

DISTRICT COURT OF THE UNITED STATES <sup>1</sup>  
(FOR THE EASTERN DISTRICT OF MICHIGAN,  
SOUTHERN DIVISION)

David Schied,

v.

Karen Khalil, et al

*Sui Juris Grievant*

Case No. 2:15-cv-11840

Judge: Avern Cohn

*Defendants*

OCT 13 2015

CLERK'S OFFICE  
DETROIT

**GRIEVANT DAVID SCHIED'S "OBJECTION" AND "WRIT OF ERROR"**  
**TO MAGISTRATE MICHAEL HLUCHANIUK'S "ORDER..." AND "AMENDED**  
**ORDER STRIKING RESPONSES AND MOTIONS (DKT. 36, 38, 58, 63), GRANTING**  
**MOTION TO STRIKE (DKT.57), GRANTING MOTION TO STAY (DKT. 75) AND**  
**SETTING DEADLINES"**

**BASED UPON CONSTITUTIONAL ISSUES**

**RELATED TO THE SUPREMACY CLAUSE AND DUE PROCESS CLAUSE OF THE**  
**CONSTITUTION OF THE UNITED STATES; THE THIRTEENTH AMENDMENT**  
**OF THE CONSTITUTION; AND BASED UPON GRIEVANT'S PREVIOUSLY FILED**  
**"WRIT FOR CHANGE OF... VENUE BASED ON PROVEN HISTORY OF**  
**CORRUPTION" AND GRIEVANT'S "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"**

<sup>1</sup> "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 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., 11<sup>th</sup> Floor  
Detroit, Michigan 48226  
313-224-5030

Defendants

**Karen Khalil**  
**Redford Township 17<sup>th</sup> 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

after “Grievant”), being one of the People<sup>2</sup> and having

established this case as a *suit of the sovereign*<sup>3</sup> acting in his own capacity, herein

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<sup>2</sup> 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

accepts for value the oaths<sup>4</sup> and bonds of all the officers of this court, including attorneys. Having already presented his causes of action to this Article III District Court of the United States as a *court of record*<sup>5</sup>, Grievant hereby proceeds according to the course of Common Law<sup>6</sup>.

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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.”

<sup>3</sup> *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.”

<sup>4</sup> 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.”

<sup>5</sup> “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

Incorporated herein by reference are the Statements and Evidence contained in accompanying documents of:<sup>7</sup>

- 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 on this and all other co-Defendants as also found at: [http://cases.michigan.constitutionalgov.us/david-schied/2015\\_SchiedvJudgeKarenKhaliletalinUSDCEM/](http://cases.michigan.constitutionalgov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEM/)
- 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

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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].

<sup>6</sup> 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.]

<sup>7</sup> The referenced documents in this list, as having all been provided in “hard copy” Evidence of court entries – submitted under Oath of accuracy by Grievant and others – that provide undeniable Evidence that defendant attorneys and their clients have a long history of FRAUD upon the Court, and that the numerous state and federal judges associated with and dismissing these previous cases without proper address of the filings and the Evidence have criminally aided and abetted in the treasonous usurpation of power and authority, committing themselves to what amounts to “*domestic terrorism*” in the unauthorized takeover and tyrannical railroading of legitimate government policy and practice under color of law.

