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

David Schied,
Sui Juris Grievant

v.
Karen Khalil, et al
Defendants

Case No. 15-11840

Judge:

WRIT OF ERROR AND REVERSAL IN ASSIGNMENT OF MAGISTRATE AND ENGAGEMENT OF EX-PARTE PROCEEDINGS AND MANDAMUS FOR PROCEEDING IN COMMON LAW UNDER THE CONSTITUTION IN AN ARTICLE III COURT OF RECORD

Sui Juris Grievant
David Schied
P.O. Box 1378
Novi, Michigan 48376
248-974-7703

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

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

Defendant
Charter County of Wayne
Davidde A. Stella
Zenna Elhasan
Wayne County Corporation Counsel
500 Griswold St., 11th Floor
Detroit, Michigan 48226
313-224-5030

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

"*Silence can only be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left unanswered would be intentionally misleading. . .*" **U.S. v. Tweel, 550 F.2d 297, 299. See also U.S. v. Prudden, 424 F.2d 1021, 1032; Carmine v. Bowen, 64 A. 932**

David Schied (hereinafter "*Grievant*"), being one of the People[1] and having established this case as a *suit of the sovereign*[2] acting in his own capacity, herein accepts for value the oaths[3] and bonds of all the officers of this court, including

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[1] 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 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*."

[2] *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*."

[3] 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*

attorneys. Having already presented his causes of action to this Article III District Court of the United States as a *court of record*[4], *Grievant* hereby proceeds according to the course of Common Law[5].

Incorporated herein by reference are the Statements and Evidence contained in accompanying documents of:

1) *"Memorandum of Law and Jurisdiction"* **(**as being a copy also of "*Exhibit #4*" that was previously filed with the "*Writ for Change of Judge...and Change of Venue...*" previously **served on these defendants and their attorneys on 6/27/15**) (Bold emphasis added)
2) All previous filings admitted to this case as found at: **http://constitutionalgov.us/Michigan/Cases/2015SchiedvJudgeKhaliletal**[6]

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of the several States, shall be bound by oath or affirmation to support this Constitution."

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

5 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.]

6 Note that at the time of this filing there has been some server glitches at this website location which should be corrected in a timely fashion.

3) All Statements, Affidavits, and Evidence previously filed in this case to include the initial filing to open this case and the more recent filing of
   a) "*Writ for Change of Judge Based on Conflict of Interest and Change of Venue Based on Proven History of Corruption*" and its accompanying *"Sworn and Notarized Affidavit of Truth of David Schied"*.
   b) Grievant's "*Combined 'Response' and 'Reply' to Attorney James Mellon's and Mellon Fries, P.C.'s Fraudulent Conveyances in Their 'Motion to Dismiss in Lieu of Answer' and Their 'MMRMA's Response to Plaintiff's Writ for Change of Judge Based on Conflict of Interest and Change of Venue on Proven History of Corruption"*;

This action is being taken because **I 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 Wayne County to the United States District Court with a failure to definitively notify Grievant as the course of actions taken by multiple judges terminating their assignment to this instant case.

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INDEX OF AUTHORITIES

FEDERAL

MICHIGAN

OTHER STATES

OTHER AUTHORITIES

INDEX OF EXHIBITS

Exhibit #	Name/Description of Exhibit
1	Web page of Giarmarco, Mullins & Horton, P.C. with bio on John C. Clark showing that he not only is employed by the Defendant Redford Township but also operates as an agent of the state, for the Michigan Attorney General.
2	Contact information for Judge Robert H. Cleland
3	Document filed 7/31/15 reflecting that as of that date Robert H. Cleland was officially operating as the assigned "judge" to this instant case.
4	Select pages of "*MMRMA's Motion to Strike Plaintiff's Response to MMRMA's Motion to Dismiss in Lieu of Answer and...*" reflecting Ex-Parte communications between the Court and attorney James Mellon who stated that "judge" Cleland had "issued his own Order of Disqualification" and that "*the case was reassigned to 'Hon.' Avern Cohn*."
5	*Order of Reference to United States Magistrate Judge* – purportedly issued by Avern Cohn and dated 7/27/15, a period in which Robert Cleland is otherwise shown to be assigned to this case.
6	Original filing by David Schied of "Complaint" in the Washtenaw County Circuit Court, time-stamped on 12/15/09.
7	*Notice of Filing Removal* – filed fraudulently by Plunkett-Cooney attorney Michael Weaver dated 1/12/10, unilaterally removing Grievant's Washtenaw County Circuit Court complaint to the United States District Court for the Eastern District of Michigan.
8	Grievant's filing of "*Plaintiff's Response to 'Defendants' 'Notice of Removal' with Plaintiff's 'Demand for Remand of Case Back to Washtenaw County Circuit Court' and accompanying 'Motion for Sanctions Against Defendants and Their Attorney Michael Weaver for 'Fraud' and 'Contempt' Upon State and Federal Courts*"
9	Fraudulent Ruling by USDCEDM "*judge*" Paul Borman of "*Decision and Order (1) Granting Defendants' Motions for Summary Judgment, and (2) Holding in Abeyance Defendants' Motions for Sanctions*"
10	Attorney Grievance Commission complaint against Plunkett-Cooney "partner" attorney Michael Weaver.
11	*Notice of Error and Correction of Statement of Previous Court Filings* filed by Grievant Schied on or about 6/26/08 in the USDCEDM.
12	Formal CRIME REPORT filed with the Oakland County Prosecutor and the Bloomfield Hills Police naming numerous **crimes perpetrated by (Plunkett-Cooney attorney) Michael Weaver**
13	Fraudulent "*Motion to Reassign Case to the Hon. Paul Borman*" filed on 1/26/10 by Plunkett-Cooney "partner" attorney Michael Weaver. (Note: Exhibits to this filing can be found later online.)
14	*Plaintiff's Response to Defendant's Motion to Reassign Case to the Hon. Paul Borman* with Evidence that this filing was received by the federal court on 2/16/15 but for some reason was not actually time-stamped as "filed" until two weeks later on 3/1/10.

15	Grievant David Schied's letter to USDCEDM "case manager" to Denise Page Hood, written on 3/4/10 memorializing events.
16	*Notice of Hearing* (issued by the USDCEDM) on 6/17/10 and Grievant Schied's "*Plaintiff's Motion for Hearing on Plaintiff's Previously Filed 'Plaintiff's Response to Defendants' 'Notice of Removal' with Plaintiff's 'Demand for Remand of Case Back to Washtenaw County Circuit Court' and Plaintiff's Previously Filed 'Motion for Sanctions Against Defendants and Their Attorney Michael Weaver for 'Fraud' and 'Contempt' Upon State and Federal Courts*"
17	Denise Page Hood's case manager, William Lewis' cover letter in notice that he was returning the entirety of the above-referenced "*Plaintiff's Motion for Hearing on Plaintiff's Previously Filed....*" – **despite that it had already been time-stamped as received by Denise Page Hood's office** – based on his retaliatory assertion that the correspondence sent by Grievant and received by Hood had somehow been misdirected.
18	**Complaint by Grievant David Schied against USDCEDM case manager William Lewis**, dated 6/9/10, which was addressed to both the U.S. District Court Administrator, and to the Senior Court Clerk.
19	Cover page of "*Plaintiff's Demand for Defendants' Admissions in Both their 'Official' and Their 'Individual' Capacities*," time-stamped on 6/18/10.
20	Letter from Grievant David Schied dated 7/4/10 addressed to Plunkett-Cooney attorney Michael Weaver which, while requesting his concurrence with a proposed hearing date, also described many of the ways in which Weaver's action reveal his criminal intent to defraud the courts and the public while committing crimes under color of law.
21	Order for Submission and Determination of Motion Without Oral Hearing, issued by Denise Page Hood on **7/28/10, listing 6 motions** which would be determined without hearing.
22	Order issued **7/29/10** by Denise Page Hood **listing 7 motions** which were DENIED without hearing. Notably, at least five of those motions were submitted by Grievant Schied.
23	Grievant's filing of "*Plaintiff's 'Motion and Brief of Support for Application for Leave of Interlocutory Appeal of This Court's July 29, 2010 Seven (7) Judgment Order(s)*" time stamped by the federal court on 8/9/10.
24	*Judgment* issued by Denise Page Hood **dated 9/7/11** and accompanying "*Order Granting Motion for Summary Judgment and Dismissing Action*" **dated 12/28/10** as also issued by Hood.

