

Exhibit

1



OFFICE OF THE CIRCUIT EXECUTIVE  
UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT  
503 POTTER STEWART UNITED STATES COURTHOUSE  
100 EAST FIFTH STREET  
CINCINNATI, OHIO 45202-3988

TELEPHONE: (513) 564-7200  
FAX: (513) 564-7210  
WEBSITE: [www.ca6.uscourts.gov](http://www.ca6.uscourts.gov)

CLARENCE MADDOX  
CIRCUIT EXECUTIVE

November 23, 2009

David Schied  
20075 Northville Place Drive #3120  
Northville, MI 48167

Re: Complaint of Judicial Misconduct Nos. 06-09-90117 through 06-09-90140

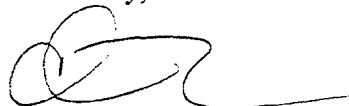
Dear Mr. Schied:

This will acknowledge receipt of your complaint of judicial misconduct against all of the judges of the United States Court of Appeals for the Sixth Circuit. The complaint has been assigned the following numbers: United States Chief Circuit Judge Alice M. Batchelder (No. 06-09-90117) and Circuit Judges Damon J. Keith (No. 06-09-90118), Gilbert S. Merritt (No. 06-09-90119), Cornelia G. Kennedy (No. 06-09-90120), Boyce F. Martin, Jr. (No. 06-09-90121), Ralph B. Guy, Jr. (No. 06-09-90122), James L. Ryan (No. 06-09-90123), Danny J. Boggs (No. 06-09-90124), Alan E. Norris (No. 06-09-90125), Richard F. Suhrheinrich (No. 06-09-90126), Eugene E. Siler, Jr. (No. 06-09-90127), Martha C. Daughtrey (No. 06-09-90128), Karen Nelson Moore (No. 06-09-90129), R. Guy Cole, Jr. (No. 06-09-90130), Eric L. Clay (No. 06-09-90131), Ronald L. Gilman (No. 06-09-90132), Julia S. Gibbons (No. 06-09-90133), John M. Rogers (No. 06-09-90134), Jeffrey S. Sutton (No. 06-09-90135), Deborah L. Cook (No. 06-09-90136), David W. McKeague (No. 06-09-90137), Richard Allen Griffin (No. 06-09-90138), Raymond M. Kethledge (No. 06-09-90139), and Helene N. White (No. 06-09-90140). Thus, your complaint has been filed and assigned Nos. 06-09-90117-140. Please place these numbers on all future correspondence.

Although subject judges normally are disqualified under Rule 25(b) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, Rule 25 permits the Judicial Council to authorize the Chief Judge to dispose of a complaint on its merits where appropriate. In the alternative, Rule 26 provides that the Judicial Council may request the Chief Justice to transfer the proceeding to another circuit. Because one of those alternatives appears to be appropriate in this case, the Judicial Council will be asked to consider the matter at its upcoming meeting.

I will advise you further upon the disposition of this matter.

Sincerely,



Clarence Maddox  
Circuit Executive

CM/pgn

David Schied  
20075 Northville Place Dr. North #3120  
Northville, MI 48167  
248-924-3129  
[dschied@yahoo.com](mailto:dschied@yahoo.com)

11/10/2009

Attn: Patti Nicely  
Office of the Circuit Executive – Misconduct Petition  
503 Potter Steward, U.S. Post Office and Courthouse Building  
100 E. Fifth Street  
Cincinnati, OH 45202  
FAX: (513) 564-7210

Re: Follow up on previous calls regarding an acknowledgment letter on “*Judicial Misconduct*”  
Complaint(s) with case numbers on named Judges of the Court of Appeals for the Sixth Circuit for whom  
I have accused of criminally abusing their office in connection with case No. 08-1879

Chief Judge Alice M. Batchelder – Complaint 06-09-90-117  
Senior Judge Damon J. Keith – Complaint 06-09-90-118  
Senior Judge Gilbert S. Merritt – Complaint 06-09-90-119  
Senior Judge Cornelia G. Kennedy – Complaint 06-09-90-120  
Judge Boyce F. Martin, Jr. – Complaint 06-09-90-121  
Senior Judge Ralph B. Guy, Jr. – Complaint 06-09-90-122  
Senior Judge James L. Ryan – Complaint 06-09-90-123  
Judge Danny J. Boggs \* – Complaint 06-09-90-124  
Senior Judge Alan E. Norris – Complaint 06-09-90-125  
Senior Judge Richard F. Suhrheinrich – Complaint 06-09-90-126  
Senior Judge Eugene E. Siler, Jr. – Complaint 06-09-90-127  
Senior Judge Martha Craig Daughtrey \* – Complaint 06-09-90-128  
Judge Karen Nelson Moore – Complaint 06-09-90-129  
Judge R. Guy Cole, Jr. – Complaint 06-09-90-130  
Judge Eric L. Clay – Complaint 06-09-90-131  
Judge Ronald Lee Gilman – Complaint 06-09-90-132  
Judge Julia Smith Gibbons – Complaint 06-09-90-133  
Judge John M. Rogers – Complaint 06-09-90-134  
Judge Jeffrey S. Sutton – Complaint 06-09-90-135  
Judge Deborah L. Cook – Complaint 06-09-90-136  
Judge David W. McKeague \* – Complaint 06-09-90-137  
Judge Richard Allen Griffin – Complaint 06-09-90-138  
Judge Raymond M. Kethledge – Complaint 06-09-90-139  
Judge Helene N. White – Complaint 06-09-90-140  
Judge Lawrence P. Zatkoff – Complaint 06-09-90-141

Dear Ms. Nicely,

As you are aware, I have called your office on numerous occasions in attempt to remind you that I have not yet received an acknowledgment letter on my complaints on the above-named judges for which you

have stated to me that you have already assigned numbers but have for weeks now simply been waiting for someone to sign the letter you have already prepared to go out to me. Again, my calls to you took place on 10/14, 10/16, 10/22 (or 10/23), 10/26/, 10/30, and 11/10, with your promises to me that you would be sending out the information from your office the following week being made on 10/22 (or 10/23) and on 10/30 (the date that you provided me with the complaint numbers).

I am writing this letter in show of a good faith attempt to verify the information that you provided me on the phone, and to reaffirm that I wish to have my complaints on each of these judges handled in a fair and just manner with full observance of my rights as a complainant to have my Complaint processed with full consideration of the merits of my complaint as written out in my complaint(s) about these judges.