- “Sworn and Notarized Affidavit of Truth of David Schied” and all supporting “exhibits”.
- 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” and all supporting “exhibits”;
- c) Grievant’s “Response of Denial of ‘MMRMA’s Motion to Strike Grievant’s Previous 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” and “Grievant’s Order adding Attorney James Mellon and Mellon Fries, P.C. as Co-Defendants for Reason of Obstruction of Justice and Dishonoring This Article III Court by ‘Fraud Upon This Court’ and for the Reasons Stated in Grievant’s Previously Filed ‘Combined Response and Reply to Attorney James Mellon’s and Mellon Fries, P.C.’s Fraudulent Conveyances...” and all supporting “exhibits”;
- d) Grievant’s “Objections and Order to Strike ‘Defendant, The Insurance Company of the State of Pennsylvania (“ISCOP” and the American International Group, Inc.’s (“AIG”) ‘Answer to ‘Plaintiff’s’ Complaint’ Based on a Pattern of Gross Omissions, Intentional Deception, Frivolous Filing, and Obstruction of Justice (Under F.R.C.P. Rule 11); and for Summary Judgment and/or Declaratory Ruling and Sanctions Against Defendants’ Intentional Failure to Answer Within 20 Days (as required under F.R.C.P. Rule 56a)” and all supporting “exhibits”;
- e) “Grievant David Schied’s Order of Denial of Defendants’ (“Judge”) Khalil and Redford Township, et. al Seeking Dismissal by Judgment on the Pleadings [UNDER FED.R.CIV.P.12(c)] Based on Defendants’ Intent to Defraud the Court and to Violate Attorney Code of Ethics Through a ‘Pattern and Practice’ of Attorney Testifying and Gross Omissions Proven in Connection to a Past History of the Same” + 27 itemized “Exhibits” of Evidence.
- f) “Grievant David Schied’s Order of Denial of Defendants’ (‘Judge’) Khalil and Redford Township, et. al Motion Seeking Permission to Expand Page Limit for Brief [in Support of Motion by Redford Defendants Seeking Dismissal by Judgment on the Pleadings Under Fed.R.Civ.P.12(c)] Based on Defendants’ Intent to Defraud the Court and to Violate Attorney Code of Ethics Through a ‘Pattern and Practice’ of Attorney Testifying and Gross

Omissions Proven in Connection to a Past History of the Same” + 18  
itemized “*Exhibits*” of Evidence.

This action is being taken because **I DO NOT CONSENT to the reference of Grievant David Schied as a corporate fiction in ALL CAPS of lettering as “*plaintiff*” (“DAVID SCHIED, plaintiff”), nor do I consent to the mischaracterization of *sui juris* Grievant David Schied as operating in a “*pro per*” or “*pro se*” capacity. Note that all “*summons*” were issued with notice to all co-Defendants that Grievant David Schied is “*sui juris*.”**

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 Charter County of Wayne to the United States District Court with a proven proclivity toward contributing to the *domestic terrorism* being carried out, hand-in-hand with state and county government imposters, as usurpers of *The People’s* power and authority.

“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; *Carmin v. Bowen*, 64 A. 932

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## SUMMARY STATEMENT OF THE BASIS FOR THIS INSTANT ACTION

The basis of this action being filed in the District Court for the United States<sup>8</sup> in timely fashion and in the aftermath of Magistrate Michael Hulchaniuk, residing in the U.S. District Court in operation within the territorial boundaries of the Defendant Charter County of Wayne. The magistrate's actions were executed in spite of the plethora of Evidence that numerous other judges operating in that same courthouse have committed acts of "*domestic terrorism*" by not only previously depriving Grievant of his due process rights under color of law, but by

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<sup>8</sup> All United States District Courts are "*Courts of Law.*" **Court of "Law"** means Court of Common Law - a court for the People CORAM IPSO REGE. Under Article III Section 2 *We, the People* decreed that "*the judicial power shall extend to all cases, in **law and equity**, [chancery being contradictive was not included] arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority*"; And Article VI Paragraph 2 reinforces that congress can only create constitutional courts functioning under the law of the land, whereas we read "*This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme **law of the land**.*" (NOTE: "*Law of the land,*" "*due course of law,*" and "*due process of law*" are synonymous. People v. Skinner, Cal., 110 P.2d 41, 45; State v. Rossi, 71 R.I. 284, 43 A.2d 323, 326; Direct Plumbing Supply Co. v. City of Dayton, 138 Ohio St. 540, 38 N.E.2d 70, 72, 137 A.L.R. 1058; Stoner v. Higginson, 316 Pa. 481, 175 A. 527, 531.) Thus, the judges in every state shall be bound to anything in the Constitution or laws of any State to the contrary notwithstanding." Thus, these Courts must proceed under common law and not chancery. (The 1789 Judiciary Act Chapter XX Section 15 is *null and void* because the legislators exceeded their authority when they unlawfully gave the judiciary "*power*" to proceed according to the "*rules of chancery*" contrary to law.) This is long-established in Marbury v Madison as null and void, thus finding all judges who proceed according to chancery knowingly act under color of law thereby hijacking their victims to foreign courts of fiction and are in bad behavior without immunity.