STATEMENT OF THE FACTS JUSTIFYING THIS ACTION

The factual occurrences of this case, leading to the actual filing of this case in clerk's office for the Eastern District of Michigan in Flint, Michigan, and in the immediate aftermath of that filing are stated as follows in numbered paragraphs:

There has been documented corruption associated with the Court in this case since inception, with *patterns and practice* of previous Court activities that are designed to destabilize and prejudice Grievant and provide cover, favor, and protection for "*government*" co-defendants as the judges' and magistrates' *peer group* of fellow State BAR of Michigan members

1. On 5/21/15, Grievant filed 19 copies (17 copies for the co-Defendants and 2 copies for the Court and the judge) of his initial "*Complaint/Claim for Damages*" and handwritten "*Summons*" in the Court of Record of the Article III United States District Court situated for the Eastern District of Michigan in Flint, having found that the clerk's office in Ann Arbor was closed.
2. As is found in Evidence of the Court of Record, on 6/30/15, Grievant filed his "*Writ for Change of Judge Based on Conflict of Interest and Change of Venue Based on Proven History of Corruption*," which was justified on the following proven events taking place within the Court itself demonstrating favorable treatment toward the co-Defendants and prejudicing this case from the "*starting gate*" by agents of the Court:
    a) On 6/1/15, the agents for Court Clerk David Weaver mailed *modified* summons, signed by Clerk Weaver, back to Grievant. The agents for this

Clerk of the Court retained 18 of the 19 copies of the original *Complaint/Claim for Damages* and handwritten Summons on a desk at the clerk's office unethically and unlawfully issued the 19th copy of the *Complaint/Claim for Damages* to the co-Defendants' agents in the Defendant Redford Township.

b) On 6/2/15, attorney James Mellon telephoned Grievant on behalf of Defendant MMRMA, claiming to have a FAXED copy of the "*Complaint/Claim for Damages*" in his hand as received from John Clark, whom Mellon stated was a city attorney for Redford Township, which is employed at the Giamarco, Mullins, and Horton law firm while Evidence shows that he is also working for the State of Michigan as a "*Special Assistant Attorney General*" under Bill Schuette. (See **"EXHIBIT #1"** herein)

c) On 6/4/15, Grievant received the newly constructed *Summons* and on 6/5/15 Grievant telephoned Clerk "*Leanne*" who located what she indicated were the remaining (16) copies of the original complaint, promising to send them right away to Grievant by "*next day delivery*." The postmark on the box eventually received by Grievant showed that this Clerk had waited three more days before sending out those documents as the postmark was 6/8/15.

d) On 6/30/15, Grievant Schied filed his "*Writ for Change of Judge Based on Conflict of Interest and Change of Venue Based on Proven History of Corruption*," objecting to the assignment of former attorney general Mike Cox's brother Sean Cox as the federal judge of this case; and reiterating the many good reasons for changing the "*venue*" away from the Defendant Charter County of Wayne location to Ann Arbor.

The "*pattern of practice*" of the Court is that of procedurally *tweaking* of this case *under color of procedure*, combined with hidden abuses of each procedural event, eventually resulting in the substantive deprivation of rights to due process when also combined with the actions of fellow State BAR of Michigan members that are operating as the "*agents*" of the government co-Defendants.

3. On 7/22/15, U.S. District Judge Sean Cox issued an "*Order Re: Disqualification of Judge*" which made no reference or connection whatsoever to the "*Writ for Change of Judge*...." and stated no reason for his "*disqualification*." That Order simply reassigned another judge to the case. **On that same ½-page Order was the assignment of the case to "*Judge Robert H. Cleland,*"** who is employed in Detroit, in the heart of Defendant Charter County of Wayne. (Bold emphasis added) (See **"EXHIBIT #2"** herein for a copy of that 2-part Order)

4. Unbeknownst to Grievant, Judge Cleland apparently rejected his assignment as judge and he issued an Order – which was NEVER delivered to Grievant by

the agents of Clerk David Weaver – with such notification. Nevertheless, when Grievant subsequently filed his "*Grievant's Objections and Order to Strike 'Defendant, The Insurance Company of the....Answer....to....Complaint....based on a Pattern of Gross Omissions...and Summary Judgment and/or Declaratory Ruling...* "" on 7/31/15 in Flint, the agent for Clerk David Weaver in Flint confirmed that (Judge) "*Robert H. Cleland*" was indeed officially managing this matter at that date in time relevant to this case. (See **"EXHIBIT #3"** herein)

5. In FACT, **Grievant was only given notice that, "*Judge Cleland subsequently issued his own Order of Disqualification, and the case was reassigned to Hon. Avern Cohn*" when Grievant reviewed and prepared to answer attorney James Mellon's filing of "*MMRMA's Motion to Strike Plaintiff's Response to MMRMA's Motion to Dismiss in Lieu of Answer...,*" which was dated 7/29/15, being TWO DAYS BEFORE the Clerk of the Court had stamped in reaffirmation that "*Robert H. Cleland*" was the judge assigned to this case.** (Bold emphasis added) (See **"EXHIBIT #4"** as copies of the relevant pages from attorney Mellon's filing to reflect the FACTS of this paragraph.)
6. This instant "*Writ of Error and Reversal in Assignment of Magistrate...*" is therefore being written to address the unlawful and prejudicial practices of the innumerable agents of this Court who are unlawfully *usurping* powers they do

not rightfully have while unlawfully *abusing* the *limited* powers that have been allocated under the Constitution.

7. **The FACT is that a judge that has not yet been "*recognized*" as having lawful administrative authority in this case has taken action to assign a magistrate to this case without properly noticing Grievant of his/her *assignment* to this case and/or while prejudicing this case by (again) notifying the co-Defendants and depriving Grievant David Schied of his right to know the activities of this Court. This is a *procedural* wrongdoing that *substantively deprives Grievant of his right to equal treatment under color of law*. This will not be tolerated.** (See **"EXHIBIT #5"** as a copy of the "*Order of Reference to United States Magistrate Judge*" issued by "Avern Cohn" on 7/27/15 without handwritten signature and without the official *Seal* of the Court.)

The Court's issuance of an Order that violates the United States Code renders it a "*nullity*" and unenforceable; and where that argument falls short, the Code referenced by that Order commands "*consent*" of the parties to the case

8. ***"Exhibit #5"*** ascertains,

> "*It is ordered that this matter is referred to U.S. Magistrate Judge Michael Hluchaniuk for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B).*"

9. **“Exhibit #5”** shows – *prima facie* – that the so-called “*digital signature*” of the judge has been applied as: “s/Avern Cohn” on a plain sheet of paper that is conspicuously VOID of the official “Seal” for this Court, as is otherwise required under 28 U.S.C. §1691 “*Seal and teste of process*” which states, “*All writs and processes issuing from a court of the United States SHALL be under the seal of the court and signed by the clerk thereof*.”

10. Moreover, beneath the signature is a statement that is digitally signed by the “*case manager*” and NOT the clerk, which **refers to the mailing of a “*notice*” and NOT an “*order*.”** (Bold emphasis added)

11. What is presented by this single-page document is a *pattern of practice* of deception being perpetrated by the agents of the Court itself, in dereliction of its duty to publicly provide evidence of “*teste of process*,” and by doing so in such a deceptive way as to complicate matters, and so to:

    a) burden non-attorneys as litigants with cause for uncovering and reporting such *frivolous* procedural details that substantially serve to cumulatively undermine judicial *process*;

    b) ultimately provide the *domestic terrorists* that have taken over federal court system with the means by which they may take the next *incremental* step in *railroading* litigants without attorneys by

depriving them of their due process rights under *color of law* based upon these seemingly inconspicuous preceding events.

12. "*Teste of process*," as referenced by 28 U.S.C. 1691, has a distinct purpose. Though being a mere matter of formality, "*teste of process*" is to give character and dignity to the process. [See *Cyclopedia of Law and Procedure, Vol. 32*, (p.439), edited by William Mack, LL.D. (1909, London)

13. As shown by the churn of events taking place in this case thus far BY the *agents* of the Court itself, it is obvious why such formalities such as the display of the official Seal be used. In this case, the official Seal for the Eastern District of Michigan appears as follows:

14. Furthermore, the word "*process*" at 28 U.S.C. §1691 means a court order. See *Middleton Paper Co. v. Rock River Paper Co.*, 19 F. 252 (C.C. W.D. Wisconsin 1884). *Taylor v. U.S*. 45 F. 531 (C.C. E.D. Tennessee 1891); *U.S. v. Murphy*, 82 F. 893 (DCUS Deleware 1897); *Leas & McVitty v. Merriman*, 132 F. 510 (C.C. W.D. Virginia 1904); *U.S. v. Sharrock*, 276 F. 30 (DCUS Montana 1921); *In re Simon*, 297 F. 942, 34 ALR 1404 (2nd Cir. 1924); *Scanbe Mfg. Co. v. Tryon*,

400 F.2d 598 (9thy Cir. 1968); and *Miles v. Gussin*, 104 B.R. 553 (Bankruptcy D.C. 1989).

15. Thus, **where the code 28 U.S.C. §1691 mandates that all "*process*" be executed under the official Seal of the Court and such *order* of *process* has omitted that sacred Seal, that order is VOID.** (See Mack's reference p. 441 to *Kelso v. Norton*, 74 Kan. 442, 87 Pac. 184; *Choate v. Spencer*, 13 Mont. 127, 32 Pac. 651, 40 Am. St. Rep. 425, 20 L.R.A. 424; *Lower Towamensing Tp. Road*, 10 Pa. Dist. 581; *Carson Bros. v. McCord-Collins Co*., 37 Tex. Civ. App. 540, 84 S.W. 391; *Goufield v. Jones*, 18 Tex. Civ. App. 721, 45. S.W. 741.) (Bold emphasis added)

16. Even if there were found some reasonable argument that the omission of the Seal and individually handwritten signature of the judicial official did not invalidate the legitimacy of the *order* of *process*, **28. U.S.C. §636(c)(1) requires the "*consent of the parties*" for the assignment of a case to a magistrate.** (Bold emphasis)

17. In this case then, such an *Order* as purportedly issued by "*Avern Cohn*," who has thus far OMITTED notifying Grievant Schied about her involvement in this case other than through this manner of "*simulated process*" is DENIED.