Unless I hear from you otherwise, I will understand that the above-listed adjoining of case numbers to the above-listed judges is indeed correct as you have indicated orally over the phone.

Sincerely,

A handwritten signature in black ink, appearing to be "David L. King", written in a cursive style.

**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(s):**

- 1) Chief Judge Alice M. Batchelder
- 2) Senior Judge Damon J. Keith
- 3) Senior Judge Gilbert S. Merritt
- 4) Senior Judge Cornelia G. Kennedy
- 5) Judge Boyce F. Martin, Jr.
- 6) Senior Judge Ralph B. Guy, Jr.
- 7) Senior Judge James L. Ryan
- 8) Judge Danny J. Boggs
- 9) Senior Judge Alan E. Norris
- 10) Senior Judge Richard F. Suhrheinrich
- 11) Senior Judge Eugene E. Siler, Jr.
- 12) Senior Judge Martha Craig Daughtrey
- 13) Judge Karen Nelson Moore
- 14) Judge R. Guy Cole, Jr.
- 15) Judge Eric L. Clay
- 16) Judge Ronald Lee Gilman
- 17) Judge Julia Smith Gibbons
- 18) Judge John M. Rogers
- 19) Judge Jeffrey S. Sutton
- 20) Judge Deborah L. Cook
- 21) Judge David W. McKeague
- 22) Judge Richard Allen Griffin
- 23) Judge Raymond M. Kethledge
- 24) Judge Helene N. White

**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: 08-1879 – particularly as it relates to notice of crimes against Plaintiff-Appellant by Defendant-Appellees and their representatives and/or agents; and in specific regard to the following “Motions”:

- “*“Motion to Expedite’ Appeal for ‘Superintending Control’ and a Finding of ‘Contempt’ Against Defendants”*”;
- “*“Motion to Expedite’ Appeal for Hearing on ‘Motion for Sanctions’”*”;
- “*“Motion to Expedite’ Appeal for Hearing on ‘Motion to Expand/Enlarge Record on Appeal’”*”;
- “*“Motion to Claim and Exercise Constitutional Rights, and Require the Presiding Judges to Rule Upon This Motion for All Public Officers of This Court to Uphold Said Rights”*”;
- “*“Motion to Demand This Court Read All Pleadings Plaintiff Files With This Court, and to Adhere Only to Constitutionally Compliant Law and Case Law, and More Particularly, the Bill of Right, in Its Rulings”*”

Other Docket number: 08-1895

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 continual DELAY of these proceedings serves to *discriminate* against me by **denying proper “service” to me** as Plaintiff-Appellant David Schied;
2. The continual DELAY of these proceedings serves to further the perpetuation of reported crimes by **providing “favorable treatment” to the Defendant-Appellees** though they are criminals;
3. The continual DELAY of these proceedings serves to prejudice this case by continuing the perpetual delay and prevention of an “*effective and expeditious administration of the business of the*”

*courts”;*

4. The continual DELAY of these proceedings serves to perpetuate the familiar pattern of the Co-Defendant-Appellees 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”**;
5. The continual DELAY of these proceedings serves to provide favor to the government Defendants as the “*appellees*” by criminally “*aiding and abetting*” them with continued “*cover*” for their wrongful crimes against me as the “*crime victim*” and civil rights “*litigant*”;
6. The continual DELAY of these proceedings serves to **display a willful cover-up of allegations of criminal felony offenses**, inclusive of an offense of “conversion” of government property (i.e., an erroneous 2003 FBI report) **to personal use** (i.e., by public dissemination under the Freedom of Information Act in “*retaliation*” against a former “*whistleblower*” and employee) which itself constitutes felony offenses by the judges;
7. These judges have **displayed a refusal to execute their duty to take immediate action** under both state and federal statutes governing the rights of crime victims;
8. The continual DELAY of these proceedings serves to display the familiar patterns of a government cover-up of **preferential treatment for government peers, an obstruction of justice, and a conspiracy against rights**;
9. The continual DELAY of these proceedings serves to display the familiar pattern of the government Co-Defendants, of **corruptly misleading the public** by continuing to allow their predecessors and colleague judges to set forth *fraudulent* authentication features in what is otherwise the restricted interstate communication of criminal history identification information; \*
10. The continual DELAY of these proceedings serves to display the familiar pattern of the government Co-Defendants, of **continuing to allow their predecessor and colleague judges to corruptly mislead the public by libel, slander, and by trespassing upon Petitioner’s personal and professional reputation**;
11. The action of these judges **demonstrates their role in a continuum of government racketeering**, not only by their “*meeting of the minds*”, but by their regular meetings about all cases currently under the scope of their review, inclusive of all motions I have filed as Plaintiff-Appellant;

#### COMPLAINT SPECIFIC TO JUDGE DANNY J. BOGGS

When provided the opportunity to properly review and “*decide*” upon the “*Judicial Misconduct*” complaints I filed against judges Martha Craig Daughtrey, David W. McKeague, and Gregory Van Tatenhove in 2008, as those complaints were also based upon many of the above-related factual issues and charges, Judge Danny Boggs “*delayed*” his decision and “*memorandum*” for nearly a full year. (See Judicial Misconduct complaint numbers 06-08—900 58 / 59 / 60)

When he eventually did formalize his decision and memorandum on 7/13/09, he “*abused his discretion*” by filing a “*fraudulent official document*” with the Sixth Circuit Court of Appeals. His official “*response*”

document ignored all of the arguments that I submitted as supported by evidence and referencing laws and “Rules” governing judges’ conduct and the handling of judicial misconduct complaints. Though I had filed in explanation about how my charges of “*misconduct*” went “*beyond a challenge of the correctness based on the merits of the case to attack the propriety of these judges having arrived at their ruling in an illicit manner and with an apparent improper motive*”, Judge Boggs refused to recognize the merits of that Judicial Misconduct Complaint. He dismissed my Complaint by writing, without supporting basis, that my complaint was: a) frivolous; b) directly related to the ‘merits’ of the judges’ decision (i.e., to dismiss my “Petition for Writ of Mandamus” and “Motion for Criminal Grand Jury Investigation”); and c) failed to allege conduct or a condition of a judge which is prejudicial to the effective and expeditious administration of the business of the courts. He added, again without supporting reason, that “The Judicial Council is not a court and has no jurisdiction to review any rulings by a judge”.

