

DISTRICT COURT OF THE UNITED STATES ¹
(FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION)

David Schied,

Sui Juris Grievant

Case No. 2:15-cv-11840

v.

Karen Khalil, et al

Judge: Avern Cohn

Defendants /

“WRIT FOR SHOW CAUSE” IN RESPONSE TO REPEATED FRAUDULENCE COMPOUNDED BY COURT CLERKS AND OTHER “JUDICIAL OFFICERS”;
AND “ORDER TO STRIKE” DEFENDANT FILINGS AS A RESULT OF
“REDFORD” AND “MMRMA” CO-DEFENDANTS WORKING “IN CONCERT”
WITH “DOE #1” (JAMES MELLON) AND “DOE #2 (JEFFREY CLARK)
TO FURTHER DEFRAUD THIS COURT UNDER CLAIM THAT GRIEVANT(S)
WERE “SERVED” WITH “REDFORD DEFENDANTS’ MOTION SEEKING STAY OF
SUBMISSIONS AND PROCEEDINGS...” WHEN NO SUCH SERVICE OCCURRED
IN FACT, THUS WARRANTING THIS “ORDER TO STRIKE”

and

ORDER FOR COMPETENCY HEARING ON 91-YEAR OLD AVERN COHN
ON HIS FAILURE TO RESPOND TO PREVIOUS “WRIT FOR THE JUDGE AVERN
COHN TO SHOW CAUSE AND REASON FOR A 10-MONTH OBSTRUCTION OF
GRIEVANTS’ FIRST AMENDMENT RIGHT TO ACCESS THIS DISTRICT COURT OF
THE UNITED STATES... BY HIS PERSISTENT FAILURE TO ACT UPON REPORTS OF
CRIMES COMMITTED BY DEFENDANTS’ ATTORNEYS AND UPON GRIEVANT
REPORTING THE THEFT OF COURT DOCUMENTS BY CLERKS OF THE FEDERAL
COURT IN MAY OF 2015”

¹ "The term 'District Courts of the United States,' as used in the rules, without an addition expressing a wider connotation, has its historic significance. It describes the constitutional courts created under article 3 of the Constitution. Courts of the Territories are legislative courts, properly speaking, and are not District Courts of the United States. We have often held that vesting a territorial court with jurisdiction similar to that vested in the District Courts of the United States does not make it a 'District Court of the United States.'" *Mookini v. United States*, 303 U.S. 201 (1938) citing from *Reynolds v. United States*, 98 U.S. 145 , 154; *The City of Panama*, 101 U.S. 453 , 460; *In re Mills*, 135 U.S. 263, 268 , 10 S.Ct. 762; *McAllister v. United States*, 141 U.S. 174, 182 , 183 S., 11 S.Ct. 949; *Stephens v. Cherokee Nation*, 174 U.S. 445, 476 , 477 S., 19 S.Ct. 722; *Summers v. United States*, 231 U.S. 92, 101 , 102 S., 34 S.Ct. 38; *United States v. Burroughs*, 289 U.S. 159, 163 , 53 S. Ct. 574.

*Sui Juris Grievants / Next Friends and
Co-Private Attorney Generals
David Schied and Cornell Squires*

P.O. Box 1378
Novi, Michigan 48376
248-974-7703

Defendants

Karen Khalil
Redford Township 17th District Court
Cathleen Dunn
John Schipani
Redford Township Police Department
Joseph Bommarito
James Turner
David Holt
Jonathan Strong
“Police Officer” Butler
Tracey Schultz-Kobylarz
Charter Township of Redford
DOES 1-10 Jeffrey Clark, attorney
Cummings, McClorey, Davis & Acho,
P.L.C. 33900 Schoolcraft Rd.
Livonia, Michigan 48150
734-261-2400

Defendants

**Michigan Municipal Risk
Management**

Authority

James T. Mellon
Mellon Pries, P.C.
2150 Butterfield Dr., Ste. 100
Troy, Michigan 48084-3427
248-649-1330

Defendants

The Insurance Company of the
State of Pennsylvania AND
American International Group, Inc.
Plunkett Cooney
Charles Browning and Warren
White 38505 Woodward Ave.,
Suite 2000 Bloomfield Hills,
Michigan 48304
248-901-4000

David Schied and Cornell Squires (hereinafter “*PAGs Schied and Squires*”),

being each **of the People**², and having established this case as a *suit of the*

² PEOPLE. “*People are supreme, not the state.*” [*Waring vs. the Mayor of Savannah*, 60 Georgia at 93]; “*The state cannot diminish rights of the people.*” [*Hertado v. California*, 100 US 516]; Preamble to the US and Michigan Constitutions – “*We the people ... do ordain and establish this Constitution...*” “*...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves...*” [*Chisholm v. Georgia* (US) 2 Dall 419, 454, 1 L Ed 440, 455, 2 Dall (1793) pp471-472]: “*The people of this State, as the successors of its*

sovereign³, acting in their own capacity, herein accept for value the oaths⁴ and bonds of all the officers of this court, including attorneys. Having already presented the initial causes of action to this Article III District Court of the United States as a *court of record*⁵, PAG Schied and PAG Squires hereby proceed according to the course of Common Law⁶.

former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative.” [Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am. Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7]. See also, Dred Scott v. Sandford, 60 U.S. 393 (1856) which states: "The words 'people of the United States' and 'citizens' are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the Government through their representatives. They are what we familiarly call the 'sovereign people', and every citizen is one of this people, and a constituent member of this sovereignty."