18.Grievant issues the further warning that **any further actions to *simulate legal process in an unlawful manner*[7], interfere with the administration of justice[8], and/or preventing the report of a crime[9], will be construed as**

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[7] See **MCL 750.157a** (Michigan Penal Code) – CONSPIRACY TO COMMIT OFFENSE OR LEGAL ACT IN ILLEGAL MANNER -*"**Any person who conspires together with 1 or more persons to commit an offense prohibited by law, or to commit a legal act in an illegal manner is guilty of the crime CONSPIRACY.**"*

[8] **MCL 777.49** (Code of Criminal Procedure) -OFFENSE VARlABLE: INTERFERENCE WITH ADMINISTRATION OF JUSTICE -*"(c) The offender otherwise interfered with or attempted to interfere with the administration of justice.*

[9] **MCL 759.483a** (Michigan Penal Code) -WITHHOLDING EVIDENCE; PREVENTING REPORT OF CRIME – (1) *A person shall not do any of the following: **(c) Retaliate or attempt to retaliate against another person for having reported or attempted to report a crime committed or attempted by another person.** As used in this subsection, "**retaliate" means to do any of the following: (i) Commit or attempt to commit a crime against any person.*** (2) *A person who violates subsection (I) is guilty of a crime ... as follows:* (3) *A person shall not do any of the following: (a) Give, offer to give, or promise anything of value to any person to influence a person's statement to a police officer conducting a lawful investigation of a crime or the presentation of evidence to a police officer conducting a lawful investigation of a crime.·... or... **Knowingly and intentionally remove, alter, cancel destroy, or otherwise tamper with evidence to be offered in a present or future official proceeding. (b) Offer evidence at an official proceeding that he or she recklessly disregards as false.*** (6) *A person who violates subsection* (5) *is guilty of a crime as follows: ...the person is guilty of a FELONY punishable by imprisonment for not more than 4 years or a fine of not more than $5,000.00, or both ...* **(7) *It is an affirmative defense under subsection* (3). *(or which the defendant has the burden of proof by a preponderance of the evidence. that the conduct consisted solely of lawful conduct and that the defendant's sole intention was to encourage, induce, or cause the other person to provide a statement or evidence truthfully.* (11) *As used in this section: (a) "Official proceeding" means a proceeding heard before a legislative, judicial, administrative, or other governmental agency or official authorized to hear evidence under oath,** *including a referee, prosecuting attorney, hearing examiner,*

TREASON **and a *conspiracy to treason.* In such case, all agents of the Court affiliated with this case will be required to provide an Affirmative Defense to prove that they were *not* the one(s) to digitally affix a judge's name to a *fraudulent* document.**

GRIEVANT GENERALLY HAS GOOD CAUSE TO DISTRUST THE PATTERN AND PRACTICE OF THE AGENTS BEING EMPLOYED BY THIS FEDERAL COURT OPERATING WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DEFENDANT CHARTER COUNTY OF WAYNE, PARTICULARLY WHEN IT COMES TO ASSIGNING A MAGISTRATE JUDGE TO THE CASE

19. In background to following paragraphs, Grievant incorporates by reference the documents already admitted into this Article III Court of Record captioned as follows and to be found at the website:

    http://constitutionalgov.us/Michigan/Cases/

    "*Grievant's Combined 'Response' and 'Reply' to Attorney James Mellon's and Mellon Fries, P.C.'s Fraudulent Conveyances in Their 'Motion to Dismiss in Lieu of Answer' and Their 'MMRMA's Response to Plaintiff's ' Writ for Change of Judge Based on Conflict of Interest and Change of Venue Based on Proven History of Corruption*."

20. For those with access to the Docketing Records, it is worth noting that attorney James Mellon referred to the above *"Grievant's Combined Response and Reply..."* as Docket Items #38 through #54. Note however, that since Grievant

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commissioner, notary, or other person taking testimony or deposition in that proceeding."

has no access to these digital files and docketing records for verification, Grievant cannot verify – at this time – the accuracy of this particular statement of Mellon to the Court.

21. The documents supporting the above filing of *"Grievant's Combined Response and Reply..."* are also accessible and downloadable to the public from the website of: http://constitutionalgov.us/Michigan/Cases/2015SchiedvJudgeKhaliletal/July2015Response2MMRMAmot2Dismiss/Exhibits2Response

22. Note also that the records associated with the above-referenced *"Grievant's Combined Response and Reply..."* include 180 itemized documents of Evidence in support of "*Exhibit #20*" to that named filing. Those documents are associated with the 2007 case of "*Schied v. State of Michigan et. al*" which are also accessible and downloadable to the public from the website of: http://constitutionalgov.us/Michigan/Cases/2007DavidSchiedvStateofMichigan/Exhibits/

As shown in Evidence of previous Court actions, the Federal judge and magistrate and/or case manager work alternatively, and in "*tag-team*" fashion to cherry-pick facts and *deprive of rights under color of law*, in such way that makes it more difficult to isolate blame and criminal accountability

EXAMPLE CASE:
David Schied v. Laura Cleary, Sandra Harris, Cathy Secor, Diane Russell, Sherry Gerlofs, Lincoln Consolidated Schools Board of Education et al, DOES 1-30

23. On 12/16/09, Grievant David Schied filed a Complaint in the Washtenaw County Circuit Court (No. 09-1474 NO) against the *agents* of the Lincoln Consolidated School District to include (Lynn) Cleary, Cathy Secor, Sandra Harris, Diane Russell, and Sherry Gerlofs. Accompanying that Complaint was a "*Motion for Writ of Mandamus for Superintending Control*" and a "*Demand for Criminal Grand Jury (Investigation)*" into the factual criminal allegations corresponding to that civil complaint. (*See* **"EXHIBIT #6"** as a full copy of that filing for the Court and judge. All co-Defendant can find the "*exhibits*" to this filing at the by going to http://constitutionalgov.us/Michigan/Cases/)

24. As shown by **"*Exhibit #6*,"** the allegations of the cover page were as follows in quotation:

> *a) Criminal conspiracy to violate federal and state public policy;*
> *b) Criminal conspiracy to cover up extortion, larceny, and multi-state unemployment fraud;*
> *c) Violation of Rights under "color of law" and criminal racketeering/corruption;*
> *d) Theft of government property and the conversion of government property to unauthorized personal use;*
> *e) Defamation by libel and slander;*
> f) *Tortuous intent to cause personal and professional harm;*

25. The "*facts*" and the "*evidence*" presented in that 2010 case detailed the following as summarized below:

a) In September 2003, Grievant Schied had paid for and authorized and FBI criminal background check on his fingerprints subject to – minimally – the terms of 5 U.S.C. § 552a(i) (of the *Privacy Act of 1974);* MCL 380.1230(b) *(Revised School Codes)* guaranteeing his right to privacy and to challenge and correct the accuracy of the criminal history report information (CHRI) under criminal penalties for violators.

b) Grievant Schied clearly challenged the accuracy of the CHRI report, proving the report was wrong before several witnesses, and was nevertheless terminated from his contracted teaching position by Sandra Harris and thus, denied his right by Harris to challenge and correct that CHRI report. This action was purportedly by the approval of the Lincoln Consolidated Schools Board of Education. (See "*Exhibit #2*" located at **"*Exhibit #6*"** herein as a copy of that employment contract signed by Grievant Schied after being proffered by Harris.)

c) As shown by **"*Exhibit #27*"** (i.e., located at **"*Exhibit #6*"** herein) in support of this Complaint, "*Dr*." Sandra Harris had FAXED the "*nonpublic*" CHRI report outside of the receiving human resources office to someone employed

at the BESSIE Elementary School, constituting a CRIMINAL MISDEMEANOR under the above-cited federal and state code and statute.

d) As founded upon a simple date comparison, Harris' criminal act again Grievant on 11/2/03 occurred BEFORE ever notifying Grievant about the content of that FBI CHRI report or providing Grievant Schied with the opportunity to challenge it. As shown by "*Exhibit #3*" and "*Exhibit #14*" (i.e., located at **"*Exhibit #6*"** herein) to *that* filing, such challenge was made at two hearings – a "*pre-termination" and "termination*" meeting – held by Harris on 11/3/03 an 11/6/03 respectively).

e) Subsequent to breaking the written contract solicited by Harris for Grievant Schied's employment for the 2003-'04 school year, Harris criminally *converted* the money otherwise owed by debit of contracted pay and benefits to Mr. Schied into liquid assets for the school district. Knowing that Mr. Schied had just recently arrived to Michigan from California where he had been employed for the previous three years, Harris compelled Mr. Schied to collect unemployment income from both California and Michigan under the false claim that Mr. Schied was fired because he had *lied* on a job application – as based entirely upon the *erroneous* FBI CHRI report.

f) In placing a supportive check on the extent to which it was known at the time that Sandra Harris was engaging in continued criminal activity in order

to detract from and cover up her initial crimes of labeling Grievant a "*convict*" and a "*liar*" based solely upon an FBI CHRI record that was instantaneously proven erroneous, Local Teacher Union leader Linda Soper submitted a FOIA request to the Lincoln Consolidated Schools on 12/5/03, forwarding to Mr. Schied a copy of what she received back from Cathy Secor as the manager of the District's personnel office. What she – and Grievant – found was that the Lincoln Consolidated Schools business was also freely distributing the erroneous FBI CHRI to the public, yet another CRIME against the same laws cited above as well as state and federal FOIA laws (again, at minimum). (See "*Exhibit #4*" located at **"*Exhibit #6*"** herein for a copy of Soper's FOIA request.)

