorities to take seriously the ***false*** information being proffered by the Sixth Circuit Court of Appeals indicating that Mr. Schied has a "*conviction*", and that co-defendants are sanctioned to continue disseminating such "*proof*" of that conviction even though the offense was *set aside* and *pardoned* three decades ago and with even the remaining arrest record having been "*expunged*" over four years ago.
3. Title 18, U.S.C. §922(d) also makes clear that problems can arise for the Petitioner by these judges' Order by the FACT that, "*It shall be unlawful for any person to sell...to deliver, cause to be delivered, or otherwise dispose of ...any firearm or ammunition ...to any person while knowing or having reasonable cause to believe that such person.... has been **convicted** in any court...*
4. Title 28,U.S.C. §16.34 prescribes the proper "*Procedure*" for challenging and correcting official "*Identification Records*" by presenting such challenge "*directly to the agency which contributed the questioned information*". **Those procedures mandate that the "*agency*" then communicate directly with the FBI to notify that federal agency of any final determination of that agency.** (Emphasis added)

C. **FACT** – The judges "planted" a false assertion in the form of a fraudulent proclamation by way of inclusion in an authoritative written document. **Knowingly, they issued that court Order to the public through means of electronic communications devices enabling that Order to be "*republished*" at will by anyone with access to Westlaw or having an account with Pacer. That action alone constitutes a "*Major Fraud on the United States*".**

1. As an "agency" of the United States government, the Sixth Circuit Court of Appeals judges are under a "contract" for their judiciary services to the United States of America. That contract is inclusive of the "duty" to provide reliable information and documentation regarding the determination of "facts" in both civil and criminal matters.
2. These judges routinely rely on the FACT that the contents of any court Order they deliver, as are the contents of the legal transcripts of all oral proceedings, are meant to be construed by the public as matters of founding FACT.
3. Those so-called "*facts*" are *supposed* to be based upon the "*litigation*" of "*merits*" by the Sixth Circuit Court of Appeals. In this case those FACTS were NOT LITIGATED for some reason; and that reason has everything to do with a "*pattern*" of State and Federal judges denying Mr. Schied his right to "*due process*" of law, and a *pattern* of prejudicially ruling in favor of the government co-defendants' unjustified and unreasonable argument that a "*conviction*" should currently "*exists*" to validate their illegitimate reasons for continually disseminating information about Mr. Schied's set aside, pardon, and expunction of a teenage offense that occurred 30+ years ago. [15]
4. These Sixth Circuit judges clearly understood by the pleadings and Evidence that Mr. Schied was alleging himself to be the victim of a long history of civil and criminal injustice, and giving notice to the Court that he has exhausted all remaining resources on fighting to save his personal and professional reputation, on his family's behalf to save his ability to support the needs of his dependent wife and child.
   a) These judges knew that Mr. Schied was claiming to have recently lost his public schoolteacher job
   b) The judges also knew that Mr. Schied was stating that his job loss was due, at least in part, to his persistent fight against public school administrators, and by the fact that in the proceedings of the U.S. District Court case, the co-defendants had solicited a legal affidavit from his most recent school district employer, thus notifying his employer that he was pursuing civil and criminal charges against his other previous school district employers.
5. **The action taken by these judges, given the circumstances and facts listed above, was calculated and intentional; and as such, constitutes a violation of Title 28,U.S.C. §1031, a "*major fraud on the United States*"**; and a violation of Title 18 U.S.C., §371, a "***conspiracy to defraud the U.S. government***".
   a) Title 18 U.S.C., §371 states, "*If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.*"

[15] Mr. Schied's argument has been all along, and continues to be still, that the co-defendants continue to make this argument to detract from the FACT that they started this whole matter by civilly and criminally violating Mr. Schied's Constitutional and Civil Rights; and by then feeling the need to cover all of that up (by using "civil" court decisions ruled in their favor) to keep from being held "criminally" accountable after the State courts ruled in their favor on the "civil" matters and **without "*litigating*" the criminal matters.**

D. **FACT** – The "*miscarriage of justice*" undertaken by these judges, given the circumstances and facts listed above, was calculated and intentional; and as such, constitutes "*contempt*", a violation of "*victim/witness tampering*" and "*extortion*", which warrants a penalty of imprisonment for up to 20 years.

