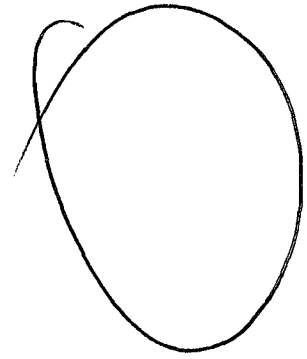


Exhibit



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 and the Judicial Counsel for 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: Supplementary information regarding “Judicial Misconduct” complaints on the following Sixth Circuit Court Judges:

Chief Judge Alice M. Batchelder – Complaint 06-09-90-117  
Senior Judge Eugene E. Siler, Jr. – Complaint 06-09-90-127  
Judge Julia Smith Gibbons – Complaint 06-09-90-133

Dear Ms. Nicely,

Per our phone conversation on 10/30/09 in which we talked about the persistent delay by your “Office of the Circuit Executive” in providing to me a written confirmation of the Complaints I filed with your office in mid-September, you invited me to provide you with the supplementary information that I stated I had on the above-named judges but was otherwise waiting for you to provide me with specific Complaint numbers for proper reference. Since you gave me the Complaint numbers on those judges over the phone, I am therefore providing you with the following **significant added information** as supplement to the Complaints I have already filed against the above three judges.

The Judicial Counsel for the Sixth Circuit (or other reviewing body if all other judges of the Sixth Circuit have been disqualified because I have filed separate complaints on all of them) should note that since the initial filing of my “Judicial Misconduct Complaint(s)”, the above-named judges have issued a ruling and “unpublished” Order dismissing my case altogether from the Court of Appeals. That Order is characterized as follows:

- 1) The Order was written in a fashion that GROSSLY MISREPRESENTS some facts of the case, and demonstrates a pattern of OMISSIONS presented by previous judges in cover-up of crimes being committed against me;
- 2) The Order begins by claim that “Schied entered a guilty plea to a charge of aggravated robbery in Texas” but it fails to acknowledge that two years later in 1979 that plea was WITHDRAWN by order of the sentencing court in Texas when issuing the “set aside”.
- 3) The Order begins by claim that “In 1979, the conviction was set aside”, but it fails to acknowledge that the “set aside” included a “DISMISSAL OF INDICTMENT” and “SET ASIDE THE JUDGMENT” which – as demonstrated by the factual documents submitted to the Court of Appeals – has been deemed by the State of Texas to mean “no conviction exists”. Yet these

judges continue to refer to a “conviction” as existing until 1983 when the State of Texas issued a Pardon.