The basis of my Complaint about Judge Danny J. Boggs is outlined in the “Petition for Review of Chief Justice’s (Danny Boggs’) Disposition on Complaint” (on Martha Craig Daughtrey, David W. McKeague, and Gregory Van Tatenhove) which was dated on 9/3/09 and mailed by “*certified*” U.S. Postal delivery (and Faxed) to the Judicial Council of the Sixth Circuit on 9/4/09. That sworn document is incorporated herein by reference. His actions reflect the “*misconduct*” described by this “Complaint” form and it’s supporting “Statement of Facts” and cover letter.

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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.



9/4/2009

Attached submissions:

1. Cover Letter inclusive of 10 pages of “interpretation” of the 7-page Statement of Facts
2. 7-page Statement of Facts

\* 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 this Complaint are already on file and readily accessible to the Court of Appeals. Petitioner is not sending additional copies of other related documents because the cost of copying those supporting pages would be too costly and a financial burden on this *forma pauperis* complainant.



David Schied  
20075 Northville Place Dr. North #3120  
Northville, MI 48167  
248-924-3129  
[dschied@yahoo.com](mailto:dschied@yahoo.com)

9/4/2009

Attn: Judicial Council of the Sixth Circuit  
Office of the Circuit Executive – Misconduct Petition  
503 Potter Steward, U.S. Post Office and Courthouse Building  
100 E. Fifth Street  
Cincinnati, OH 45202  
FAX: (513) 564-7210

Re: “Judicial Misconduct” Complaint(s) on named Judges of the Court of Appeals for the Sixth Circuit by criminal abuse of office in connection with case No. 08-1879

To Whom It May Concern on the Judicial Council of the Sixth Circuit:

Enclosed you will find my Complaint(s) about the following judges:

Chief Judge Alice M. Batchelder - 17  
Senior Judge Damon J. Keith - 18  
Senior Judge Gilbert S. Merritt - 19  
Senior Judge Cornelia G. Kennedy - 20  
Judge Boyce F. Martin, Jr. - 21  
Senior Judge Ralph B. Guy, Jr. - 22  
Senior Judge James L. Ryan - 23  
Judge Danny J. Boggs \* - 24  
Senior Judge Alan E. Norris - 25  
Senior Judge Richard F. Suhrheinrich - 26  
Senior Judge Eugene E. Siler, Jr. - 27  
Senior Judge Martha Craig Daughtrey \* - 28  
Judge Karen Nelson Moore - 29  
Judge R. Guy Cole, Jr. - 30  
Judge Eric L. Clay - 31  
Judge Ronald Lee Gilman - 32  
Judge Julia Smith Gibbons - 33  
Judge John M. Rogers - 34  
Judge Jeffrey S. Sutton - 35  
Judge Deborah L. Cook - 36  
Judge David W. McKeague \* - 37  
Judge Richard Allen Griffin - 38  
Judge Raymond M. Kethledge - 39  
Judge Helene N. White - 40

08-09-90-117-1-0  
10/14/09 Circuit Executive  
513-564-7200

Patty Nicely 513-564-7376 - I left voice  
message about peps. delivered on 9/4/09 + 9/14/09  
dated

\* The Complaints on judges Danny Boggs, Martha Daughtrey, and David McKeague are enhanced over and above the rest of these judges.

**NOTE:** To save paper, as well as time, and rather than to copy and paste the same information in repeated fashion into separate documents in design of separate Complaints, each with a "Statement of Facts", this Petitioner recognizes the inclination of the Judicial Council to consolidate complaints on multiple judges, while still assigning separate case numbers to each judge and while still addressing each case number as a separate "Complaint". Therefore, except for judges Martha Craig Daughtrey, David W. McKeague, and Danny J. Boggs, the "*content*" of my complaints on each of the above-named judges will be the same or similar. As for judges Martha Craig Daughtrey, David W. McKeague, and Danny J. Boggs, I have additional information included in my Complaints about these individuals.

Attachments to this narrative Complaint are the "Complaint Form" and "Statement of Facts" which I have submitted under penalty of perjury for truthfulness of the 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, with the understanding that my seven (7) pages of "Statement of Facts" on the twenty four (24) judges listed above averages to less than one third of a page allocated for each Complaint, and thus is fully compliant with the 5-page limit for each complaint.

The Court of Appeals already has record of a court 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 TWENTY FOUR 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 7-page "Statement of Facts";
- b) Formal "Complaint of Judicial Conduct" – tailored in form designed and provided by the Sixth Circuit Court;
- c) 7-page "Statement of Facts" covering all 24 judges;
- d) Notarized "Sworn Affidavit of Earl Hocquard" dated 4/7/09, inclusive of all referenced exhibits of Evidence, as witness to the retaliatory crime perpetuated against me by the district administration and business office management of the Lincoln Consolidated Schools, occurring more recently in 2009;
- e) Notarized "Sworn Affidavit of Earl Hocquard" dated 2/10/09, inclusive of all referenced exhibits of Evidence, as witness to the retaliatory crime perpetuated against me by the district administration of the Northville Public Schools, occurring more recently in 2009;

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 for inaction upon my multiple "*motions*", my civil rights "*appeal*", and my continual reports about ongoing CRIMES being committed by Michigan government officials. This Complaint is not to call into question the correctness of an official judgment by this "*pool*" of judges. **Though the Complaint(s) does relate to the "*decision*" of these all these Sixth Circuit Judges to not even assign a tribunal to address the issues I have presented to their collective group, my Complaint(s) on these judges goes beyond merely a challenge of the correctness of their decision based on the merits of the case. Instead, my Complaint(s) attacks the propriety of these judges as**

having arrived at this point in time with still no “affirmative” action on my case, deciding instead to allow these CRIMES to continue against me in such an illicit manner *and* with an apparent improper motive, given the context and content of this case, of my many “motions”, the “Evidence”, the sworn victim “Statements”, and the sworn and notarized “witness statements” that I provided to these judges long ago about these ongoing crimes.