³ *McCullock v. Maryland*, 4 Wheat 316, 404, 405, states "In the United States, Sovereignty resides in the people, who act through the organs established by the Constitution," and *Colten v. Kentucky* (1972) 407 U.S. 104, 122, 92 S. Ct. 1953 states; "The constitutional theory is that we the people are the sovereigns, the state and federal officials only our agents." See also, *First Trust Co. v. Smith*, 134 Neb.; 277 SW 762, which states in pertinent part, "The theory of the American political system is that the ultimate sovereignty is in the people, from whom all legitimate authority springs, and the people collectively, acting through the medium of constitutions, create such governmental agencies, endow them with such powers, and subject them to such limitations as in their wisdom will best promote the common good."

⁴ OATHS. Article VI: "This Constitution, and the laws of the United States... shall be the supreme law of the land; and the judges in every State shall be bound thereby; anything in the Constitution or laws of any State to the contrary notwithstanding... All executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution."

⁵ "A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to

This court and the opposing parties should all take notice **WE DO NOT CONSENT** to the reference of parties named as “*grievants*” and/or as Private Attorney Generals as otherwise being corporate fictions in ALL CAPS of lettering as “*plaintiff*” (e.g., “DAVID SCHIED, plaintiff”). Note that all “*summons*” were issued with notice to all co-Defendants that Grievant David Schied is “*sui juris*.”

WE DO NOT CONSENT to the assignment of this case, otherwise attempted to be “*filed*” in Ann Arbor and ultimately filed in Flint, being subsequently sent to Detroit, in the heart of Wayne County, situated in a building believed to be leased by Defendant Charter County of Wayne to the United States District Court with a proven proclivity toward contributing to the *domestic*

hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial”. [*Jones v. Jones*, 188 Mo.App. 220, 175 S.W. 227, 229; *Ex parte Gladhill*, 8 Metc. Mass., 171, per Shaw, C.J. See also, *Ledwith v. Rosalsky*, 244 N.Y. 406, 155 N.E. 688, 689].⁶ COMMON LAW. – According to *Black’s Law Dictionary* (Abridged Sixth Edition, 1991): “As distinguished from law created by the enactment of legislatures [admiralty], the common law comprises the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from usages and customs of immemorial antiquity, or from the judgments and decrees of the courts recognizing, affirming, and enforcing such usages and customs.” “[I]n this sense, particularly the ancient unwritten law of England.” [1 Kent, Comm. 492. *State v. Buchanan*, 5 Har. & J. (Md.) 3G5, 9 Am. Dec. 534; *Lux v. Ilaggin*, G9 Cal. 255, 10 Pac. G74; *Western Union Tel. Co. v. Call Pub. Co.*, 21 S.Ct. 561, 181 U.S. 92, 45 L.Ed. 765; *Barry v. Port Jervis*, 72 N.Y.S. 104, 64 App. Div. 268; *U. S. v. Miller*, D.C. Wash., 236 F. 798, 800.]

terrorism being carried out, hand-in-hand with state and county government imposters, as usurpers of *The People's* power and authority.

CONCISE SUMMARY OF THE BASIS FOR THIS INSTANT
“ORDER TO STRIKE”

On 6/13/16, DOE #1 named herein as James Mellon, acting in his own behalf and on behalf of Mellon Pries, P.C. client of the Michigan Municipal Risk Management Authority (“MMRMA”), wrote and filed the document identified as “*Doc #134*” into this instant Article III Court of Record, serving Grievant David Schied IMPROPERLY by addressing Grievant in all caps of lettering as “DAVID S. SCHIED, In Pro Per” rather than as captioned above, and despite numerous previous repeated notices that from inception, that Grievant has been acting in his private capacity as a natural man, *Sui Juris*, and not as any corporate fiction with all caps of lettering and a middle initial of “S”. (See **“EXHIBIT A”**)

As shown by the second page of “*Exhibit A*,” being numbered “*page 1*” of Mellon’s 6/13/16 filing, Mellon’s court submission was written as a “*Response to Redford Defendants’ Motion Seeking Stay of Submissions and Proceedings Pending Decisions on the Defendants’ Motions Seeking Dismissal.*” Nowhere in Mellon’s submission is there any reference to a “*docket*” or “*document*” number pertaining to the “Redford” co-Defendants’ purported filing. Neither is there to be found any purported “*date of filing*” for the purported filing of the “Redford” co-Defendants.

Thus, it Grievants’ contention that the “MMRMA” document refers to a filing that was never actually filed by the “Redford Defendants” nor by their

attorney, named herein as “DOE #2” (Jeffrey Clark); or in the alternative, the “Redford” co-Defendants’ filing was never actually “served” upon Grievants/PAGs David Schied and Cornell Squires at the address on record. This instant document of “Writ for Show Cause...” is to assert that anyone who has otherwise reported such service had actually occurred has wrongfully committed a “*fraud upon the court*” by such an assertion about carrying out such a “*service*” that never actually occurred. (Bold emphasis added)

As such, not only was Grievant NOT SERVED AT ALL with the original document to which DOE #1 and his co-Defendant MMRMA purportedly *responds*, but the “*response*” itself to such a *Redford* document, if the *Redford motion* indeed exists, is not properly understood by Grievant outside of that proper context. Therefore, this instant “Order to Strike...” BOTH the purported *Redford* filing and the MMRMA filing is justified as the maxims of law and governing due process require Grievant to be fully apprised of the exact claims made in such filings, and to be given a proper and timely opportunity to provide a proper corresponding *response* against each of the co-Defendants *Redford’s* and MMRMA’s filings, if indeed two different filings were submitted to the Clerk of the Court. Grievant, being *forma pauperis* and carrying out his work with the *judicial officers* and the District Court by traditional mail and not having full and open access to the

electronic filing system, will persist in asserting that he only received the latter of the two purported filings (i.e., the more recent “*Response*” of Defendant *MMRMA*).