1. Title 18 U.S.C. §402 (*Contempts Constituting Crimes*) holds: "*Any person ... willfully disobeying any lawful writ, process, **order**, rule, decree, or command of any district court of the United States or any court of the District of Columbia, by doing any act or thing therein, or thereby forbidden, **if the act or thing so done be of such character as to constitute also a criminal offense under any statute of the United States or under the laws of any State in which the act was committed**, SHALL be prosecuted for such contempt, ... and SHALL be punished by a fine under this title or imprisonment, or both.*"
   a) In Michigan, where Petitioner was resident at the time this crime was committed, the Set Aside Laws (MCL 780.623) of that state reads as follow:

> "***Upon the entry of an order...setting aside a conviction, the applicant, for purposes of law, shall be considered NOT to have been previously convicted...A person...who knows or should have known that a conviction was set aside... and who divulges, uses, or publishes information concerning a conviction set aside....is guilty of a misdemeanor punishable by imprisonment.***"

2. Title 28 U.S.C. §1512 (*Tampering with a Witness, Victim, or an Informant*) states:
   a) "*(c) Whoever corruptly (1) alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or (2) otherwise **obstructs, influences, or impedes any official proceeding**, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both.*"
   b) "***(b)** Whoever ... corruptly persuades another person,... or engages in misleading conduct toward another person, with intent to **(1)** influence, **delay**, or prevent the testimony of any person in an official proceeding; **(2) cause** or induce **any person to (A)** withhold testimony, or **withhold a record, document**, or other object, **from an official proceeding**; **(B)** alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding; **(C)** evade legal process summoning that person to appear as a witness, or to produce a record, document, or other object, in an official proceeding; **or (3)**hinder, **delay**, or prevent the **communication to a law enforcement officer** or judge of the United States of information **relating to the commission or possible commission of a Federal offense**...*"
3. MCL 750.462(a) of Michigan's Penal Code defines "*Extortion*" as:

> "***Conduct...including but not limited to a threat to expose any secret tending to subject a person to hatred, contempt, or ridicule.***"

4. Title 18, U.S.C. §891 defines "*extortionate*" as:

> "*(7) Any means which involves the use, or an express or implicit threat of use, of violence **or other criminal means to cause harm to the** person, **reputation**, or property **of any person**.*"[16]

[16] **Mr. Schied, as the Petitioner in this case, maintains that a primary objective of the co-defendants is to provide continued delays of Petitioner being "*heard*" by a jury by "burning" Mr. Schied's "*candle of livelihood*" from both ends.** On one hand, the co-defendants follow through with their threats to "*expose*" Mr. Schied's "*nonpublic*" clemency documents to keep him from being able to secure professional employment in an area where he is fully trained and qualified. On the other hand, the longer there is a "*delay*" in the processing of Mr.

5. Title 18, U.S.C. §891 (Interstate Communications) holds:

"*(b) Whoever, **with intent to extort from any person**, firm, association, or corporation, any money or **other thing of value**, transmits in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined under this title or imprisoned not more than twenty years, or both.....*"

And...

"*(c) Whoever transmits in **interstate** or foreign **commerce** any communication containing any threat ... to injure the person of another, shall be fined under this title or imprisoned not more than five years, or both.*" [17]

VIII. THE ACTION OF THESE JUDGES DEMONSTRATES THEIR ROLE IN A CONTINUUM OF "*GOVERNMENT RACKETEERING*"

A. **FACT** – The "Answer" of this Sixth Circuit Court of Appeals judges fits the criminal *pattern* described in plaintiff-appellant's "*Petition*" by their failure to specifically address the elements of the written petition or the itemized articles of Evidence submitted to the Court along with that petition. The pattern is described as the following:

1. Being a "*criminal 'pattern of conspiracy', by government officials (including the Michigan judiciary), to re-establish Mr. Schied's 'guilt' and 'conviction' as matters of FACT, and to punish Mr. Schied a second time for the same offense, by denying him numerous inalienable rights otherwise provided by the Constitution of the United States as purportedly reinstated by Texas Governor Mark White a quarter-century ago in 1983.*" (See pages 2-3 of the attached pleadings.)
   a) **Note: The "*pattern*" of the co-defendants / the criminal perpetrators was clearly designated and plainly described on pages 1-2 of the pleadings to Judges Martha Craig Daughtrey, David William McKeague, and Gregory F. Van Tatenhove.**
2. Being a "*"chain conspiracy" characterized by a PATTERN of incompetence, intentional oversight, gross negligence, abuse of discretion, and malfeasance of ministerial DUTIES of government offices", and being "perpetrated by those who are otherwise charged with enforcing the civil and criminal statutes of this State, of other States, and of the United States*". (See page 3 of the attached pleadings.)
   a) Under Title 18, U.S.C. §2384, a "*Seditious Conspiracy*" is defined as when "*two or more persons... conspire to overthrow, put down, or to destroy... or ...to prevent, hinder, or delay the execution of any law of the United States... contrary to the authority thereof, they shall each be fined under this title or imprisoned not more than twenty years, or both.*"