In this case, the evidence of an improper motive lay in the “context” in which these judges have continuously delayed the *effective and expeditious administration of the business of the courts* resulting in a hindrance and gross “miscarriage” of justice. This “continual delay” falls within a “PATTERN” of criminal offenses perpetuated by the civil and criminal co-defendants named by the all of the previous State and Federal court cases referenced by this instant Court of Appeals case No. 08-1879, 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 “aiding and abetting” in the perpetuation of crimes and covering up for the crimes of others while acting “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 to their “peer group” of 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(s). 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, Michigan’s Judicial Tenure Commission, and indeed, the Judicial Council for the Sixth Circuit. 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 facie* 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 twenty four (24) judges named above have not so cleverly exhibited their disdain for ethics and honesty by their persistent decision(s) to continue delaying any sort of address of these crime reports. 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 "decision(s)", when placed in contrast with the content of my various Complaint and Motion pleadings, serves not 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 manner in which these judges have blatantly refused to provide any**

sort of **“affirmative action”** on this case 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 a ruling by judges Daughtrey, McKeague, and Van Tatenhove served as the basis for a formal Complaint I filed about former U.S. Attorney Stephen Murphy, to whom I had reported federal crimes to a year and a half ago in Detroit, and who thereafter thwarted his duty to prosecute those crimes or to remand the case to a Grand Jury for indictments; and who just shortly afterwards 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. All of these judges and U.S. Department of Justice employees 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’ continual delay of plaintiff-appellant’s ““Motion to Expedite’ Appeal for ‘Superintending Control’ and a Finding of ‘Contempt’ Against Defendants””, plaintiff-appellant’s ““Motion to Expedite’ Appeal for Hearing on ‘Motion for Sanctions””, plaintiff-appellant’s ““Motion to Expedite’ Appeal for Hearing on ‘Motion to Expand/Enlarge Record on Appeal””, plaintiff-appellant’s ““Motion to Claim and Exercise Constitutional Rights, and Require the Presiding Judges to Rule Upon This Motion for All Public Officers of This Court to Uphold Said Rights””, and plaintiff-appellant’s ““Motion to Demand This Court Read All Pleadings Plaintiff Files With This Court, and to Adhere Only to Constitutionally Compliant Law and Case Law, and More Particularly, the Bill of Right, in Its Rulings””.....demonstrated repeated “decisions”, 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, in comparison of the pleadings and the judges’ “response(s)” to those pleadings via their decision(s) to continually delay the proceedings and “justice” in this case. **The decision to incessantly delay these proceedings, itself follows the same criminal pattern about which the petitioner complains needs to be investigated, and in which the petitioner continually asserts needs to have indictments issued, in order to stop ongoing victimization of the petitioner/plaintiff and his family.**

**This Judicial Council of the Sixth Circuit Court of Appeals should note that the Rules barring the review of a “dismissal” decision that is “directly related to the merits of the named judges’ decision” does not preclude a petitioner’s right to have his or her petition considered and granted on the basis that the “named judges’ decision” is “meritless” given the “context” and “conditions” under which that decision is derived. In this case, the “decision” of these twenty four judges follows the “same pattern” of criminal behavior (by members of their “peer group” of government “officials”) about which the Sixth Circuit Court judges were petitioned to review and decide upon against their “peer group” of other government officials. The crimes they committed in the process of their committing “gross negligence” in “malfeasance” of their judicial duties in order to “aid and abet” their government co-conspirators, does not serve as the proper basis for determining**

that the petitioner's allegations against these judges are "*meritless*" or that the petitioner's claims should be dismissed because they are "*directly related to the decision*" of the judges (to "*dismiss*" and/or "*delay*" the Plaintiff-Appellants' claims and case against those other government co-defendants).

Therefore, this Judicial Council should grant the review of this "*Petition*", as well as grant proper sanctions against the above-named judges, for their gross negligence and malfeasance of duty to consider and rule upon the "*merits*" of the pleadings before them, and for their having followed the recurring criminal "*pattern*" of **disregarding the merits and depriving me (Plaintiff/Appellant/Petitioner David Schied) of the actual "*merits*" that I have presented straightforwardly in FACTS, in LAWS, and in EVIDENCE...**as I am now similarly presenting facts, laws, and evidence to this Judicial Council.

**Additional documents that I am sending now along with this Petition include the ones listed below** in support of what I have been continuously claiming for the past nearly six (6) years in State and Federal courts, about my being continuously criminally violated by the co-Defendants/Appellants. Those claims were placed in all of the above-referenced "*Motions*" as well as in my "*Notice of Appeal*" pleadings on the case now on Appeal (No. 08-1879), after my attorney's "*original complaint*" to the U.S. District Court judge Paul D. Borman was also dismissed. Essentially, I have been waiting for these judges for well over a year since first notifying them about these crimes. It has been nearly two years since this case was first filed by my attorney in U.S. District Court.

Nearly immediately after my filing, the tribunal of judges **Martha Craig Daughtrey, David W. McKeague, and Gregory Van Tatenhove** ruled with a dismissal of my "*Petition for Writ of Mandamus*" and my "*Motion for Criminal Grand Jury Investigation*" of these reported CRIMES. (See "*Complaint of Judicial Misconduct*" No's 06-08-0900 58 / 59 / 60). Subsequently, a year later and as recently as 7/13/09, Judge Danny Boggs dismissed that Complaint about those judges. (Again, see "*Complaint of Judicial Misconduct*" No's 06-08-0900 58 / 59 / 60.) despite my inclusion by reference to these the very same support documents I had provided to all the other judges. All of these documents served a substantive PROOF that these crimes were continuing to be committed – repeatedly – against me.

Moreover, the documents I have filed with these judges of the Sixth Circuit have included a plethora of PROOF that the Defendant/Appellants and their attorneys have long been defrauding the various Courts where they have acted in the capacity of "officers". I pointed out that they have even "*defrauded*" the U.S. District Court and the U.S. Court of Appeals by their written pleadings, otherwise submitted under Oath of compliance, inclusive of and at least one falsely sworn "*Affidavit*" of the Northville Public Schools superintendent (identified as co-defendant/appellee LEONARD REZMIERSKI).