GRIEVANTS’ NUMBERED “ANSWERS IN DENIAL” TO “MMRMA’S RESPONSE TO REDFORD DEFENDANTS’ MOTION SEEKING OF SUBMISSIONS AND PROCEEDINGS PENDING DECISIONS ON THE DEFENDANTS’ MOTIONS SEEKING DISMISSAL”

1. **DENIED** – On the basis of “*fraud by omissions.*” This “*Court of Record*” has already documented the many number of ways that DOE #1 named as James Mellon and DOE #2 named as Jeffrey Clark have defrauded this Article III Court of Record, in violation of professional ethics, Rules of Civil Procedure, Michigan criminal statutes, and federal criminal codes, while acting on behalf of, and in conjunction with, their co-Defendants; who are the individually named “*Redford Defendants,*” the Michigan Municipal Risk Management Authority (“*MMRMA*”), the Insurance Company of the State of Pennsylvania (“*ICSOP*”) and American Insurance Group, Inc. (“*AIG*”). See the following as such an example of Grievants’ previous filings in reporting of such fraudulence, which is incorporated herein as if written herein verbatim, to also include all of the additional documents and Evidence incorporated by reference therein in this filing:

“PRIVATE ATTORNEY GENERALS DAVID SCHIED’S AND CORNELL SQUIRES’ ‘RESPONSE’ AND ‘OBJECTIONS’ TO CO-DEFENDANTS ‘MMRMA’S’ AND ‘REDFORD’S’ RESPECTIVE ‘OBJECTIONS’ AND ‘RESPONSE’ TO GRIEVANTS’ ‘FIRST INTERROGATORIES’ AND

GRIEVANTS' WRIT TO DISQUALIFY MMRMA AND 'REDFORD' ATTORNEYS JAMES MELLON AND JEFFREY CLARK BASED UPON (RESPECTIVELY) 'FRAUD UPON THE COURT' AND 'CONFLICT OF INTEREST' AND REITERATING THE NAMING OF JAMES MELLON AS 'DEFENDANT DOE #1' AND NOTICE OF NAMING JEFFREY CLARK AS 'DEFENDANT DOE #2'"
(See **"EXHIBIT B"** as a time-stamped cover page for this filing.)⁷

⁷ Note that this filing was unlawfully returned back to Grievant by the Clerk of the Court David Weaver in criminal violation of his Oath and Duties as a "judicial officer" of this District Court of the United States. Thus, the filing was returned back by Grievant/PAG David Schied to the District Court in Flint along with Grievant's additional filing of: "Private Attorney Generals (PAGs) David Schied's and Cornell Squires' 'Writ of Error' and 'Demand to File' on Clerk David Weaver's Refusal to File Previously Received... Grievants/Private Attorney Generals ("PAGs") David Schied's and Cornell Squires' 'Writ to Disqualify MMRMA and Redford Attorneys James Mellon and Jeffrey Clark Based Upon (Respectively) 'Fraud Upon the Court' and 'Conflict of Interest' and 'Reiterating the Naming of James Mellon ad 'Defendant DOE #1' and Notice of Naming Jeffrey Clark as 'Defendant DOE #2'" which is found within **"Exhibit B"** as the "Certificate of Service" for this filing, and the entirety of the 9-page above-referenced "Writ of Error and Demand to File..." (minus a subsequent 13 pages of "exhibit" to that filing), which were postmarked as "served" upon the Court and the co-Defendants on 6/7/16.

This referenced filing as "Private Attorney Generals (PAGs) David Schied's and Cornell Squires' 'Writ of Error' and 'Demand to File' on Clerk David Weaver's Refusal to File Previously Received..." can be located in the Article III Court of Record online at the URL of: http://cases.michigan.constitutionalgov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/051616_Object2AssignofMagistrate/060616_PAGWritofErroronClerkWeaverReturnofFilings/060616_WritofErroronClerkRefus2File051916docs.pdf

Additionally, due to the FACT that postal tracking on the above-referenced mailing demonstrates the potential for allegations that felony theft of this document as sent to the District Court after being sent through the United States mail, either by US Post Office employees, the U.S. District Court Clerk or both, a video was created of Grievant David Schied requesting the refund of his money from a United States Post Office supervisor, for the USPS inability to prove delivery of the above-referenced document to the District Court of the United States. The video shows that the "supervisor" (by the name of Don Meffer) of the Novi Post Office in Oakland County, Michigan refused to provide a refund on purchase of a contract for that document delivery. Instead, Meffer presented his own mere speculation that the United States Post Office indeed DID deliver the package along with other "bulk mail" to the federal Court. The video of that interaction is herein made a part of this instant Article III Court of Record as found at the following URL web address: http://cases.michigan.constitutionalgov.us/David-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/061816_Writ4SshowCauseonMot2StayProceedings/Exhibits/061716_USPSoverassumeddelivery.avi