26. As further shown by the Evidence (of 35 "*exhibits*") provided by reference of **"*Exhibit #6*"** to this instant filing, "*Exhibits #10 through #12*" and "*Exhibits #14 through #35*" document in play-by-play fashion the process by which the following chain of events took place in local, county, and state law enforcement officials committing **SECONDARY LEVEL FELONY CRIMES against Grievant Schied, tortuously using gross omissions, errors, and misstatements under color of law to deprive Mr. Schied of his right to constitutionally-guaranteed victim's rights to be protected against "*the accused*."** (Bold emphasis added)

a) "*Exhibits #10 through #12*" and "*Exhibits #15 and #19*" (as found in **"Exhibit #6"** herein) demonstrate that Michigan State Police "*Detective Sergeant*" Fred Farkas stalled the investigation of Grievant Schied's written crime report against Harris, Secor, and others of the Lincoln Consolidated Schools from 7/23/05 until 2/2/06 when the "*Original Incident Report*" was finally written.

b) "*Exhibits #16 through #18*" (as found in **"Exhibit #6"** herein) show that Grievant Schied was compelled to go through multiple channels of supervisors to Det.Sgt. Farkas when Farkas continued in dereliction of his duty to complete an investigation and a crime report on the matter for over six (6) months.

c) "*Exhibits #20 through #22*" and "*Exhibit #26*" (as found in **"Exhibit #6"** herein) all show that, after being compelled by the MSP to go through FOIA in order to receive a copy of the MSP crime report written by Farkas, Grievant Schied wrote to Farkas' regional Michigan State Police supervisor (Beth Moranty) with explicit details about how Farkas had committed a FELONY by constructing a fraudulent crime report that – prima facie – began on page 1 with an "*original date*" of the "*incident report*" being on 2/2/06 instead of 7/23/05 as the Evidence otherwise demonstrates. "*Exhibit #22*" in particular shows that MSP "*Inspector*"

Moranty, as Farkas supervisor – in conclusory fashion and without addressing one iota of Evidence or content of Grievant's complaint about Farkas – state that she found nothing whatsoever wrong with Farkas' conduct.

d) "*Exhibits #23 and #24*" (as found in **"Exhibit #6"** herein) together show that Grievant then took the matter of Farkas,' Huggins,' and Moranty's conduct to the Internal Investigations of the Michigan State Police, and that the MSP officials "*responding*" in that matter (Christiansen and Pekrul) also found nothing wrong with the foregoing conduct. Again, the "*answer*" to that complaint to Internal Affairs, dated 6/29/07, did NOT directly address the specific statements or evidence, but was issued generally in "*conclusory*" terms.

e) "*Exhibits #26 through #32*" (as found in **"Exhibit #6"** herein) shows that even when Grievant Schied took all the original Evidence of Harris' crimes directly to the Washtenaw County Prosecutor Brian Mackie and his "*assistant*" Joseph Burke on 7/25/06, that the same *pattern and practice* of TREASONOUSLY providing *aid and comfort* to the preceding criminals resulted under the *color of* (government) *discretion*.

27. Of significant note, as shown by "*Exhibits #7 through #9*" (as found in **"Exhibit #6"** herein), additional Evidence surfaced to prove that – because of the

foregoing dereliction of local, county and state law enforcement – Harris, Secor, and other *agents* of the Lincoln Consolidated School District continued to commit even more crimes against Grievant Schied.

28. In ***pattern and practice***, these crimes were conducted in similar fashion as responses to subsequent FOIA requests that were submitted – minimally – in 2006 and again in 2009. Each of these subsequent "*crimes*" occurred as separate criminal incidents, by these agents for the Lincoln Consolidated Schools perpetuating the original agenda of Sandra Harris – in retaliation for Mr. Schied having filed a civil case in 2004 against the school district in the case of *David Schied v. Sandra Harris and the Lincoln Consolidated School District* – by again PUBLICLY disseminating copies of the NONPUBLIC *erroneous* FBI CHRI report.

29. "*Exhibit #9*" (as found in **"*Exhibit #6*"** herein), in particular, reveals that despite having clear documentation of the events occurring throughout 2005 through 2007 between the original Complaint to the MSP Det./Sgt. Fred Farkas and the failure of Farkas, his supervisors, or MSP Internal Investigations to resolve that matter, "*MSP Quality Control Sub-unit Supervisor*" Robert Grounds again refused to formalize proceedings in 2009 in the aftermath of yet another crime report by David Schied to the MSP. Instead, he favorably treated the Lincoln Consolidated Schools as if this were a first-time occurrence and

wrote them only a "*warning*" letter. That warning letter also GROSSLY OMITTED the criminal significance of the school district's actions and limited its warning to claim that *"[a]ny further releases of FBI records, other than sharing with another school district, could result in your agency losing access to the FBI criminal history records*."

Plunkett-Cooney "*partner*" attorney Michael Weaver successfully "*removed*" the Washtenaw County Circuit Court case to the United States District Court in Detroit, by means of a *pattern and practice* of *criminal fraud* and *felony misrepresentations* to that federal court;

30. Clearly, though the case before the Washtenaw County Circuit Court was filed as a "*civil*" case, its allegations and Evidence were all related to criminal activity being perpetrated by the agents of the Lincoln Consolidated Schools by means of disseminating an erroneous FBI CHRI report that was obtained solely at the cost and by the permission of Grievant David Schied, and by means of the Privacy Act of 1974 [codified as 5 U.S.C. § 552a(i)] which, along with a laundry list of other state statutes and federal codes, makes the school district's dissemination of that information outside of the human resources office repeated *criminal* offenses.

31. State BAR of Michigan attorney "*partner*" Michael Weaver of the Plunkett-Cooney law firm, the law firm that is currently involved in this instant case in representing the government's insurance company (as he was then representing

the Lincoln Consolidated Schools' insurance carrier) was clearly aware then that the Evidence was obvious. **The 2006 and 2009 "*FOIA incidents*" were entirely NEW "*criminal*" events that had *never* been litigated on the merits.**

32. Nevertheless, Weaver knowingly and intently filed FRAUDULENT documents with *both* the Washtenaw County Circuit Court and the United States District Court in Detroit. (See **"EXHIBIT #7"** as Weaver's "*Notice of Filing Removal*" and "*Notice of Removal to United States District Court, Eastern District of Michigan Southern Division*," dated 1/12/10.)

33. Paragraph 8 of Weaver's "*Notice of Removal to United States District Court, Eastern District of Michigan Southern Division*" is a statement, which put into context of the original filing of Grievant Schied (i.e., **"*Exhibit #6*"**), is the commission of FRAUD upon the United States District Court. In that paragraph, Weaver based his unilateral "removal" of Grievant Schied's case to from state court to federal court on the claim,

> "*Plaintiff initiated a **prior cause of action arising out of the same transaction and occurrence**. The matter was entitled David Schied v. Sandra Harris, et al, Case No. 2:08-cv-10005-PDB-RSW. The Honorable Paul D. Borman granted summary judgment in favor of all Defendants*."

34. Grievant David Schied responded immediately to Weaver's fraud upon the federal court, by filing 43 pages of documents captioned as follows on or about 1/27/10 as shown by **"EXHIBIT #8":**

"*Plaintiff's Response: to Defendants' Notice of Removal with Plaintiff's 'Demand for Remand of Case Back to Washtenaw County Circuit Court' and accompanying 'Motion for Sanctions Against Defendants and Their Attorney Michael Weaver for "Fraud" and "Contempt" Upon State and Federal Courts*"[10]

35. As shown by **"Exhibit #8,"** Grievant David Schied went forth to depict the following ways that Plunkett-Cooney attorney Michael Weaver had committed himself to a long history of FRAUD upon numerous preceding court cases in which, as a result of the judges engaged with those previous cases participating in and approving of Weaver's *pattern and practice* of fraud, Weaver and his cohorts, as government *usurpers* and *domestic terrorists,* repeatedly prevailed in those cases.

36. Significantly, Grievant Schied began paragraph 1 of the above-referenced filing ("*Exhibit #8*") referring to the "*Affidavit of Earl Hocquard*," which is found within the body of Evidence found in **"Exhibit #6"** herein. The significance of this document is in the FACTS:

    a) It testifies and presents Evidence in support of the FACT that on 3/12/09 Cathy Secor answered child counselor in private practice and Christian

[10] As this filing was originally supported by 26 referenced "exhibits" of Evidence labeled "*A through Z*" which, although they are not included herein can instead be located if needed at the **http://constitutionalgov.us/Michigan/Cases/2015SchiedvJudgeKhaliletal** website location or thereabouts.

social worker Earl Hocquard's FOIA request by sending to him a copy of the 2003 erroneous FBI CHRI report at him home address.

b) As it was dated on 4/7/09, this "*new incident and occurrence*" of criminal offense against Grievant David Schied was fully three (3) years AFTER the (wrongful) 2006 ruling of the Michigan Court of Appeals in the case of "*David Schied v. Sandra Harris and the Lincoln Consolidated School District*" that was also initially filed (in 2004) in the Washtenaw County Circuit Court.

c) As it was dated on 4/7/09, this "*new incident and occurrence*" of criminal offense against Grievant David Schied was fully one (1) year after the (wrongful) ruling by U.S. District Court judge Paul Borman's March 2008 ruling in the case of "***David Schied v. Thomas A. Davis, Jr.,*** *in his official capacity as the Director of the Texas Department of Public Safety, et al*" that was also initially filed on 5/30/08. (See **"EXHIBIT #9"** as the cover page of Borman's *wrongful* ruling) (Bold emphasis added)

37. Any *prima facie* comparison between just Weaver's citation of the case referenced as "No. 2:08-cv-10005-PDB-RSW" (found in the final page of "*Exhibit #7*") to the actual citation on "*judge*" Borman's ruling for that same case number ("*Exhibit #9*") makes clear that Weaver's intention was to deceive that United States District Court. (Bold emphasis)