**Note that the following list of documents** accompanying my recent "*Petition*" (dated 9/3/09) to the Judicial Council (regarding Judge Danny Bogg's dismissal of my previous "*Judicial Misconduct*" complaint against Daughtrey, McKeague, and Tatenhove) not only help to justify the basis for my claim that Judge Danny Boggs failed to recognize the merits of the Complaints I had filed earlier with the Judicial Council, these following listed documents additionally support the basis of my original "*Judicial Misconduct*" Complaints about Judge Daughtrey, McKeague, and Van Tatenhove. **The documents listed below also provide an additional basis for all of my "*Motions*" being perpetually delayed by the Sixth Circuit Court of Appeals, as well as the original claims I had filed as the basis for my "*Claim of Appeal*" on the original case in which U.S. District Court**

**Judge Paul Borman (of the Eastern District of Michigan, Southern Division) had improperly dismissed in 2008 without looking into my attorney's report about these CRIMES being perpetrated by the Defendants.**

- 1) "Sworn (and Notarized) Affidavit of Earl Hocquard" (dated 4/7/09) regarding crimes being committed against me by district administrators and business office personnel of the Lincoln Consolidated Schools;
- 2) "Sworn (and Notarized) Affidavit of Earl Hocquard" (dated 2/10/09) regarding crimes being committed against me by district administrators of the Northville Public Schools.
- 3) Four (4) letters dated 6/9/09, 6/15/09, 6/17/09, and 6/24/09 reflecting correspondence written between the Michigan State Police and me regarding the ongoing criminal offenses being perpetrated against me by the Lincoln Consolidated School District;<sup>1</sup>

In addition, to support the basis of my now six-year effort to report these ongoing crimes to the State and Federal "judiciary", to law "enforcement", and to "prosecutors", I rely minimally upon the following official documents by reference:

- a) "CJIS Information Letter" dated April 6, 2001 – located at the following website: [www.doj.state.wi.us/les/law/docs/20010406\\_infoletter1.doc](http://www.doj.state.wi.us/les/law/docs/20010406_infoletter1.doc)
- b) "National Crime Prevention and Privacy Compact Resource Materials" published by the U.S. Department of Justice's "Bureau of Justice Statistics" on January 1998 (NCJ 1716771) – located at the following website: [www.ojp.usdoj.gov/bjs/pub/pdf/ncppcrm.pdf](http://www.ojp.usdoj.gov/bjs/pub/pdf/ncppcrm.pdf)
- c) Codes of the "Law Enforcement Information Network (LEIN)" dated 5/1/09 as provided in the "Childrens Protective Services Manual" at the Michigan Department of Human Services – located at the following website: [www.mfia.state.mi.us/olmweb/ex/cfp/713-2.pdf](http://www.mfia.state.mi.us/olmweb/ex/cfp/713-2.pdf)
- d) "The Attorney General's Report on Criminal History Background Checks" published in June 2006 by the U.S. Department of Justice's Office of the Attorney General – located at the following website: [www.usdoj.gov/olp/ag\\_bgchecks\\_report.pdf](http://www.usdoj.gov/olp/ag_bgchecks_report.pdf)

### **BASIS OF THIS PETITION**

In short, this "Judicial Misconduct" Complaint about these twenty four (24) Sixth Circuit Court Judges, is based on the FACT that they blatantly and continually refuse to recognize the merits of my various pleadings in form of both "complaint" and in "motions" that I have repeatedly filed with these judges in the Sixth Circuit Court of Appeals.

The foundation of this Complaint is supported by a documented phone conversation with Roy G. Ford, case manager for the above-referenced Complaint currently on Appeal in the Sixth Circuit Court. In that phone conversation, I inquired about the persistent delay in the processing of my various

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<sup>1</sup> This Judicial Council for the Sixth Circuit should recognize that the Complaints I have filed, inclusive of my criminal allegations against the Michigan State Police, should otherwise be considered a matter of "whistleblowing" as defined by the False Claims Act (31 U.S.C. §§ 3729–3733) which allows people who are not affiliated with the government to file actions against federal contractors claiming fraud against the government. In this case, the fraud has long been on the FBI by the Michigan State Police criminally "covering up" the now six (6) year "conversion" of federal government property (i.e., a 2003 erroneous FBI report) to personal use (by Lincoln Consolidated School officials using the document criminally to retaliate against me for filing civil and criminal claims against their former superintendent SANDRA HARRIS and others at that school district).

“*motions*” inclusive of Evidence of recent crimes against me as documented in “*motions*” I filed with the Sixth Circuit Court by sworn and notarized Affidavits by witness Earl Hocquard. The conversation I had with Mr. Ford was documented as having occurred on 8/19/09.

In that conversation, Mr. Ford confirmed that on 5/6/09 all of the above-named judges of the Sixth Circuit received all of the documents I had most recently filed. He stated that he otherwise knows nothing about why my “*Motion to Expedite*” has not yet been ruled upon despite it being over a quarter of a year in passing since my report of these more recent CRIMES. **In answer to my question about what judges might be held accountable for such “*negligence*”, Mr. Ford stated that as of the date of my call, ALL of the judges of the Sixth Circuit court were still maintaining their “*decision*” not to assign any of their judges to my case; and until such time as any judges make a formal “*ruling*” and distribute an “*Order*” on my case, there are, to his knowledge, no judges assigned to my case by the collective group of ALL of these judges.**

In response to my asking if it would be helpful if I were to file a new “*Motion*” for the judges to process my “*Motion to Expedite*”, Mr. Roy G. Ford clarified with me that there was nothing whatsoever “*he*” could or would do about this condition imposed upon me as a crime victim. He stated that he could only confirm that all of the documents that I had previously filed regarding this most recent motion “*were relayed to the judges on 5/6/09*”. **He reiterated that until any particular judges made their selves known as holding the principal accountability for the proceedings in this case, that ALL the judges of the Sixth Circuit were equally accountable for the “*denial of service*” and the persistent “*delay of proceedings*” in my case over the course of this past year and a half since I had first presented these judges with my criminal allegations.**

In support of that claim, I present the following numbered FACTS:

1. The decision to continually DELAY these proceedings serves to *discriminate* against me by **denying proper “*service*” to me** as Plaintiff-Appellant David Schied;
2. The decision to continually DELAY these proceedings serves to further the perpetuation of reported crimes by **providing “*favorable treatment*” to the Defendant-Appellees** though they are criminals;
3. The decision to continually DELAY these proceedings serves to prejudice this case by continuing the perpetual delay and prevention of an “*effective and expeditious administration of the business of the courts*”;
4. The decision to continually DELAY these proceedings serves to perpetuate the familiar pattern of the Co-Defendant-Appellees 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*”**;
5. The decision to continually DELAY these proceedings serves to provide favor to the government Defendants as the “*appellees*” by criminally “*aiding and abetting*” them with continued “*cover*” for their wrongful crimes against me as the “*crime victim*” and civil rights “*litigant*”;
6. The decision to continually DELAY these proceedings serves to **display a willful cover-up of allegations of criminal felony offenses**, inclusive of an offense of “*conversion*” of government



property (i.e., an erroneous 2003 FBI report) to personal use (i.e., by public dissemination under the Freedom of Information Act in “*retaliation*” against a former “*whistleblower*” and employee), which itself constitutes felony offenses by the judges;

7. These judges have **displayed a refusal to execute their duty to take immediate action** under both state and federal statutes governing the rights of crime victims;
8. The decision to continually DELAY these proceedings serves to display the familiar patterns of a government cover-up of **preferential treatment for government peers, an obstruction of justice, and a conspiracy against rights**;
9. The decision to continually DELAY these proceedings serves to display the familiar pattern of the government Co-Defendants, of **corruptly misleading the public** by continuing to allow their predecessor and colleague judges to set forth *fraudulent* authentication features in what is otherwise the **restricted interstate communication of criminal history identification information**;
10. The decision to continually DELAY these proceedings serves to display the familiar pattern of the government Co-Defendants, of **continuing to allow their predecessor and colleague judges to corruptly mislead the public by libel, slander, and by trespassing upon Petitioner’s personal and professional reputation**;
11. The action of these judges **demonstrates their role in a continuum of government racketeering**, not only by their “*meeting of the minds*”, but by their regular meetings about all cases currently under the scope of their review, inclusive of all motions and the Complaint(s) I have filed as Plaintiff-Appellant and Petitioner;

#### COMPLAINT SPECIFIC TO JUDGE DANNY J. BOGGS

When provided the opportunity to properly review and “*decide*” upon the “Judicial Misconduct” complaints I filed against judges Martha Craig Daughtrey, David W. McKeague, and Gregory Van Tatenhove in 2008, as those complaints were also based upon many of the above-related factual issues and charges, Judge Danny Boggs “*delayed*” his decision and “*memorandum*” for nearly a full year. (See Judicial Misconduct complaint numbers 06-08—900 58 / 59 / 60)

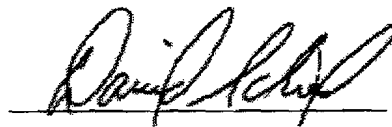
When Judge Boggs eventually did formalize his “Decision” and “Memorandum” on 7/13/09, he “*abused his discretion*” by filing a “*fraudulent official documents*” with the Sixth Circuit Court of Appeals. His official “*response*” documents ignored all of the arguments that I submitted as supported by evidence and referencing laws and “Rules” governing judges’ conduct and the handling of judicial misconduct complaints. Though I had filed in explanation about how my charges of “*misconduct*” went “*beyond a challenge of the correctness based on the merits of the case to attack the propriety of these judges having arrived at their ruling in an illicit manner and with an apparent improper motive*”, **Judge Boggs refused to recognize the merits of that Judicial Misconduct Complaint**. He dismissed my Complaint by writing, without supporting basis, that my complaint was: a) frivolous; b) directly related to the ‘merits’ of the judges’ decision (to dismiss my “Petition for Writ of Mandamus” and “Motion for Criminal Grand Jury”

Investigation"); and c) failed to allege conduct or a condition of a judge which is prejudicial to the effective and expeditious administration of the business of the courts. He added, again without supporting reason, that "The Judicial Council is not a court and has no jurisdiction to review any rulings by a judge".

The basis of my Complaint about Judge Danny J. Boggs is outlined in the accompanying "Petition for Review of Chief Justice's (Danny Boggs') Disposition on Complaint" (on Martha Craig Daughtrey, David W. McKeague, and Gregory Van Tatenhove) which was dated on 9/3/09 and mailed by "certified" U.S. Postal delivery (and Faxed) to the Judicial Council of the Sixth Circuit on 9/4/09. That sworn documented is incorporated herein by reference. His actions reflect the "misconduct" described by this "Complaint" form and it's supporting "Statement of Facts" and cover letter.

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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 7 pages designated as a concise "Statement of Facts" as seen above and as provided in the accompanying 10 pages of "Interpretation" of those facts, are true and correct to the best of my knowledge.



Executed on: 9/4/2009

Attachments:

- "Statement of Facts"
- Form: "Judicial Council of the Sixth Circuit Complaint of Judicial Conduct or Disability"

STATEMENT OF FACTS

- I. THE DECISION TO CONTINUALLY **DELAY** THESE PROCEEDINGS SERVES TO **“DISCRIMINATE”** AGAINST ME BY DENYING PROPER SERVICE TO ME AS PLAINTIFF-APPELLANT DAVID SCHIED.
- A. **FACT** - The *“decision(s)”* of this Sixth Circuit Court of Appeals judges fits the criminal pattern described in plaintiff-appellant’s various Complaints, Motions, and Petitions by significant *“omissions”* to the proper address of the underlying facts and basis for the Petitioner’s pleadings, and by an incessant *“miscarriage of justice”* by continued detainment and oppression of Petitioner’s rights to have the merits of his case *“litigated”*.
- II. THE DECISION TO CONTINUALLY **DELAY** THESE PROCEEDINGS SERVES TO FURTHER THE PERPETUATION OF REPORTED CRIMES BY PROVIDING **“FAVORABLE TREATMENT”** TO THE DEFENDANT-APPELLEES THOUGH THEY ARE **CRIMINALS**.
- III. THE DECISION TO CONTINUALLY **DELAY** THESE PROCEEDINGS SERVES TO PREJUDICE THIS CASE BY CONTINUING THE PERPETUAL DELAY AND PREVENTION OF AN **“EFFECTIVE AND EXPEDITIOUS ADMINISTRATION OF THE BUSINESS OF THE COURTS”**
- IV. THE DECISION TO CONTINUALLY **DELAY** THESE PROCEEDINGS SERVES TO PERPETUATE THE FAMILIAR PATTERN OF THE CO-DEFENDANT-APPELLEES 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. THE DECISION ALSO **REFLECTS AND REINFORCES THE PATTERN OF CO-DEFENDANTS’ “EXPLOITATION OF A VULNERABLE VICTIM”**.
- A. **FACT** – These twenty four judges have willfully and wantonly ignored the Evidence of Texas court Orders (presented to them in the pleadings) and various Complaint and Motion 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** – These twenty four judges’ decision 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** – These twenty four judges are continually covering up for their *“peer group”* of other judges, inclusive of judges in the Sixth Circuit Court of Appeals, who have violated 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.