Further, such DENIAL is based on the FACT that Defendants present no proofs whatsoever that “*Plaintiff*” is the one who they claim has “*admitted*” any of the assertions they allege. On the contrary, **the Defendants themselves “admit” that during the more than one year since the filing of this instant case by *Sui Juris* Grievant David Schied, the judge has taken no action whatsoever according to the Federal Rules of Civil Procedure, which supports NO BASIS for further “*stay*” of any of the COMMON LAW proceedings of this case.**

(Bold emphasis added)

2. **DENIED** – Grievants incorporates herein the preceding paragraphs pertaining to numbered item #1 directly above, as if written herein verbatim in applicability to this subsequent “*answer in DENIAL.*”

Further, Grievant emphasizes that, as each of Defendants’ “*response*” statements begin with “*It is admitted...*” without accountability to who or what entity is doing the “*admitting;*” and thus, without proper condition being known for the obtainment of such “*admissions.*” This is particularly emphasized since, to date, there have been no parties conducting “*Admissions*” in discovery yet. Therefore, these statements by Defendant DOE #1 (Mellon) and Defendant MMRMA are unfounded. *Bare assertions* and broad references to court filings do not substantiate any “*proof of admission*” whatsoever.

3. **DENIED** – Grievants incorporates herein the preceding paragraphs pertaining to numbered items #1 and #2 directly above, as if written herein verbatim in applicability to this subsequent “*answer in DENIAL.*”
4. **DENIED** – Grievants incorporates herein the preceding paragraphs pertaining to numbered items #1 and #2 above, as if written herein verbatim in applicability to this subsequent “*answer in DENIAL.*”
5. **DENIED** – Grievants incorporates herein the preceding paragraphs pertaining to numbered items #1 and #2 above, as if written herein verbatim in applicability to this subsequent “*answer in DENIAL.*”

Further, it should be noted that Grievants’ have substantive claims that remain PENDING in both the lower District Court AND the Sixth Circuit Court of Appeals. Notably, these are documents that have yet to be addressed by a “*final*” or “*collateral*” order, even as argued by the co-Defendants themselves against Grievant’s “*Writ of Mandamus for Interlocutory Appeal...*”² that was recorded as “FILED” in the U.S. District Court along with a separate and

² The full title of this document “*dismissed*” by the Sixth Circuit Court of Appeals is captioned, “GRIEVANT DAVID SCHIED’S ‘WRIT OF MANDAMUS IN ORDER FOR INTERLOCUTORY APPEAL’ WITH ACCOMPANYING ‘MEMORANDUM AT LAW’ AND QUESTIONS OF LAW ON ACTION TAKEN BY THE COURT THAT CONCLUSIVELY RESOLVED A CLAIMED RIGHT BY PROCEDURAL ‘MOTION’ THAT IS EFFECTIVELY UNREVIEWABLE ON APPEAL OF FINAL JUDGEMENT BUT WHICH IS COLLATERAL TO THE SUBSTANTIVE MERITS OF THE FILINGS ‘STRICKEN’ AND HAS A FINAL AND IRREPARABLE EFFECT ON THE CASE”. Note that this filing is found in the Article III Court of Record located online at: http://cases.michigan.constitutional.gov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/111815_WritMandamusInterlocAppeal&MemorandumLaw/EntireWritofMandamus4InterlocutoryAppeal.pdf

independent document, Grievant Schied's "Memorandum of Law in Support of Writ of Mandamus for Interlocutory Appeal..."³ which for some reason was not separately and independently entered into the Docketing Record by the Clerk of the Court David Weaver or his agents.

Importantly, the above-referenced "Memorandum of Law in Support of Writ..." accompanying the "Writ of Mandamus for Interlocutory Appeal" had its own cover page and heading, and the District Court clerk affixed a separate "*time-stamp*" to that "*memorandum*" indicating that document was otherwise individually identified as "*filed*", but without a file number ever being assigned by the clerk to that document for the court docket). **See the compilation of five (5) pages labeled "EXHIBIT C" reflecting a fraudulent "pattern and practice" of the District Court Clerk of the Court David Weaver and his "agents".**⁴

³ The full title of this document "*dismissed*" by the Sixth Circuit Court of Appeals is captioned, "GRIEVANT DAVID SCHIED'S 'MEMORANDUM OF LAW' IN SUPPORT OF GRIEVANT'S 'WRIT OF MANDAMUS FOR INTERLOCUTORY APPEAL' WITH QUESTIONS OF LAW PERTAINING TO WHETHER JUDICIAL 'LEGISLATION' IS CONSTITUTIONAL; AND WHETHER JUDICIAL INDEPENDENCE AUTHORIZES 'BAD' BEHAVIOR; AND WHETHER 'SUBSTANTIVE' EVIDENCE CAN BE 'PROCEDURALLY' STRICKEN; AND WHETHER EVIDENCE OF A 'PATTERN & PRACTICE' OF GOVERNMENT COERCION CONSTITUTES TREASON AND/OR 'DOMESTIC TERRORISM'." Note that this filing is found in the Article III Court of Record located online at: http://cases.michigan.constitutional.gov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/111815_WritMandamusInterlocAppeal&MemorandumLaw/EntireMemorandumofLaw.pdf