38. The following are summary citations from Grievant Schied's filing in "*Response*" and "*Demand for Remand...*" that further depict the number of ways in *pattern and practice* that Weaver had CRIMINALLY defrauded numerous courts since 2004 when Grievant David Schied filed his first case in Michigan:

a) When presenting documents to the federal court with Borman presiding, Weaver fraudulently "*answered*" that "*Plaintiff's claim is barred by the doctrine of res judicata...and...collateral estoppel...*," despite that the case before Borman was the FIRST time Grievant had ever filed a 42 U.S.C. §1983 case and despite that the case was filed BY a reputable attorney who was later honored as one of Michigan's *best* attorneys asking ONLY for "Injunctive Relief" that the Lincoln Consolidated Schools and the Northville Public Schools *cease and desist* criminally distributing to the public (under FOIA response) the erroneous FBI CHRI report and the Texas "*Agreed Order of Expunction*" obtained by Mr. Schied in "*challenging and correcting*" the accuracy of that initial erroneous record.[11] (See pp. 6-9 of **"*Exhibit #9*"**)

b) When issuing his "*Motion for Summary Judgment*" in the preceding (2008) presided over by Borman, Weaver committed fraud by claiming, "*This lawsuit involves a breach of contract action...whereby Plaintiff David Schied alleges he was wrongfully terminated from employment with the Lincoln*

[11] In FACT, **neither *res judicata* nor *collateral estoppel* could apply because in the previous state cases of "*Schied v. Harris and Lincoln Schools*" and "*Schied v. Northville Public Schools*," the state courts conspicuously OMITTED any litigation of the public policy issues related to: a) the denial by Harris of Mr. Schied's right to challenge and correct the erroneous FBI report as was otherwise noticed in the body of the FBI CHRI report itself; b) the criminal dissemination of the erroneous FBI report outside of the human resources office by FAX to the BESSIE Elementary School personnel BEFORE confronting Mr. Schied with the results of the CHRI report that he had authorized and paid for himself; and c) the criminal dissemination of the erroneous FBI report and the Texas "Agreed Order of Expunction" (which stated in paragraph 1 of that Texas court order that the "*use or dissemination of the information being expunged [is] PROHIBITED*."**

Consolidated Schools...Plaintiff has filed two prior lawsuits ARISING FROM THE SAME TRANSACTION OR OCCURRENCE in both the Washtenaw County and Ingham County Circuit Courts..."[12] (See p. 8 of "***Exhibit #9***")

c) Similarly, when Weaver filed his "*Motion for Sanctions*" in the 2008 case with Borman presiding, he misrepresented that "Plaintiff alleges he was wrongfully terminated from employment with the Lincoln Consolidated Schools..." when no such allegation had been filed in 2008 by attorney Daryle Salisbury, fully two years after the COA's political ruling in that case. (See p. 10 of "***Exhibit #9***")

39. In furthering his arguments about the invalidity of Borman's 2008, Grievant Schied spent a considerable number of pages explaining numerous ways that federal "*judge*" Borman himself committed "*fraud upon the Court*" in order to give *secondary*-level aid, comfort, and treasonous protection to his State BAR of Michigan peers committing these types of "*predicate*" level felony CRIMES upon the Court, and thus, *The People*. (See pp. 10-15 of "***Exhibit #9***")

40. Additionally, Grievant Schied depicted the continued perpetuation of fraud by Weaver upon that "Borman" federal "*civil rights*" case, even as that case had

[12] ALL of the documents of the "*Ingham County Circuit Court*" case have been provided in filing to this federal court in this instant case, by filing of Grievant's "*Grievant's Combined 'Response' and 'Reply' to Attorney James Mellon's and Mellon Fries, P.C.'s Fraudulent Conveyances in Their 'Motion to Dismiss in Lieu of Answer' and Their 'MMRMA's Response to Plaintiff's 'Writ' for Change of Judge Based on Conflict of Interest and Change of Venue Based on 'Proven' History of Corruption*." **(See "*Exhibit #20*" and its related "*exhibits*" numbered 1 through 180 in Evidence of said documentation of the corruption at the county and state levels prior to 2007 when that case was filed with the *domestic terrorist*, William Collette, then "*chief*" judge of the Ingham County Circuit Court.)**

taken *Leave of Appeal* to the 6th Circuit Court. (See principally pp. 15-16 of **"*Exhibit #9*"**)

41. **"*Exhibit #9*"** also included reference to the Evidence that on multiple occasions Grievant Schied had unsuccessfully attempted to get the Attorney Grievance Commission to investigate Weaver's criminal fraudulence, to include what is incorporated herein as **"EXHIBIT #10"** as the AGC complaint file by Grievant Schied against Weaver dated 1/4/08. (See also pp. 21-23 of **"*Exhibit #9*"**)

42. After relieving attorney Salisbury of his offer to take the "Borman" federal case to the 6th Circuit Court of Appeals, Grievant Schied took the case onward to the higher court by himself, seeing the need to also file a "*Notice of Error and Correction of Statements in Previous Court Filings*" (i.e., see **"EXHIBIT #11"** herein) which focused upon clarifying the misinformation provided by pattern and practice of Weaver in the Bordon case and other previous state court cases. That fraudulence by Weaver was explained as follows in direct quote from that "*Notice of Error...*" federal filing:

> *(1)* On October 26, 2005, a "*Motion Hearing*" was held with Judge Melinda Morris presiding in the Washtenaw County Circuit Court. At that hearing Judge Morris asked the question of attorney Michael Weaver...
>
> *"What was the purpose of the pardon if he already had the set aside?...I mean why would anyone need a pardon if they've already had their conviction set aside, if they have nothing to be pardoned from,...why is a pardon important?"*
>
> *(2)* Judge Morris spoke in response to Defendants' attorney Michael Weaver's persistent claim that the FBI report received by the Lincoln

Consolidated Schools in November 2003 was indeed correct in listing the *"conviction"* because *"only an expunction* (of the entire record) *would have allowed Mr. Schied to deny having a conviction on the 2003 Lincoln Consolidated employment application"*.

(3) The court transcript of the summary disposition hearing shows Weaver's obstinate assertion that until the plaintiff had received that "expunction" document, he was still considered a *"convict'* even though a quarter-century prior Mr. Schied had received a *"withdrawal of plea"*, a *"dismissal of indictment'* and *"set aside of judgment'*... as well as a FULL PARDON.

(4) Weaver reasoned that despite having a Texas governor's pardon making him eligible for an "*expunction*", Mr. Schied should have, but did not "*apply*" for that expunction of remaining criminal history until *after* his employment was terminated by Sandra Harris.

(5) The wording of Texas "*expunction*" statute never supported such a claim, however. The statute, Chapter 55, Texas Code of Criminal Procedure, does not even referenced the term *"conviction"* in describing the legal effects a Texas order of "expunction". It references only *"all records related to the ARREST'*...which is all that SHOULD HAVE BEEN remaining of Mr. Schied's "*record*" had the Texas DPS maintained accurate records. Therefore, it was irrelevant whether Mr. Schied had received a "*set aside*" under Art. 42.12 in 1979, as the Governor's PARDON he received in 1983 prohibited the definition of *"conviction"* from applying from that point forward to 2003.

(6) Washtenaw County Circuit Court JUDGE MELINDA MORRIS recognized and questioned this FACT as shown in the lower court transcript. The judge might have explored that possibility further had it not been for the Plunkett-Cooney attorney for the Defendants, MICHAEL D. WEAVER having intentionally orchestrated a great *"miscarriage of justice"* by COMMITTING INTENTIONAL FRAUD UPON THE COURT. As the transcripts of the Summary Disposition hearing demonstrate, Judge Morris was teetering on her decision to consider this a "good faith misunderstanding". Her decision to dismiss the case was thus preceded by a near constant barrage of obfuscated *"testimony"* by the attorney Michael Weaver *"mischaracterizing'* Mr. Schied.

(7) Attorney Weaver opened his address to Judge Morris' court as follows from the Court transcript:

> *"Interestingly, we have here in the courtroom with us today Mr. Schied who is now today all cleaned up and may be quieter than*

the last time he was here. The Court will recall...(an objection was made at this point by plaintiff's attorney)*... Well, your honor, it's relevant in this way... The Plaintiff has now argued in response to the motion that somehow Mr. Schied was· completely compliant, and when asked to produce documents that were relevant to this claim, he did so.... The TRUTH of the matter is, as the court will recall, I took his deposition one day and it ended in about* 5 *minutes when he stormed out of the room and refused to show me any documents at a11...He came here when I filed a motion to dismiss his claim or to compel his deposition and he acted out in the court that day. And so it's just interesting that he would be here today in a completely different manner...But what it goes to, your Honor, is it really goes to refute the FACT, the history goes to refute the fact that this gentleman was compliant at any time with any requests from my client..... Plaintiff refused to allow Dr. Harris and others to review documents plaintiff had brought with him documents that plaintiff allegedly said confirmed the dismissal of his indictment..."*

(8) The truth is Judge Melinda Morris stated on the record that she did not recall any of the events described by Weaver about the plaintiff having created a disturbance in the courtroom or refusing to show *"any documents at all"* at a deposition, or about the plaintiff having *"stormed out of the room"* at his deposition.

(9) Nevertheless, Weaver persisted with his pretended "*testimonials*", misrepresenting the facts until Mr. Schied's attorney, JOE FIRESTONE, made his second objection early in the hearing while pointing out that:

"[Weaver] has no idea what [Mr. Schied's] behavior was (at the two "pre-termination" meetings held by Harris) *and what he (Weaver) is saying is that the affidavits which we attach are false. Those* 3 *people who attached affidavits were present in that meeting. Mr. Weaver was not there. He can't testify to you."*

(10) Attorney Michael Weaver went much further in misleading the Washtenaw County Circuit Court Judge Melinda Morris into believing that some sort of *"pattern"* existed in the plaintiff's present day behavior that corresponded to what one might believe Mr. Schied's demeanor might have been like in 1977 at the time of his teen offense. In reality however, it was attorney Michael Weaver who had been using the law's

procedures to suit his own illegitimate purpose of harassing and oppressing Mr. Schied.