- V. THE DECISION TO CONTINUALLY **DELAY** THESE PROCEEDINGS SERVES TO PROVIDE FAVOR TO THE GOVERNMENT DEFENDANTS AS THE "*APPELLEES*" BY "**AIDING AND ABETTING**" THEM WITH CONTINUED "*COVER*" FOR THEIR WRONGFUL CRIMES AGAINST ME AS THE "*CRIME VICTIM*" AND CIVIL RIGHTS "*LITIGANT*"
- VI. THE DECISION TO CONTINUALLY **DELAY** THESE PROCEEDINGS SERVES TO DISPLAY A **WILLFUL COVER-UP OF ALLEGATIONS OF CRIMINAL FELONY OFFENSES**, INCLUSIVE OF AN OFFENSE OF "*CONVERSION OF GOVERNMENT PROPERTY*" (I.E., AN ERRONEOUS 2003 FBI REPORT) "*TO PERSONAL USE*" (I.E., BY PUBLIC DISSEMINATION UNDER THE FREEDOM OF INFORMATION ACT IN "*RETALIATION*" AGAINST A FORMER "*WHISTLEBLOWER*" AND EMPLOYEE) **WHICH ITSELF CONSTITUTES FELONY OFFENSES BY THE JUDGES**
- A. **FACT** – By definition of several federal statutes, the "*decision*" by the twenty four judges constitutes a "*cover up*" of a previous *Order* already delivered by three Sixth Circuit Court judges (Martha Craig Daughtrey, David W. McKeague, and Gregory Van Tatenhove) *fraudulently* identifying Mr. Schied as an individual with a "*conviction*" that "*exists*". This was an "*Order*" with many omissions and misstatements of Fact, and the continuous "*delay*" of these twenty four judges performs the function of "*shielding from exposure*" the criminal actions of those three judges, as well as "*shielding from prosecution*" the co-defendants for the crimes Petitioner has clearly alleged them to be repeatedly committing these past 6 years.
- B. **FACT** – Under the legal definitions above, a reasonable person may conclude the following:
- 1) That the judges named by the accompanying Complaint 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 laws they acknowledge themselves to be responsible for later litigating. These judges are acting with a "*course of conduct*" that adds to, not detracts from, the acts of criminal "*deprivation of rights under color of law*" repeatedly perpetuated by the co-defendants in the Case on Appeal.

VII. THESE JUDGES HAVE **DISPLAYED A REFUSAL TO EXECUTE THEIR 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’ membership includes those who themselves have ruled (a year ago in 2008) that “*the (criminal) issues*” the Petitioner has petitioned to have “*litigated*” at a later time will indeed be heard and litigated by the Sixth Circuit Court of Appeals in case number 08-1879. (See Sixth Circuit “*Order*” in case number 08-1895 in 2008.) Yet these Sixth Circuit judges continually decline to “*litigate*” these issues, even though presented with evidence of ongoing crimes and a “*Motion to Expedite*”. Thus, these judges, both individually and collectively, are essentially endorsing and reinforcing the “*empty*” promise of justice presented a year ago by their “*membership*” of fellow judges when presenting Plaintiff-Appellant AND THE PUBLIC with a “*false impression*” that these judges had otherwise fulfilled their obligation and “*duty*” in delivering a valid court Order... but while 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. These connected actions altogether constitute a continuing “*pattern*” of “*miscarriage of justice*” as set forth by the judges for the State of Michigan.

VIII. THE DECISION TO CONTINUALLY **DELAY** THESE PROCEEDINGS SERVES TO DISPLAY 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 the Petitioner’s interest in reaffirming his rights under the Constitution and the Bill of Rights; and while calling these judges’ attention – by way of pleadings and supporting Evidence – about the ongoing violation of those rights, both civilly and criminally, by the co-defendants in this instant Civil Rights case. Yet, these judges thwarted their DUTIES to address these issues in a timely manner. Similarly, they have refused their respective duties 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*” criminal perpetrators, or to summon a federal (Special) Grand Jury to discharge its statutory obligations of finding out about, investigating, and determining the *truth* of those criminal allegations reported within their jurisdiction. The “*decision*” to instead continue the delay of this case reflects these judges’

*“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 scores of 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 scores more in pages of itemized Appendix exhibits referencing thick stacks of supporting documentation to show the crimes that have been committed by the government Co-Defendants and their associates. Yet, despite the *“Order”* of their membership in 2008 in the accompanying case giving rise to *“probable cause”* to these allegations are *“criminal charges”*, these Sixth Circuit judges’ actions deny that these government crimes against Petitioner and his family are *“extraordinary”*. Similarly, their decision to remain *“nonresponsive”* further denies, without supporting reason, that Petitioner has 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 other U.S. government entities, such as to the United States Attorney (which Petitioner has repeatedly done to no avail) for the summoning of the Grand Jury’s investigation of these allegations.
- C. **FACT** – The gross negligence and refusal of these judges to provide any *“affirmative action”* toward resolving Petitioner’s criminal complaints, 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 gross negligence and refusal of these judges to provide an *“affirmative action”* toward resolving Petitioner’s criminal complaints, have provided the necessary *“cover up”* of petitioner’s proper reporting of *crimes* and a *“conspiracy to cover up”* those crimes by the co-defendants. Their gross negligence and refusal of these judges to provide an *“affirmative action”* toward resolving Petitioner’s criminal complaints 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 add to an ongoing delay in the administration of justice, in this context of evidential FACTS, is *“PERJURY”* of their sworn Oath.
- E. **FACT** – The gross negligence and refusal of these judges to provide an *“affirmative action”* toward resolving Petitioner’s criminal complaints, as depicted by this Complaint, were created by an *“intentional design”* patterned upon arguments presented in the Complaint itself as clearly presented by the Petitioner in both *Complaint* pleadings and *Motions*. The named Sixth Circuit Court judges’ gross negligence and refusal to provide an *“affirmative action”* toward resolving Petitioner’s criminal complaints 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.<sup>1</sup> In that context, the action of these judges presents genuine issues for the Judicial Council’s review.