also executing such previous actions in *pattern and practice* that appears intended to influence government policy by coercion. Such action by Magistrate Hluchaniuk was also taken against Grievant, with imposed time constraints, while in the middle of a period in which Grievant David Schied had noticed the Court and all parties that he would be out of the State of Michigan and otherwise staying all proceedings for a period of 30 days. This Court action was additionally undertaken by Magistrate Hulchaniuk in an arbitrary and capricious manner despite Grievant having long ago filed his “Writ for Change of...Venue Based on Proven History of Corruption” and Grievant having also filed his “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.”

That the so-called “Order” and “Amended Order” professes to “*strike*” Grievant’s filings, referencing docket numbers that are unknown and inaccessible to Grievant – who is NOT subject to e-filing requirements, who is NOT privy to electronic filings, who is filing all and serving all documents by traditional mail, and who has NOT otherwise been afforded by the Court with an itemized docket-numbering reference sheet – just begins to characterizes the arbitrary and capricious nature of Magistrate Hluchaniuk’s action, which has been executed under the questionable supervision of 90-year old judge Avern Cohn. Such action,

as executed with a 14-day “*requirement...for filing any objections,*” which knowingly concludes before the end of the 30-day period of “*stay*” of proceedings and Grievant’s planned return to Michigan, is therefore, purely unacceptable.

Notwithstanding the above reasons, Grievant also OBJECTS to the action(s) by Magistrate Hluchaniuk because the acts are in violation of the Supremacy Clause and Due Process Clause of the Constitution of the United States. Further, such objection to the *Order(s)* is based upon the action also being in gross violation of the Thirteenth Amendment. By making clear that the Sovereignty rests with the People and not the government, and making clear that this instant case and all relevant filings are being placed into a constitutional Article III *Court of Record*, **the line has been clearly drawn that Grievant is not subject to government commands of involuntary servitude, and Grievant is NOT voluntarily subjecting this case to the judicial *pattern and practice* of using “*color of*” their own “*court rules*” to deprive Grievant of his due process rights by placing procedure and form over substance to “*dismiss*” or “*strike*” Grievant’s written filings in this Article III Court.** (Bold emphasis added)

GRIEVANT REITERATES HIS PREVIOUS OBJECTIONS TO MAGISTRATE HLUCHANIUK HAVING AN ACTIVE ROLE IN ADJUDICATING THIS CASE

Grievant incorporates by reference and repeats the entirety of the following documents in statements and arguments – inclusive of all referenced Evidence and Affidavits – as if written herein verbatim:

- 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>
- 3) “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”.
- 4) Grievant’s “Combined ‘Response’ and ‘Reply’ to Attorney James Mellon’s and Mellon Pries, 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”;
- 5) “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.”
- 6) All documents referenced by the “Order” and “Amended Order,” whatever they may be, being referenced as the docket items filed by Grievant David Schied and being stricken by this Court – referenced by numbers only Docket Items #38, #36, #58, #63.

Based on the Statements, Arguments, Affidavits, and Evidence already submitted into this Article III *Court of Record*, Grievant objects to the “*order*” and “*amended*” order, both issued by Magistrate Hluchaniuk on 9/30/15. As such,

based upon the reasons stated in the record, the added “*Writ of Error*” is being issued herein.