- 4) The Order begins by claim that in 1983 “the governor of Texas issued a pardon” (i.e., on the “conviction”) without acknowledging all of the documentation I provided to show that the State of Texas had been maintaining erroneous criminal history information from 1979 and beyond that until 2004, never having updated their records to reflect the “withdrawal of plea”, the “dismissal of indictment” and the “set aside of judgment” issued by the “set aside” and precluding (according to referenced attorney general opinions) my ability to receive a pardon (one receiving a “set aside” because, as Attorney General Dan Morales put it, “There’s nothing left to pardon after receipt of a set aside” such as the type I received withdrawing the plea and dismissing the indictment”.
- 5) The Order disregarded the “merits” of my arguments showing that even after receiving the Pardon in 1983, no such “conviction” would have existed since attorney general John Cornyn had opined that the term “conviction” no longer applies to anyone receiving a EITHER a pardon OR an expunction of criminal history (JC-0396). Yet these three judges wrote in their ruling that “a background check (in 2003) led to information from the FBI concerning the Texas ‘conviction’” as if it still “existed” when that school district terminated my employment without allowing me to correct the accuracy of that FBI report, as was my federal right as listed right on the face of the FBI report. (The “expunction” laws of Texas clearly demonstrate that what is being expunged from criminal history are all records leftover in connection with the “ARREST”, not the “conviction”.)
- 6) The Order failed to even acknowledge the most significant arguments and the primary basis for my Appeal, which is the repeated criminal dissemination of the 2003 FBI report under the Freedom of Information Act by the Lincoln Consolidated Schools – a crime not only against me personally but also against the United State of America by the “conversion of FBI property to personal use”.
- 7) The Order failed to even acknowledge another significant argument and a secondary basis for my Appeals, which was the repeated criminal dissemination of the 2004 “expunction” document issued by Texas by the Northville Public Schools (to employers AND TO THE PUBLIC UNDER FOIA REQUEST), despite their having provided me with two letters written a year apart in acknowledgment that I was exercising my rights, as written right on the face of the erroneous FBI report itself received by that school district, to “challenge and correct” that FBI report and to either “return or destroy” the expunction document once the Texas court order of expunction had time to take effect and I got that FBI report “corrected”.
- 8) The Order ends by claim that “In his complaint, Schied alleged ONLY that the governor failed to properly supervise those who allegedly violated his civil rights”; however these judges OMITTED the significant evidence that I provided to the court through my various motions showing not only that the school district “defendants” and their attorneys had lied under Oath when submitting FRAUDULENT” information (and a falsified sworn affidavit) to the U.S. District Court in order to win their case, but that the Governor was failing to hold her State law enforcement and prosecutors accountable for FELONY offenses of criminal PERJURY of my crime reports and ABUSE OF PROSECUTORIAL DISCRETION when refusing to acknowledge the specific laws and Evidence (that I also provided to these Court of Appeals judges) showing that the dissemination of the 2003 erroneous FBI report (by Lincoln schools) and the 2004 Texas court Order of Expunction document (by Northville schools) under the Freedom of Information Act, going well into 2009, WAS A CRIMINAL MISDEMEANOR OFFENSE UNDER NUMEROUS STATE AND FEDERAL LAWS.
- 9) The Order for some reason that this Petitioner believes has to do with criminal “misprision of felony”, criminal “racketeering, corruption and conspiracy”, these three Sixth Circuit judges

declined to elaborate on the basis for my various “MOTIONS” for sanctions and for the expansion of records. It should be noted that these various “motions” included Sworn and Notarized Affidavits proving by “witness” that the crimes were indeed being committed against me by the school district officials...and the evidence of these crimes demonstrated why my case on appeal should be remanded to a jury.

- 10) The Order delivered by these three judges for some reason also failed to acknowledge other “Motions” that I filed for the observance of my Civil and Constitutional rights, to read and respond to all of my pleadings, for a CRIMINAL GRAND JURY INVESTIGATION, and for “immediate consideration” based on the continuing of these misdemeanor and felony crimes occurring against me by Michigan government.
- 11) The Order delivered by these three judges (Batchelder, Siler, and Gibbons) for some reason disregarded mention of a separate case I had filed in 2008 (dismissed by Daughtrey, Van Tatenhove, and McKeague) in request for a “Writ of Mandamus” to immediately stop the crimes from continuing, and the fact that the this previous Order had promised to address and resolve the “merits” of presented by that “Writ of Mandamus” case. That Order (by judges Batchelder, Siler, and Gibbons) then also failed to address and resolve those merits as based nearly identically on all of the Evidence, arguments, laws, and sworn and notarized witness statements described above.

**Note that the following documents accompanying this “Petition” not only help to justify the basis for my claim that Judges Batchelder, Silver and Gibbons failed to recognize the merits of the Complaints I filed; these following listed documents additionally support the basis of my Complaints about Judge Daughtrey, McKeague, and Van Tatenhove. They 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 made in reason 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 perpetuated 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 perpetuated against me by the Lincoln Consolidated School District;