⁴ Note that the first two pages found in "**Exhibit C**" are the time-stamped cover pages for the "Writ of Mandamus for Interlocutory Appeal..." and the "Memorandum of Law in Support of Writ of Mandamus for Interlocutory Appeal," both which reflect that the District

Significant to mention is that the second of the first two document entries of **“Exhibit C,”** the “Memorandum of Law in Support of Writ of Mandamus for Interlocutory Appeal” appears NOT to have actually been “filed” at all despite Grievant’s copy being time-stamped as “FILED” by the District Court clerk. **Instead, the “Writ of Mandamus for Interlocutory Appeal” was peculiarly mislabeled in the District Court Docketing Record as a “Notice of**

Court of the United States had SEPARATELY “FILED” each of these independent documents on 11/18/16. The third document page found in **“Exhibit C,”** which is p.7 of the Docketing Sheet for this case in the District Court of the United States, reflects the captioning entered by the agents of the Clerk of the Court David Weaver, for documents ranging from #78 (filed on 9/30/15) through #93 (filed on 11/24/15). Note that while **Document Item #90** erroneously reflects a “Notice of Interlocutory Appeal” (i.e., emphasis on the word “notice”) there is no separate entry whatsoever for the “Memorandum of Law in Support...” of that “Writ of Mandamus for Interlocutory Appeal...” document.

This creates a significant issue of fact concerning the unlawful withholding, refusal to file, or the outright theft of the otherwise FILED “Memorandum of Law in Support,” especially since a witness was present on another filing occasion (i.e., on 3/31/16) when during the filing of the “joinder” cases, the Clerk of the Court in Flint asserted that she would only be time-stamping documents that contained their own cover page and heading, as these time-stamped documents would all be receiving their own docket entry. The located online where the entire Docketing Record can be found as it was printed on 5/13/16 is at the URL of: http://cases.michigan.constitutionalgov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEM/CourtDocketMgmt/051316_DocketofRecordEntries.pdf

Also, peculiarly, the same pattern and practice as above is found again on 3/31/16, in which another of Grievants/PAGs’ “Memorandum of Law...” was time-stamped as “FILED” on 3/31/16 by the agent operating in Flint, Michigan for and on behalf of the federal Clerk of the Court David Weaver (i.e., see page 4 of **“Exhibit C”**); but again, the Docketing Record covering that date for the entry of individual documents does NOT show any reference whatsoever to that “memorandum” document ever actually being “filed” into the court’s docket. (See p.5 of **“Exhibit C”** as the related page #10 of the Docketing Sheet.) The full name of that document is cited in the evidence as, “GRIEVANTS / PRIVATE ATTORNEY GENERALS / NEXT FRIENDS DAVID SCHIED’S AND CORNELL SQUIRES’ MEMORANDUM OF LAW IN SUPPORT OF ‘JOINDER’ CLAIMS OF CONSTITUTIONAL & COMMON LAW TORTS BASED ON THE FIRST AMENDMENT PETITION CLAUSE AND EVIDENCE OF DOMESTIC TERRORISM” It is found online at same URL as cited in the paragraph above.

Interlocutory Appeal,” a document caption that did not then exist, and **never did exist!** (See page 3 of **“Exhibit C”** with reference to **“Docket Item #90”**.)

Even more significant is the FACT that, as shown by Docketing Record of the Sixth Circuit Court of Appeals found in the first six pages of **“EXHIBIT D,”** the first document entry identified a **“Notice filed by Appellant David Schied.”** Yet that document was described as having only “3 pgs.” Upon closer inspection and access to the actual document being referenced by this 6th Circuit Court docketing record, the “Notice” is NOT Grievant’s time-stamped **“Writ of Mandamus for Interlocutory Appeal...”** as otherwise referenced by the lower District Court. Instead, it is a simple 3-page letter from the Sixth Circuit Court “case manager” addressed to Grievant David Schied informing Grievant that the “case” from the lower District Court was in the Sixth Circuit Court of Appeals, and requesting that Grievant **“review and correct”** the captioning for the parties as they then appeared in the Docketing record. (See again, the last three pages of **“EXHIBIT D”**.)⁵

⁵ Importantly, before, during and after this period of time, Grievant David Schied had no access whatsoever to either the lower District Court “*Electronic Case Files*” (“ECF”) system, or the Sixth Circuit Court ECF; and thus, Grievant had no way to verify anything that was actually being done in the ECF by the “*Clerk of the Court*” of either the lower District Court or the higher Court of Appeals. Nevertheless, when Grievant suspected fraudulence taking place by the Sixth Circuit Court case manager (Robin Baker), he addressed those suspicions with a “*Writ of Error*” identified as 6th Circuit Court Docket No. 20, fully captioned as: **“GRIEVANT’S EX-PARTE ‘WRIT OF ERROR’ AGAINST 6TH CIRCUIT CLERK DEBORAH HUNT’S AND CASE MANAGER ROBIN BAKER’S GROSS VIOLATION OF OATHS & BONDS AND FRAP 45 (a)(b) and (c); AND ‘MANDAMUS FOR BOND SURRENDER; FOR VICTIMS’ RELIEF UNDER 18 U.S.C. § 3771 and 18 U.S.C. § 4; AND FOR OTHER DECLARATORY RELIEF’ BY WAY OF ‘ERRORS & OMISSIONS,’ MALFEASANCE, AND OTHER ‘RISK MANAGEMENT’ INSURANCE COVERAGE INFORMATION”**. Note that this “Writ of Error” can be downloaded

As a result of the above-referenced acts of the federal court clerks, from each of the District Court and the Sixth Circuit Court of Appeals – of mislabeling documents as they are entered into the ECF system, of failing to enter certain documents into the ECF system despite those “*independent*” documents carrying separate cover pages and being assigned separate time-stamps reflecting them as independently “FILED,” and of failing to follow court rules in providing Grievant with documented proof of electronic filing by the clerk of documents mailed to the Court by Grievant/PAG David Schied – Grievant(s) have been severely prejudiced.