(11) Weaver then resorted to outright OBSTRUCTION OF JUSTICE and FRAUD UPON THE COURT in order to win his argument and the judgment Order granting his Summary Disposition motion on behalf of his clients Sandra Harris, FRED J. WILLIAMS, and the Lincoln Consolidated School District board of education. Page (32) of the 2005 motion hearing transcript shows that Weaver *pretended* to be reading directly from the Texas court-order of expunction document while FRAUDULENTLY substituting his own words for what was actually written in the Texas court order.

(12) As shown by the Evidence on page 2, item#1of the Texas *"Agreed Order of Expunction",* it actually reads, *"The respondents shall return all records and files concerning the above-specified ARRESTS to this Court....* " However, in comparing item #1 on page 2 of the Texas court's *Agreed Order of Expunction* to lines 7-8 at the top of page 32 of the Hearing Transcript from Judge Morris' courtroom, it is clear that Weaver substituted the his own word *"conviction"* for the word *"arrest"* so to mislead the court about the meaning of the Order and the Texas expunction law on which that document was based. He did this to convince the Court that Mr. Schied would *"have to go beyond"* already having a 1979 Texas "SET ASIDE" and a 1983 governor's FULL PARDON, by insisting that Mr. Schied *"would 'also have had to get the expunction"* first before being able to legitimately make the claim of having *"no conviction"* on a 2003 job application, the claim by which the Lincoln Consolidated Schools' case entirely depended.

(13) Immediately hearing attorney Weavers' argument Judge Melinda Morris ruled in favor of the Co-Defendants, stating:

> *"Well, it is a vexing issue and the Court was initially going to take it under advisement but...it's one of those cases that --, it requires a certain result in the Court's opinion but maybe one that isn't entirely just under all circumstances and that is, the way the Court reads the Texas law, which is undisputedly the law that must be interpreted here, as to whether Plaintiff complied or not and, therefore, was allowed to answer the way he did, the Court finds that that law requires, before he can deny that he's ever been convicted of a crime, the expunction for which he was eligible for once he had the set-aside and the pardon but which he never sought until after he was terminated*

by the Lincoln Consolidated School District, so the Court will grant summary disposition to the Defendant."

(See again, **"EXHIBIT #11"** for more information about the above quotations)

43. In FACT, the grievances against Plunkett-Cooney "*partner*" attorney Michael Weaver were so numerous and egregious that on 9/24/10, Grievant David Schied formalized and filed a CRIME REPORT with the office of the Oakland County Prosecutor Jessica Cooper. (See **"EXHIBIT #12"** as the 9-page crime report detailing the criminal allegations against Weaver with supporting legal references to allegations of a) **fraud upon the court;** b) **legal act in an illegal manner**; c) **conspiracy to deprive of rights under color of law**; d) **willful neglect of duty**; e) **perjury of Oath**; f) **subornation of perjury**; g) **racketeering and government corruption**; h) **conspiracy to commit an offense**; i) **conspiracy to treason**)

Despite Being Clearly Notified of the Fraudulence of State BAR of Michigan attorney Michael Weaver as "*partner*" in the Plunkett-Cooney law firm, Judge Denise Page Hood and other *agents* for the federal Court *aided and abetted* in the Successful Commission of Weaver's *treasonous* crime

44. In January 2010, Attorney Weaver did not answer Grievant's "*Plaintiff's Response: to Defendants' Notice of Removal with Plaintiff's 'Demand for Remand of Case Back to Washtenaw County Circuit Court' and accompanying 'Motion for Sanctions Against Defendants and Their Attorney Michael Weaver for "Fraud" and "Contempt" Upon State and Federal Courts*." Instead, he

went further into his committal to fraudulence by filing in the federal court a "*Motion to Reassign Case to the Hon. Paul Borman*" dated 1/26/10. (See **"EXHIBIT #13"**)[13]

45. As shown by **"*Exhibit #13*,"** Weaver defrauded the U.S. District Court again by claiming the following:

a) That Grievant's original Washtenaw County Circuit Court filing[14] was "*a nearly identical cause of action that was assigned to the Honorable Paul Borman*" in 2008. (See para 3 of p.2 of **"*Exhibit #13*"**)
b) That *"[a]s is clear from the pleadings, the events giving rise to this [2010] cause of action are identical to the events giving rise to Plaintiff's prior cause of action...That is, Plaintiff complains that he was improperly terminated from his employment at Lincoln Consolidated Schools and that various individuals disclose information about Plaintiff's criminal background.*"[15] (See para 4 of p.2 of **"*Exhibit #13*"**)
c) That "*Plaintiff...had already filed an essentially identical cause of action [in 2004] which had been resolved before Judge Melinda Morris*." (See para 8 of p.3 of **"*Exhibit #13*"**)

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[13] For purposes of this instant filing, only the "brief" filed by Weaver was included herein. For copies of the "exhibits" (A, B, C) referenced by the brief, go to the http://constitutionalgov.us/Michigan/Cases website and search for the 2010 civil rights case presided over by Borman.

[14] *See* again "*Exhibit #6*" pertaining to events occurring in 2006 and 2009 with the *public* FOIA responses of documents containing *nonpublic* copies of the erroneous 2003 FBI CHRI report referenced by the "*Affidavit of Earl Hocquard*."

[15] Again, the 2008 case with Borman was a civil rights case naming multiple school districts and the Texas Department of Public Safety asking for mere injunctive relief in light of previous state rulings that failed altogether to "*litigate the merits*" of the FOIA distribution to the public of the nonpublic erroneous FBI CHRI report for which Grievant was denied his right to challenge and correct while retaining his contract for employment as a schoolteacher for the Lincoln Consolidated Schools.

46. On 2/2/10, federal "*judge*" Denise Page Hood presided over a formal Scheduling Hearing in which Attorney Weaver attempted to argue his "*Motion to Reassign Case to the Hon. Paul Borman*," which he had electronically filed with the federal court but failed to "*serve*" upon then "*pro se*" litigant David Schied by mail as otherwise required by the court rules (which exempt litigants without attorneys from having to file electronically and makes it incumbent upon opposing attorneys to serve those litigants in the *traditional* method by mail).

47. Nevertheless, Grievant Schied had completed and brought to the Court that day (2/2/10) his "*Plaintiff's Response: to Defendants' Notice of Removal with Plaintiff's 'Demand for Remand of Case Back to Washtenaw County Circuit Court' and accompanying 'Motion for Sanctions Against Defendants and Their Attorney Michael Weaver for "Fraud" and "Contempt" Upon State and Federal Courts*" which "*judge*" Hood also refused to litigate that particular day.

48. Nevertheless, at that 2/2/10 hearing Grievant David Schied took the liberty to inform Hood about the fraudulence perpetrated upon the federal court by Weaver. Hood, on the other hand while refusing to litigate the legitimacy of Weaver's "*removal*" action, simply directed Weaver to properly serve Grievant Schied by mail with his "*Motion to Reassign Case to the Hon. Paul Borman*," while assuring Grievant Schied that she – having been put on notice about the

alleged fraud by Weaver – would carefully consider the contents of Grievant's "*Plaintiff's Response: to Defendants' Notice of Removal with Plaintiff's 'Demand for Remand of Case Back to Washtenaw County Circuit Court' and accompanying 'Motion for Sanctions Against Defendants and Their Attorney Michael Weaver for "Fraud" and "Contempt" Upon State and Federal Courts*" and respond back in a timely manner.

49. Subsequently **on 2/16/10**, as shown by **"EXHIBIT #14,"**, the *agents* for the U.S. District Court (USDC) for the Eastern District of Michigan (EDM) **received** Grievant Schied's filing of "*Plaintiff's Response to Defendants' Motion to Reassign Case to the Hon. Paul Borman*" by certified mail. (Bold emphasis)

50. Nevertheless, as shown by the time-stamp on that same document (i.e., **"*Exhibit #14*"**), for some questionable reason **the documents received on 2/16/10 by the federal court were not actually "*filed*" by the agents of the USDCEDM for two more full weeks, on 3/1/10.** The was the first in a long string of criminal *obstructions* committed against Grievant Schied by the agents of the "*Court*" and the "*judge*" assigned to that (fraudulently) "*removed*" state case action originally filed in Washtenaw County(Bold emphasis added)

51. On 3/4/10, Grievant Schied wrote a 3-page letter to William Lewis, the Case Manager assigned to the case for Denise Page Hood. (See **"EXHIBIT #15"**)

The letter addressed a previous conversation between Mr. Lewis and Mr. Schied in which Mr. Schied had stated his concern that, although the Court had not yet followed attorney Weaver's "*motion*" to reassign the case to Paul Borman as judge, that the case had by then been assigned to "*Magistrate Judge*" Steven Whalen, the same magistrate judge that had been assigned to the 2008 case dismissed at the first "*summary disposition*" hearing by Borman.