<sup>1</sup> 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

- IX. THE DECISION TO CONTINUALLY **DELAY** THESE PROCEEDINGS SERVES TO DISPLAY THE FAMILIAR PATTERN OF THE GOVERNMENT CO-DEFENDANTS, OF **CORRUPTLY MISLEADING THE PUBLIC** BY CONTINUING TO ALLOW THEIR PREDECESSORS AND COLLEAGUE JUDGES TO SET 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 “*Order*” delivered by Martha Craig Daughtrey, David W. McKeague, and Gregory Van Tatenhove in 2008 constitutes “*Fraud*”. **That *Order* 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 their further action 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. The Evidence submitted to the Sixth Circuit Court of Appeals judges (i.e., the two notarized “*Sworn Affidavit(s) of Earl Hocquard*” submitted with ample Evidence of recent and ongoing crimes) in 2009 reaffirms how co-defendants continue to rely upon the Sixth Circuit judges’ repeated “*decisions*” to sanction their continuance of these crimes.
- 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. Furthermore, **to support the basis of my now six-year effort to report these ongoing crimes to the State and Federal “judiciary”, to law “enforcement”, and to “prosecutors”, I rely minimally upon the following additional official documents by reference:**
- 1) “**CJIS Information Letter**” dated April 6, 2001 – located at the following website:  
**[www.doj.state.wi.us/les/law/docs/20010406\\_infoletter1.doc](http://www.doj.state.wi.us/les/law/docs/20010406_infoletter1.doc)**
  - 2) “**National Crime Prevention and Privacy Compact Resource Materials**” published by the U.S. Department of Justice’s “*Bureau of Justice Statistics*” on January 1998 (NCJ 1716771) – located at the following website:  
**[www.ojp.usdoj.gov/bjs/pub/pdf/ncpperm.pdf](http://www.ojp.usdoj.gov/bjs/pub/pdf/ncpperm.pdf)**
  - 3) **Codes of the “Law Enforcement Information Network (LEIN)”** dated 5/1/09 as provided in the “*Childrens Protective Services Manual*” at the Michigan Department of Human Services – located at the following website:  
**[www.mfia.state.mi.us/olmweb/ex/cfp/713-2.pdf](http://www.mfia.state.mi.us/olmweb/ex/cfp/713-2.pdf)**

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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](http://www.yourdictionary.com/contemporary) and <http://www.merriam-webster.com/dictionary/contemporary>)

4) “**The Attorney General’s Report on Criminal History Background Checks**” published in June 2006 by the U.S. Department of Justice’s Office of the Attorney General – located at the following website: **www.usdoj.gov/olp/ag\_bgchecks\_report.pdf**

5) **FACT** – Clearly, 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.

X. THE DECISION TO CONTINUALLY **DELAY** THESE PROCEEDINGS SERVES TO DISPLAY THE FAMILIAR PATTERN OF THE GOVERNMENT CO-DEFENDANTS, OF CONTINUING TO ALLOW THEIR PREDECESSORS AND COLLEAGUE JUDGES TO **CORRUPTLY** MISLEAD THE PUBLIC BY LIBEL, SLANDER, AND BY TRESPASSING UPON PETITIONER’S PERSONAL AND PROFESSIONAL REPUTATION

A. **FACT** – By definition of several federal statutes, the “*decision*” by the three judges (as depicted above) constitutes “*Judicial Misconduct*”, “*Contempt*”, and “*Corruption*”.

B. **FACT** – The “*contempt*” by these judges of State and Federal 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 about the Petitioner.

C. **FACT** – The “*Order*” delivered by Martha Craig Daughtrey, David W. McKeague, and Gregory Van Tatenhove in 2008 “*planted*” a false assertion in the form of a **fraudulent** proclamation about Petitioner David Schied having a “*conviction*” that “*exists*”. These other Sixth Circuit judges know that the *Order* issued by their Sixth Circuit peers has been already been “*published*” publicly and “*republished*” **at will by anyone with access to Westlaw or having an account with Pacer, including the co-defendants in this instant Case on Appeal. These judges understand that this “*Order*” alone constitutes a “Major Fraud on the United States”, and their delay in proceeding with a contradictory ruling in this case on Appeal will offer proof of their membership’s criminal “*malfeasance of duty*”.**

D. **FACT** – The “*miscarriage of justice*” undertaken by these judges, given the circumstances and facts outlined above, was calculated and intentional; and as such, constitutes “*contempt*”, an “*obstruction of justice*”, “*victim/witness tampering*”, and a contribution toward the “*extortion*” being committed by the government co-defendants, which altogether warrant a penalty of imprisonment for up to 20 years.

XI. THE ACTION OF THESE JUDGES **DEMONSTRATES THEIR ROLE IN A “CONTINUUM OF GOVERNMENT RACKETEERING”**, DELIBERATED NOT ONLY BY THEIR “*MEETING OF THE MINDS*”, BUT ALSO BY THEIR REGULAR MEETINGS ABOUT ALL CASES CURRENTLY UNDER THE SCOPE OF THEIR REVIEW, INCLUSIVE OF ALL MOTIONS I HAVE FILED AS PLAINTIFF-APPELLANT

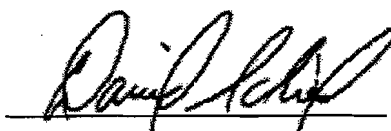
A. **FACT** – The “*decision(s)*” of this Sixth Circuit Court of Appeals judges fits the criminal *pattern* described in plaintiff-appellant’s “*Complaint*” and his various “*Motions*”, by their failure to specifically address the elements of the written pleadings or the itemized articles of



Evidence submitted to the Court along with that petition. Those elements of the written pleadings are partially listed as...

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."
  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".
  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 their persistent delay of proceedings in this case, exhibits a "course of conduct" that has the effect of "discriminating" and "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 7 pages designated as a concise "Statement of Facts" as seen above and as provided in the accompanying 10 pages of cover letter and "Interpretation" of those facts, are true and correct to the best of my knowledge.



Executed on: 9/4/2009