Placed in the context of the Sixth Circuit’s constructive “*dismissal*” of Grievant Schied’s “*Writ of Mandamus for Interlocutory Appeal*” (i.e., by granting Defendant(s)’ “*Motion to Dismiss*” for still debatable lack of a “*final*,” “*appealable*” or “*collateral*” ADMINISTRATIVE order by the District Court

or referenced in its entirety at the URL location of:
http://cases.michigan.constitutionalgov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/122915_MyRespto6thCirClerkHackin g&Art-I-Order/My122915WritofError/122915_EntireWritWritofErroron6thCirClerkViolations.pdf

One of the primary focuses of this above-referenced filing was the FACT that the Sixth Circuit Court “*clerk*” was NOT following federal rules of appellate procedure in providing time-stamped Evidence back to Grievant confirming that the electronical filing of Grievant David Schied’s documents had actually taken place. (NOTE: Both the lower and higher federal courts have recognized that Grievant, as a “*forma pauperis*” litigant, is without access to the Electronic Case Files (“ECF”) system, thus necessitating compliance with federal court rules that documents submitted through the mail to the Clerk of the Court be positively and accurately identified – by electronic time-stamp – to prove which documents submitted by Grievant were actually scanned and “electronically filed” by the federal Clerk.

magistrate (Hluchaniuk)⁶ to “*strike*” four sets of substantive filings proving – *prima facie* FRAUD in the state and federal “*orders*” used by the co-Defendants to support their very arguable claims that Grievant has a “*history*” of frivolous filings – and the lower District Court’s (as well as the Sixth Circuit’s perpetual negligence in addressing the substantive content of Grievant’s “Memorandum of Law in Support of Writ of Mandamus for Interlocutory Appeal...”, while also perpetually neglecting to address Grievant’s filing of four sets of “*replacement*” documents in place of the four sets of documents “*stricken*” by Hluchaniuk, amounts to a “*denial*” of First Amendment due process “*right to redress of grievances.*”

By the case law and codified definitions presented in Grievant/PAG’s “*memorandum*” (i.e., the one time-stamped as “FILED” in the District Court in accompaniment of the “*joinder*” cases but not reflected in the ECF as actually having been independently “*filed*” with a separate document number), this First Amendment “*denial of redress of grievances*” amounts to denial of access to the Court, a fundamental right that takes much higher precedence over Defendants’ petitions for further summary dismissals in

⁶ Perhaps not so coincidentally, Hluchaniuk reported by the federal clerk in Flint as having “*retired*” altogether from his position as federal magistrate immediately after Grievant filed his “Writ of Mandamus for Interlocutory Appeal...” and “Memorandum of Law in Support of Writ of Mandamus...” in the immediate aftermath of also filing his written “*objection*” to Hluchaniuk administratively “*striking*” four sets of Grievant David Schied’s substantive filings proving FRAUD by State BAR of Michigan attorneys and state and federal judges as also being joint members of that same state BAR along with Hluchaniuk.

ongoing denial – and the *prima facie* long track record of the State BAR of Michigan members’ over-a-decade-long persistent denial – of Grievant’s fundamental right to a JURY TRIAL on the facts presented (and subsequently misrepresented by attorneys and judges in their opposing “*briefs*” and “*judgments*”). (Bold emphasis)

Notably, those “*stricken*” documents, as well as the “*replacement*” documents for those stricken, substantively pertain to the “*dispositive motions*” which are now the subject of co-Defendants’ (“Redford” and “MMRMA”) “*motion*” and concurring “*response*” and calling for a “*stay of proceedings*” until decided. The SUBSTANTIVE arguments presented by the independently FILED “*Memorandum of Law Supporting Writ of Mandamus for Interlocutory Appeal*” – which is incorporated by reference as if written herein verbatim – calls the Court’s attention, with supportive case law, to the FACT that **state laws constructed by the legislature with a prescription for how the judiciary should be handling criminal allegations (and which that “*memorandum*” substantially addresses formal criminal allegations including but not limited to allegations of FRAUD UPON THE COURT) take precedence over federal court rules constructed by the judiciary.** (Bold emphasis added)

Thus, as pointed out in that “Memorandum of Law Supporting Writ of Mandamus for Interlocutory Appeal”, to award precedence of judicial rules over state laws is to violate the Separation of Powers Clause of the Constitution, which amounts to another act of Treason, and a Seditious Conspiracy to Treason, which is by definition of 28 U.S.C. §2331 constitutes “*domestic terrorism*” by a demonstrated *pattern of coercion* against legitimate government’s constitutional policy and practice. (Bold emphasis added)

6. DENIED – Grievants incorporates herein the preceding paragraphs pertaining to numbered items #1, #2 and #5 above, as if written herein verbatim in applicability to this subsequent “*answer in DENIAL.*”

**CONCISE SUMMARY OF THE BASIS FOR THIS INSTANT
“WRIT OF SHOW CAUSE” AND THIS INSTANT “ORDER FOR
COMPETENCY HEARING”**

Grievant/PAG David Schied incorporates by reference all elements of the preceding section pertaining to the unaddressed “Writ of Mandamus for Interlocutory Appeal...” and the “Memorandum of Law in Support of Writ of Mandamus...” as if written herein verbatim in argument for the following assertions in these subsequent paragraphs.