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/ncpperm.pdf](http://www.ojp.usdoj.gov/bjs/pub/pdf/ncpperm.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, the added information to my original Complaint of "Judicial Misconduct" for the three judges listed at the top of this letter – consisting of the UNPUBLISHED dismissal of my original Complaint(s) to the Sixth Circuit Court of Appeals – is because **these judges blatantly failed to recognize the merits of the "Appeal" that I filed.**

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

- My ***"Judicial Misconduct"*** complaint(s) give multiple reasons (with reference to Evidence) to support my claim that my "[complaint] 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"....when my complaint is "subject to dismissal as directly related to the merits of the named judges' decision" .
- My ***"Judicial Misconduct"*** complaint establishes that it was ***"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'"***...and while establishing that ***"Their actions, given proper public attention, would therefore lead to a 'substantial and widespread' lowering of public confidence in the Court, at least among reasonable people"***.
- These judges have committed the following offenses by repeatedly (by denying my various individual "motions" as well as my "appeal") declining to address the ***"merits" in FACT (and available by Evidence) that support my claims.***
  - a) These judges have ***"misrepresented the underlying facts and basis for the Petitioner's (my) pleadings through significant omissions and misstatements of facts relevant to the petitioner's (my) pleadings"***;
  - b) These judges have ***"displayed the familiar pattern of the co-defendants 'denying full faith and credit' to (my) Texas 'clemency' documents" and while "reflecting and reinforcing the pattern of co-defendants' 'exploitation of a vulnerable victim'"***;
  - c) These judges have ***"presented 'the same pattern' used by the co-defendants of minimizing the significance of the Petitioner's criminal allegations, even altogether denying recognition to (my) 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'"***;
  - d) These 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"***;
  - e) These judges have committed ***"intentional FRAUD and a willful COVER UP of allegations of criminal felony offenses, which itself constitutes felony offenses by the judges"***;
  - f) These judges have all disregarded their ***"duty to take immediate action under both State and Federal statutes governing the RIGHTS OF CRIME VICTIMS"***;

- g) These judges have “*displayed the familiar patterns of a government ‘cover-up’ of preferential treatment for government peers, an ‘obstruction of justice’, and a ‘conspiracy against rights’*”;
- h) These judges have “*displayed the familiar pattern of the government co-defendants (named in the “original” case) of ‘corruptly misleading the public’ by setting forth ‘fraudulent’ authentication features in what is otherwise the restricted interstate communication of criminal history identification information*”;
- i) These judges have “*displayed 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*”;
- j) These judges have “*demonstrated their role in a continuum of ‘government racketeering’*”;

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 judge’ decision*” is “*meritless*” given the “*context*” and “*conditions*” under which that decision is derived. In this case, the “*decision*” of the three 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 the Plaintiff-Appellants’ claims and case against those other government co-defendants).

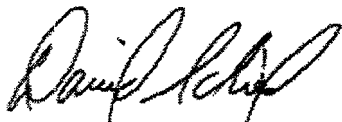
Therefore, this Judicial Council should grant proper sanctions against Judges Batchelder, Siler and Gibbons for their gross negligence and malfeasance of duty to consider and rule upon the “*merits*” of the pleadings before them, and for their having followed the recurring criminal “*pattern*” of **disregarding the merits and providing a written “*decision*” laced with significant “*omissions*” and “*misstatements*” 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.**

This petition for the Judicial Council’s review of these judges’ determination, the “Rules Governing Complaints of Judicial Misconduct” suggests that I as “*petitioner*” should point out that this petition is based on the FACT that this “*These judges have not recognized the merits of either the original Complaint, the Writ of Mandamus, or the Court of Appeals complaint(s) ... and ... has not therefore taken appropriate action*”. (Rule 5)

Please also note again that my Judicial Misconduct complaint(s) are 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 the official judgment by this “*pool*” of judges. **Though the Complaint(s) does relate to the “*decision*” of these all these Sixth Circuit Judges, 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.

Sincerely,

A handwritten signature in black ink, appearing to read "David L. King". The signature is written in a cursive style with a large, stylized initial "D".