Schied's CRIMINAL COMPLAINTS against the co-defendants, the better the chances that the co-defendants may be able to rely upon time and erroneous documents to distance themselves from these accusations by either statutory limits in prosecuting the crimes, by the accumulation of additional fraudulent "official" documents to support their claims, or by Mr. Schied simply succumbing to *financial* and *emotion* defeat by a sustained *corrupt* government resistance effort backed by "*unlimited*" public financing.

[17] Personal injury claims do not require a plaintiff to prove that they have suffered an injury to their person or property. Some personal injury claims could be based on a variety of nonphysical losses and harms such as when someone has attacked another's reputation, as has occurred repeatedly with this instant case. Moreover, "*electronic information*" is considered "*electronic commerce*". (The Department of Justice has already acknowledged a number of problems exist in the electronic marketplace of information trading.) Since government agencies are allowed to charge a fee and private companies are allowed to make a profit – nationally and even internationally – on the information they receive from "public" court documents, the Order of these judges may also be considered as an article of "*interstate commerce*".

3. Being a "*pattern of incompetent performance, malfeasance of official duties, and gross negligence of the public's interest, committed in obvious violation of a plethora of state and federal statutes*". As such, the judges' actions constitute a criminal violation of the "Racketeering Influenced and Corrupt Organizations Act" (RICO) under Title 18, U.S.C. §1961.
   a) Title 18, U.S.C. §1961 also defines "*Racketeering activity*" as "*(A) any act or threat ... which is chargeable under State law and punishable by imprisonment for more than one year ... (B) any act which is indictable under any of the following provisions of Title 18, United States Code: (relating to) ...fraud and related activity in connection with identification documents ...obstruction of justice ...obstruction of criminal investigations ... tampering with a witness, victim, or an informant ... relating to retaliating against a witness, victim, or an informant ... relating to fraud and misuse of visas, permits, and other documents ...peonage ...interference with commerce ...extortion ...*" [18]
      "*Any act or threat involving ... extortion ... which is chargeable under State law and punishable by imprisonment of more than one year ...*"
   b) Title 18, U.S.C. §1961 refers to "*Racketeering*" as related to the following:
      1) "***(b)*** *... any person, through a* ***pattern of racketeering activity*** *or through* ***collection of an unlawful debt*** *to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.*"
      2) "***(c)*** *...any person employed by or associated with any enterprise engaged in, or the activities of which affect,* ***interstate*** *or foreign* ***commerce***, *to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a* ***pattern of racketeering activity or collection of unlawful debt***."

And ...

"***(d)*** *...any person* ***conspiring*** *to violate any of the provisions of ...this section.*"

B. **FACT** – Under the legal definitions and pattern descriptions, as articulated throughout this Complaint to the Judicial Council, a reasonable person may conclude the following:
   1. That these judges' action, by the constitution of Order they recently presented to the public, exhibits a "*course of conduct*" that has the effect of "*retaliating*" against Mr. Schied for raising civil and criminal claims against executive government officials, including their "*peer group*" of other judges.
   2. That these judges have exhibited a "*course of conduct*" already defined by the Petitioner's allegations against other government co-defendants as "***Racketeering***" by the perpetuation of ***FRAUD***, and a "***Conspiracy Against Rights***".

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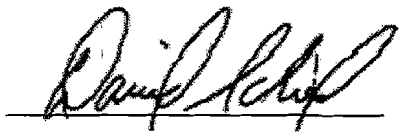
[18] **The term "*peonage*" is generally known to be defined as: a) "the condition of service of a peon"; and, b) "*the practice of holding persons to servitude or partial slavery, as to work off a debt or to serve a penal sentence.*" (See definition provided by "Dictionary.com" located at http://dictionary.reference.com/browse/peonage?r=14**

I declare, under penalty of perjury, that I have read rules 1 and 2 of the Rules of the Sixth Circuit governing Complaint of the Judicial Misconduct of Disability. The statements made in this complaint, as articulated in the 5 pages designated as a concise "*Statement of Fact*" and as provided in the 25 pages of "Interpretation" of those facts as seen above, are true and correct to the best of my knowledge.



Executed on: 9/3/2008