The documents contained in both the District Court and the Sixth Circuit Court of Appeals demonstrate a longstanding “*pattern and practice*” of

interference and deceit, more precisely outright fraud, a conspiracy to treason, and domestic terrorism, involving this past decade of so-called “*frivolous*” and “*serial*” filings by Grievant David Schied. The documents referenced in this Article III Court of Record as found online⁷ are, thus far, free of such interference and deceit as perpetrated by: a) the mislabeling of “*filed*” documents by state and federal court clerks; b) the unethical and unlawful “*testimonials*” of attorneys in proffering twisted and intentionally misleading interpretations of statements, arguments and evidence presented by Grievant in his filing (i.e., whether Grievant was with or without an attorney); and, c) the fraudulent judgments, opinions, orders, memorandums, and other rulings presented to the public by state and federal judges simply regurgitating the deceitful statements of corporate government attorneys, while frequently cherry-picking which case law to misapply to compound the lower level criminality.

There is more both the United States District Court and in the Sixth Circuit Court of Appeals which adds to and compounds the already intense complexities of this case. Thus, there is even more to add to the FACT that, as the Evidence shows, there remains starkly obvious the unaddressed underlying issues that were elaborated upon by Grievant in the “*stricken*” and thereafter “*replaced*” documents

⁷ The unadulterated “*Court of Record*” for this particular case, inclusive of all of the “*stricken*” documents, as well as all documents filed by both parties, as categorized according to dates, can be found publicly posted on the Internet at http://cases.michigan.constitutionalgov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/

that Grievant has filed (i.e., as Grievant’s “*responses*” to the co-defendants’ various “*motions for summary disposition*” and/or co-defendants’ “*motions to strike*” Grievant responses to summary disposition motions); and adding to the FACT that there remains starkly obvious the unaddressed underlying issues that were elaborated upon by Grievant in the widely ignored “*Writ of Mandamus for Interlocutory Appeal...*” and the “*Memorandum of Law in Support of Writ of Mandamus...*”⁸

As has been noted in numerous of Grievant’s filings, since BEFORE the formal inception of this case, the Clerk of the Court David Weaver fraudulently modified Grievant’s handwritten Summons to eliminate significant information identifying the co-Defendants that were being sued in their private and individual capacities, rather than in their corporate or “*official*” capacities. The Evidence of this tampering is found in the documents contained in this Article III Court of record, as well as in “**EXHIBIT E**” which contains the handwritten Summons

⁸ These “*unaddressed underlying issues*” referenced here stem from the very beginning of this federal case and have been re-introduced and elaborated on throughout these proceedings unto the present. These issues began with the report criminal THEFT of one of Grievant’s initial “*Complaint/Claim of Damages*” submissions, required at the same instant Grievant submitted his handwritten *Summons* to the Clerk of the Court. As found in any number of lower court filings referencing the fraudulent actions of DOE #1, being James Mellon the attorney for MMRMA, Mellon was not only a recipient of a “copy” of the STOLEN proprietary brief being on TEMPORARILY submitted to the Clerk, but Mellon had also named one of the Assistant Attorney Generals for the State of Michigan, being John Clark (“*partner in the private law firm of Giarmarco, Mullins & Horton, P.C.*”) as being instrumentally involved in the DELIVERY OF STOLEN PROPERTY to James Mellon long before Grievant David Schied even received the fraudulent “replacement” Summons back from the federal Clerk of the Court, David Weaver, in the Eastern District of Michigan.

issued by Grievant David Schied to the Clerk of the Court David Weaver for “*certification*” by the federal, as well as by contrast, the fraudulently modified, typewritten and signed “*Summons*” presented back to Grievant by the Clerk for forwarding to each of the “*named*” parties. Note that to provide emphasis to the egregiousness of the treasonous action by the Clerk of the Court David Weaver, Grievant has also provided the complaint letters addressed to the Sixth Circuit clerk and case manager, *Certificate of Service*, and beginning pages of Grievant’s initial “*Complaint/Claim for Damages*” for this instant case detailing as FACT that individually name parties were, and have always been, named in their *individual* and/or *private* capacities, and not as “*officials*” under employ of any corporate *charter* or *municipality*.