52. As shown by **"*Exhibit #15*,"** Grievant Schied also expressed the following other concerns:

a) That the magistrate Whalen might become resentful and treat Grievant Schied's case with prejudice given that Grievant "*ha[d] made clear [his] belief that Judge Borman had dismissed that previous case without affording [Mr. Schied] the proper 'due process of law,' without 'litigation on the merits,' and while maintaining a certain 'prejudice' again [Mr. Schied] and against [his] attorney by holding sanctions in abeyance...*" when dismissing that previous case "*David Schied v. Thomas Davis, et al*" in 2008. (See top paragraph of p.2 of **"*Exhibit #15*"**)

b) That Denise Hood's recent "*Order of Reference to United States Magistrate Judge (Whalen)*" might be in some way indicative that Hood was "*disregarding certain assurances that Judge Hood provided to [Grievant Schied] during the formal 'scheduling' hearing before her on 2/2/10*." The

assurance was described in the letter (**"*Exhibit #15*"** p.2, bottom paragraph) as follows in quote:

"[W]hen Judge Hood had instructed me to file additional documents without first 'litigating' or 'hearing the merits' of my 'Plaintiff's Response to Defendants' 'Notice of Removal' with 'Plaintiff's Demand for Remand of Case Back to Washtenaw County Circuit Court', I had asked Judge Hood what was to become of my two-inch packet of information proving that this instant case was a NEW INCIDENT and in no way connected to a case previously dismissed by Judge Paul D. Borman in 2008. (During that scheduling hearing Judge Hood had also refused to review a smaller packet of documents comprised of a 'Sworn and Notarized Affidavit of Earl Hocquard' as the 'witness' to this newest civil and criminal offense committed against me by the Defendants.) I explained that in reply to my very concerned inquiry, ***Judge Hood had provided me with her assurance that she would review my 'Plaintiff's Response...and Plaintiff's 'Demand for Remand...' and would consider it as my Plaintiff's 'Motion' for a remand of the case back to the Washtenaw County Circuit Court*** *(and accompanying 'Motion for Sanctions')."*

c) In reiterating the above concern and reasoning further Denise Hood's action of assigning Magistrate Whalen to the case INSTEAD of taking the promised action of taking expedient action on the above-referenced "*Motion for a remand of the case back to the Washtenaw County Circuit Court,"* Mr. Schied expressed his concern that *"[I]t appeared that [Hood] may have constructively 'denied' my motion or had otherwise retracted her assurance to me*." (See **"*Exhibit #15*"** p.3, top paragraph)

53. As also shown by the **"*Exhibit #15*"** which memorialized the conversation and the events surrounding that 3/4/10 conversation with "*case manager*" William Lewis, after Mr. Schied expressed the above concerns, Lewis made a telephone call to Hood and clarified...

> "*...that was indeed NOT the case, and that Judge Hood was still 'considering' my 'Plaintiff's Response to Defendants 'Notice of Removal' with Plaintiff's 'Demand for Remand of Case Back to Washtenaw County Circuit Court' as [also] my 'Motion for Remand'*"; and that, "*since Judge Hood was retaining this case, that whenever she makes ANY decision regarding my "Plaintiff's Response to Defendants 'Notice of Removal' with Plaintiff's 'Demand for Remand of Case Back to Washtenaw County Circuit Court," Judge Hood will provide that decision in writing in the form of a court Order*."

54. Three full months later, by 6/3/10, Denise Page Hood has still not taken any action whatsoever on her 2/2/10 "*scheduling hearing*" promise on the record to consider and take action on Grievant Schied's "*Plaintiff's Response to Defendants' 'Notice of Removal' with 'Plaintiff's Demand for Remand of Case Back to Washtenaw County Circuit Court"* which Hood had stated she would treat as a "*Motion for a remand of the case back to the Washtenaw County Circuit Court."*

55. Therefore, Grievant Schied served the following document upon the court with a cover letter to William Lewis dated 6/3/10, which is found herein as **"EXHIBIT #16"** to include two supporting exhibits "*A*" and "*B*":

"*Plaintiff's Motion for Hearing on Plaintiff's Previously Filed 'Plaintiff's Response to Defendants' 'Notice of Removal' With Plaintiff's Demand for Remand of Case Back to Washtenaw County Circuit Court' and Plaintiff's Previously Filed 'Motion for Sanctions Against Defendants and Their Attorney Michael Weaver for 'Fraud' and 'Contempt' Upon State and Federal Courts*"

56. As shown by **"*Exhibit #16*"** this "*motion*" recounted the details of the case to date as outlined above, pointing out (in numbered paragraph 13) that case manager Lewis never disputed the accuracy of the previous letter **("*Exhibit #15*")** written to him in recap of these same events. This motion also called attention to the FACT that in the preceding month, Mr. Schied had responded to a solicitation by the federal court for Mr. Schied to participate in "*Law Day*" in which he might seek assistance with his case from a *Pro Bono* attorney. The letter recounted what occurred in further stalling the matter when Mr. Schied visited Mr. Lewis in person and he appeared to have a lapse of memory about everything previous, instructing Mr. Schied to place anything he is concerned about in writing and/or in the form of a "*motion*."

57. Subsequently, on 6/7/10, William Lewis RETURNED UNDELIVERED and UNFILED Grievant's **previously "*filed*" motion for hearing**. **(See "EXHIBIT #17" as case manager Lewis' cover letter to the return of these documents.)** Grievant Schied received these documents back in the mail on 6/9/10, despite that he had time-stamped Evidence of these documents having been already been accepted as delivered directly to Denise Page Hood. **(See also the time-**

stamped cover page in "*Exhibit #17*" that was sent to Mr. Schied separately in the self-address stamped envelope regularly provides for such return proof of *acceptance* of service.)

58. Thus on 6/9/10 upon receipt of the returned "*Motion for Hearing*," Grievant Schied instantly wrote a Letter of Complaint against case manager William Lewis, addressing that complaint to the "*U.S. District Court Administrator*" and to the "*Senior Court Clerk*." The subject line of that letter read:

a) "*Complaint of intentional delay of process by retaliatory treatment of a 'pro se' litigant by William F. Lewis, case manager to Judge Denise Page Hood in regards to the filing of documents in the case of David Schied v. Laura Cleary, et al; No. 10-101105, Washtenaw County Cir.C.: 09-1474-NO;*" (and)
b) "*Demand for investigation and follow up reply to this complaint by the U.S. District Court Administrator*"

(See **"EXHIBIT #18"**)

59. In the continued absence of any action of resolve by the federal Court between 6/9/10 and 7/28/10, a chain of hurried events took place during that time as Plunkett-Cooney attorney Weaver turned to offensively badgering, motioning, and deposing Grievant in effort to *quash* Grievant Schied's submission of "*Plaintiff's Demand for Defendants' Admissions in Both Their 'Official' and Their 'Individual' Capacities*" which Grievant had time-stamped as filed on 6/18/10. (See **"EXHIBIT #19"** as the cover page for that filing and note that the remainder of the 116 pages can be found in its entirety by going to http://constitutionalgov.us/Michigan/Cases/ and searching for that 2010 case.)

60. **“EXHIBIT #20”** is a letter written by Grievant Schied to Attorney Weaver dated 7/4/10 which provides some insight to the strategic maneuvering that was taking place in the month that followed Grievant Schied’s 6/9/10 filing of “*Motion for Hearing*.” The letter was written in reply to Weaver’s contemptuous letter dated 6/28/10 requesting an adjournment of that hearing. This letter recaps the events taking place about that time as follows:

a) Grievant directly confronted Weaver with his own criminal intent to defraud the court by mischaracterizing a “*new crime*” (FOIA response in 2009 as evidenced by the “*Affidavit of Earl Hocquard*”) as “the same” civil matter previously litigated.

b) Weaver’s mischaracterization of there being two “motions” for hearing instead three is indicative of his effort to continually convolute matters and confuse the court; and thus, a listing of the actual “motions” that were then pending was necessary given the dereliction of the federal judge to act in a timely manner upon these matters as the initial “*motion(s)*” were submitted by either party.

61. To bring a temporary conclusion to the strategic maneuvering that took place (i.e., badgering, motioning, and deposing) between 6/9/10 and 7/28/10 mentioned above, Denise Page Hood – in collaboration with William Lewis – determined and “*served*” Attorney Weaver and Grievant Schied with an official

court document on 7/28/10 containing abbreviated and/or *misstated* descriptions of the so-called "*motions*" that had been "*filed*". (See **"EXHIBIT #21"** as a copy of the order digitally signed by both Hood as the judge and Lewis as the case manager.)

62. As found in **"*Exhibit #21*,"** **five (5) of the six total "*motions*" on that list had been filed by Grievant David Schied; again, with some of those motions having been pending the judge's "*consideration*" dating back fully six months to the 2/2/10 scheduling hearing. Yet in spite of Grievant's extreme readiness to take this case forward into *discovery* and to attend the hearing scheduled on these five Grievant's "*motions,*" which were otherwise scheduled by Grievant for hearing on 7/28/10, Denise Page Hood chose to comply instead with attorney Weaver's request for an *adjournment* of those hearings that were all scheduled for 7/28/10.** Thus, Hood issued her "*Order for Submission and* ***Determination of Motion Without Oral Hearing***."

63. **The very next day on 7/29/10, Denise Page Hood delivered her "*ORDER DENYING....*" all of the six "*motions*" PLUS – miraculously – denying a seventh motion that she had not even listed the previous day.** (See **"EXHIBIT #22"** as a copy of 16-page "*denial*" of all the actions – *under color of law* – reasonably presented by Grievant Schied as outlined above.) (Bold emphasis)

64. In response to what was clearly a ruling to DENY all of Grievant Schied's "*motions*" for the Court to *reverse* attorney Weaver's fraudulent action to remove the case to federal court, and to *remand* the original case back to the Washtenaw County Circuit Court, Grievant Schied filed his "*Plaintiff's 'Motion' and 'Brief of Support' for Application for Leave of Interlocutory Appeal' of This Court's July 29, 2010 Seven (7) Judgment Order(s)*," which was time-stamped as delivered to the federal court on 8/9/10. (See **"EXHIBIT #23"** for that 75-page filing in its entirety.)

65. As shown by the *Table of Contents* of **"Exhibit #23,"** this "*Interlocutory Appeal*" was based upon two primary Arguments ("*Argument #1*" and "*Argument #2*,") with Argument #1 broken down into ten (10) parts, and Argument #2 broken down into two parts.

66. Argument #1 (of **"*Exhibit #23*"**) consisted of the following statements about Hood's 7/29/10 ruling as provided by sectional quotations:

ARGUMENT #1 (Bold emphasis added)

Judge Hood's "Analysis" of the "facts" as she presented them was nothing less than a judicial SHAM in attempt to defraud the public, and to deprive 'Plaintiff' of his 'civil' and 'constitutional' rights.

a) *Judge Denise Page Hood then used her own fraudulent history of this case to justify her "Analysis" of the case with prejudicial favor toward Defendants and their attorneys and against Plaintiff, both as a civil litigant and as a "crime victim."*
b) *Judge Denise Page Hood virtually ignored Plaintiff's "Demand for Criminal Grand Jury Investigation" while acknowledging but refusing to act upon*

Plaintiff's assertions – backed by evidence (for which the Court has refused to look at yet) – about his being a "crime victim". Yet Judge Hood issued a ruling that commanded Plaintiff (even as a "pro se" litigant) to engage his criminal perpetrators in such way that open[ed] him up to even further criminal oppression and harassment by the Defendants and their attorney Michael, without the protection of a federal prosecuting attorney addressing the federal criminal allegations.

c) ***The "Order" of this judge for the U.S. District Court for the Eastern District of Michigan, fits the criminal pattern described in Plaintiff's original "Complaint"*** *as filed in the Washtenaw County Circuit Court,* ***by Judge Hood misrepresenting the underlying facts and basis for Plaintiff's pleadings, through significant omissions and misstatements of facts, relevant to the Plaintiff's pleadings.***

d) ***The "Order" displays the familiar pattern of the co-defendants "denying full faith and credit to Plaintiff's Texas "clemency" documents****; and of obstructing Plaintiff'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."***

e) Judge Hood's "Order(s)" displays intentional fraud and a willful cover-up of allegations of criminal felony offenses, which itself constitutes felony offenses by the judge.

f) *Judge Hood has shirked her* ***duty to take immediate action under both State and Federal statutes concerning the rights of crime victims.***

g) *The "Order" displays the* ***familiar pattern of a government cover-up of preferential treatment for government peers****, and* ***obstruction of justice****, and a* ***conspiracy against rights****.*

h) *Judge Hood's "Order" displays the* ***familiar pattern of the government co-defendants, of corruptly misleading the public*** *by setting forth* ***fraudulent authentication features*** *in what is otherwise the* ***restricted interstate communication of criminal history information****.*

i) *Judge Hood's "Order" displays the* ***familiar pattern*** *of the government co-defendants corruptly misleading the public by* ***libel, slander, and by trespassing upon Plaintiff's personal and professional reputation****.*

j) The actions of Judge Denise Hood and her case manager, William Lewis demonstrate their role in a continuum of government racketeering and corruption.

ARGUMENT #2 (Bold emphasis added)

Federal statutes were designed to support an interlocutory appeal in circumstances precisely like those presented by Plaintiff in this case.

a) *Plaintiff's "Motion" and "Brief in Support" presents controlling issues of Law, by which there exists substantial ground for differences of opinion.*
b) *An immediate appeal should materially advance the litigation whereas subsequent review is inadequate.*

67. IMPORTANTLY, **neither** State BAR of Michigan attorney Michael Weaver **nor USDCEDM federal "*judge*" Denise Hood EVER responded in any way to Grievant's "*Motion for....Leave for Interlocutory Appeal*."**

68. Instead, Weaver filed a "*Motion for Summary Judgment*" nearly a full year later, and on 9/7/11 **Denise Hood constructed another *fraudulent* "*Order Granting Motion for Summary Judgment and Dismissing Action*," *under color of law***. (See **"EXHIBIT #24"** for that order in its entirety.)

STANDARD OF REVIEW

Grievant David Schied incorporates by reference all statements and footnotes that appear at the beginning of this instant filing on pages 1 through top of page 3 as if restated herein verbatim reasserting his sovereignty as one of the People, reasserting the constitutional basis of this instant litigation in common law, and reasserting his acceptance of oaths and bonds of all public functionaries on this case, as based upon their respective *prima facie* and underlying values.

Grievant Schied takes note that MCL 566.132 ("*Of Fraudulent Conveyances and Contracts*...") defines written agreements, contracts, or promises that are "*signed with an authorized signature by the party to be charged with the agreement, contract, or promise*," which would include a signed promise such as is found by an Oath of Office, as a legally TRUST agreement that is enforceable.

Moreover, MCL 566.132 ("*Of Fraudulent Conveyances and Contracts*...") maintains, "*The consideration of any contract, agreement or promise required by this chapter to be in writing, need not be expressed in the written contract, agreement or promise, or in any note or memorandum thereof, but may be proved by any other legal evidence*." Thus, any public functionary accepting consideration in the form of public *trust*, payment for services, etc. is obligated to fulfill their *oaths and duties*, otherwise their conveyances are deemed as *fraudulent*; and by which, according to MCL 566.110 ("*Court of chancery; powers not abridged*"), the "*court of chancery*" maintains the power to "*compel the specific performance of agreements*", even in cases of partial performance.

Title 28, United States Code (U.S.C.) §144 maintains in relevant part,

> "*Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding*."

ARGUMENT

Having incorporated by reference all Statements, Affidavits, and Evidence previously filed in this case to include the initial filing to open this case and the more recent filing of a) "*Writ for Change of Judge Based on Conflict of Interest and Change of Venue Based on Proven History of Corruption*" and its accompanying *"Sworn and Notarized Affidavit of Truth of David Schied," And,* b) Grievant's "*Combined 'Response' and 'Reply' to Attorney James Mellon's and Mellon Fries, P.C.'s Fraudulent Conveyances in Their 'Motion to Dismiss in Lieu of Answer' and Their 'MMRMA's Response to Plaintiff's Writ for Change of Judge Based on Conflict of Interest and Change of Venue on Proven History of Corruption,"* Grievant David Schied states as follows:

As based upon the Evidence showing that the judges for the U.S. District Court operate without accountability and have a propensity for intentionally complicating matters that are otherwise – *prima facie* – simple matters of resolve.

Additionally, the Evidence shows that the judges for the U.S. District Court, as well as their various *agents*, operate in such fashion to provide *aid and comfort* to their peer group of members of the State BAR of Michigan who are engaged in *fraud*, *racketeering*, and *treason*. As such, they are operating *seditiously*, in a *conspiracy to commit treason*, and while operating through tyrannical *forces* – in a *pattern and practice* – against the state and federal constitutions, in coordinated fashion to coerce and change government operations, as *domestic terrorists*.

As such, the *policy* in place of interjecting *agents* such as *case managers, magistrate judges*, and others into the machinery of this case serves to convolute and complicate matters for proving individual accountability for *obstructing justice* by those under Oath and with the Duty to otherwise dispense and facilitate justice.

For such a system that provides absolutism of "*immunity*" for intentional tortuous conduct, and which spreads that immunity around to all state *actors* like butter on bread and without just cause, there is no further tolerance. As such, the *Order of Reference to United States Magistrate Judge* issued by Avern Cohn is hereby DENIED.

Moreover, as Avern Cohn has NOT proven to Grievant Schied that she has any jurisdiction whatsoever for her actions. She has *served* no *Notice of Appearance* to Grievant and provided no evidence indicating **under what authority** s/he takes any action whatsoever in this case.

Similarly, the fact that the "*order*" bears no official SEAL of the Court this order fails the "*teste of process*." It carries no worth and reflects no integrity. It is VOID on its face.

From the last correspondence provide directly by the *agents* of the Court – the ONLY correspondence served to Grievant by these agents of the Court – Robert Cleland has been appointed as "*judge*" and, as provided by the Evidence, that appointment was confirmed even AFTER issuance of the *Order of Reference to United States Magistrate Judge*. Therefore again, that "order" is DENIED for reason that the "*U.S. District Court for the Eastern District of Michigan*" is found to be acting in a *pattern and practice* of DECEPTION and CONTEMPT of the

instant proceedings of this Article III District Court of the United States. This is a *pattern and practice*, and this too will NOT be further tolerated.

Finally, of equal significance, is the FACT that Grievant Schied flatly **objects** to the idea of convoluting and complicating this matter with such an appointment of a "*magistrate*" to this matter. Because **28. U.S.C. §636(c)(1) requires the "*consent of the parties*" for the assignment of a case to a magistrate, the "order" is DENIED.**

Heretofore, whoever is the assigned judge to this case is to be acting ONLY under the authority granted by the Constitution, by *We, The People*, and further, by the Federal Rules of Civil Procedure.

NOTICE OF RELIEF DEMANDED AND HEREBY UNDERTAKEN

By means and for the reasons stated above, the *Order of Reference to United States Magistrate Judge* is REVERSED and the assignment of a magistrate judge to this case for any cause whatsoever is DENIED.

_____

AFFIDAVIT OF TRUTH

I declare under penalty of perjury that the forgoing is true to the best of my knowledge and belief. If requested, I will swear in testimony to the accuracy of the above if requested by a competent court of law and of record.

Respectfully submitted,

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

David Schied Dated: 8/16/15