Further, what adds to the above complications is the FACT that there are even more outstanding and unresolved “*issues*” remaining in the Sixth Circuit Court of Appeals as a matter of this Article III Court of Record. The first of these issues was touched upon above in a footnote, being that the Sixth Circuit Court *clerk* and *case manager* were both unresponsive in the aftermath of Grievant formalizing his initial grievance with that court was NOT following federal rules of appellate procedure in providing time-stamped Evidence back to Grievant confirming that the electronical filing of Grievant David Schied’s documents had actually taken place. (NOTE: Both the lower and higher federal courts have

recognized that Grievant, as a “*forma pauperis*” litigant, is without access to the Electronic Case Files (“ECF”) system, thus necessitating compliance with federal court rules that documents submitted through the mail to the Clerk of the Court be positively and accurately identified – by electronic time-stamp – to prove which documents submitted by Grievant were actually scanned and “*electronically filed*” by the federal Clerk.⁹

The second unresolved issue is the FACT that, as a result of Grievant being forcibly rendered unable to confirm what exactly was going on with Grievant’s Sixth Circuit filings, Grievant was quite unaware that the Sixth Circuit Court of Appeals tribunal that was supposed to be adjudicating Grievant’s “Writ of Mandamus for Interlocutory Appeal” and “Memorandum of Law in Support of Writ...” may only actually have been referencing a 3-page “**Notice**” written by the Sixth Circuit Court clerk to Grievant dated 12/1/16 instead of the mislabeled “Notice of Interlocutory Appeal” that was placed into the lower court record referencing Grievant’s “Writ of Mandamus for Interlocutory Appeal.” With that understanding then, it is possible to deduce that, since the judicial tribunal of the Sixth Circuit did not in any way address the contents or the covers of either the “Writ of Mandamus for Interlocutory Appeal” and “Memorandum of Law in Support of Writ...”, these important documents were never even considered in the

⁹ Notably

rendering of their ruling to grant the Defendant *DOE #1*'s (James Mellon's) and his co-Defendant's "*MMRMA*" motions for dismissal of that case (COA No. 15-2464). (See "**EXHIBIT F**" as a copy of the Sixth Circuit ruling of dismissal followed by Mellon's brief cover page, both arguing – without any address whatsoever of Grievant's "*Writ of Mandamus for Interlocutory Appeal*" or the supporting "*Memorandum of Law*" – that the Magistrate's "*order*" striking Grievant's four sets of significant documents was neither a "*final*" nor "*collateral*" order.)

The third unresolved issue that remains PENDING in the Sixth Circuit Court of Appeals pertains to "**EXHIBIT G**", which is described herein as Evidence that **the intended separate case for Quo Warrant** (Latin "*by what warrant?*") submitted to the judges of the Sixth Circuit Court of Appeals, **was submitted as a "*prerogative writ*," meaning it was supposed to be docketed ahead of all other cases except other prerogative writs.** Moreover, Grievant clearly filed that "Quo Warranto" filing in demand that the respondents – being the judges of the Sixth Circuit Court of Appeals themselves – answer the question, "*by what authority*" are they taking action (e.g., as Article III judges or Article I judges) and in what type of court(s) are they operating (e.g., in admiralty, in commerce, chancery, constitutional, etc.).

Importantly, Grievant entered this “Quo Warranto” action while announcing himself to be issuing the *demand to answer* upon these judges of the Sixth Circuit while acting “*ex-parte*” and in his sovereign capacity – State Ex-Rel – as one of the people, being a Private Attorney General (“PAG”) which does not even necessitate that he have a case on appeal or that he demonstrate having a personal stake in the action.

As shown by the documents inclusive of “**Exhibit G**” that “*Quo Warranto*” filing, time-stamped by the Clerk (Deborah Hunt) of the Sixth Circuit on 1/14/16, was actually received and “tendered” into the SAME CASE record as the “Interlocutory Appeal” two days earlier, on 1/12/16, making not only the dates inconsistent between what is time-stamped in return to Grievant/PAG David Schied and what is electronically time-stamped for everyone else accessing the ECF, but also relegating that filing as a document to be placed on the sidelines as “*tendered*” rather than one given rightful prominence as a “*prerogative*” writ. In fact, as shown on p.14 of the “**Exhibit G**” (PDF) document (being p.9) of the formal document published by the U.S. Court of Appeals captioned on the cover page as “EM/ECF Faq’s,” the federal appeals court makes clear that any document having the status of “tendered” as still under “review” by the Clerk’s office and NOT YET FILED. As such, this presents yet another item of Evidence demonstrating prejudicial tampering by the office of the federal clerks.

**DEMAND FOR RELIEF BY “ORDER OF SHOW CAUSE” AND
“COMPETENCY HEARING” ON 91-YEAR OLD “JUDGE”**

In light of the above stated proven and undisputable FACTS, there is proper cause for this instant ORDER for all interested parties as co-Defendants to “SHOW CAUSE” reason why this case, which has the above-related UNRESOLVED issues pending, should be “*stayed of proceeding*” from resolving these other legally more important constitutional, legal, civil, criminal, and administrative issues, and instead decide the co-Defendants’ allegedly FRAUDULENT “*dispositive*” motions in summary dismissal of Grievant David Schied’s and other “*joinder*” Grievants’ numerous criminal allegations supported by Evidence, dismissal of these Grievants’ constitutional allegations of DENIAL of First Amendment backward-looking-access-to-court violations supported by an accompanying “Memorandum of Law” on this topic, and in DENIAL of these Grievants’ First Amendment “right to redress” and David Schied’s demanded right to a Trial by Jury.

In light that these previous issues have remained “pending” and “unaddressed” for a full year since the initial filing of this case, and with the 91-year old “judge” Avern Cohn disregarding Grievant’s previous filing of “Show Cause” levied against him for his failure to act, an immediate “*competency hearing*” is hereby ORDERED against Avern Cohn.

I declare under penalty of perjury under the constitution and laws of the United States that the foregoing is true and correct.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David Charles Woprejsie".

(all rights reserved) Date: 6/18/16