GRIEVANT OBJECTS TO MAGISTRATE HLUCHANIUK’S “ORDER(S)”  
BECAUSE THE ORDER VIOLATES THE “SUPREMACY” CLAUSE OF THE  
CONSTITUTION OF THE UNITED STATES

Page two of both the “*order*” and “*amended order*” indicate that the administrators of instant Court need further clarification of Grievant’s assertion that “*the Supremacy Clause trumps local court rules.*” For clarification the Supremacy Clause (Article VI, Clause 2) states,

*“This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority 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.”*

In substantive response and reply to every “*motion*” and filing “*response*” of each of the co-defendants, Grievant Schied has been compelled to **disprove** each of the defendants’ claims about Grievant’s character, Grievant’s history as a litigant, and the fraud embedded in the unauthenticity and inaccuracy of each of the previous state and federal rulings upon which these rulings rely “*under color of law.*” All of Grievant’s statements about the fraud by the defendants’ attorneys, their cohort of other attorneys involved in these previous cases, and the corrupt

state and federal judges involved in those previous cases<sup>9</sup> – which stretch over a decade to 2004 – are well-supported with a plethora of well-organized and labeled Evidence which is also posted at a website<sup>10</sup> directly associated with this instant case and “*Court of Record.*” <sup>11</sup>

As conferred by both the Michigan Constitution and the Constitution of the United States by reference to it being the People that have “*ordain[ed]*” and “*establish[ed]*” the terms under which government is to operate, the People are the sovereigns delegating powers to the government, not *vice versa*. Though Congress, under Article III and through the Rules Enabling Act of 1938, has exercised the power to confer in the Supreme Court the power “*to prescribe by general rules, the forms of process, writs, pleadings, and motions, and the practice and procedures*

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<sup>9</sup> As the Evidence itself depicts, these attorneys and state and federal judges, as all being members of the same State BAR of Michigan, are all corrupt in that their court filings and rulings all exhibit the common pattern and practices of gross errors and omissions, misstatements of facts, rhetoric, and a cooperative reliance upon the fraudulent recordkeeping of the court clerks and use of procedure over substance to repeatedly deprive Grievant David Schied of his *due process rights* and right to a *JURY under color of law*. By applicable definition, these practices constitute the “*unauthorized practice of law,*” a *conspiracy to deprive of rights, racketeering, and domestic terrorism*.

<sup>10</sup> See [http://cases.michigan.constitutional.gov.us/david-schied/2015\\_SchiedvJudgeKarenKhaliletalinUSDCEM/](http://cases.michigan.constitutional.gov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEM/)

<sup>11</sup> Congress constitutionally codified the Peoples Decree under 28 U.S. Code §132) whereas we read - *Creation and composition of district courts (a) There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the (judicial) district”; and whereas, “*a court of record proceeds according to the course of common (natural) law.*”*

*of district courts...*<sup>12</sup>, the Court's rules nevertheless shall not "*abridge, enlarge, or modify any substantive right*" **or the right to jury trial.** (Bold emphasis)

In this circumstance, the Local Court Rule(s) are being used to "*strike*" the relevant substance of "*pro se*" Grievant's response, summary, and mandamus filings, and so to leave Grievant without proper substantive address of his counter-claims against Defendants' claims. These are claims that, for the past decade, Grievant has been merely acting as a "*paper terrorist*," a "*frivolous filer*," and a "*vexatious litigant*," even despite that such claims are irrelevant and have nothing to do with the Grievant's claims of this instant case. Nevertheless, it is a matter of fact for a jury to decide – not the Court – as to whether Grievant's previous litigation against any of the co-Defendants comprising "*Redford Defendants*," executed within the scope and power of Defendant(s) Charter County of Wayne, is relevant to Grievant's claims under the State-Created Danger Doctrine. This is substantive matter about which the body of Grievant's filings against Defendants' allegations is wholly – and substantially – relevant.

Thus, the striking of these documents and the compelling of a rewriting of these claims in reference to this past decade of co-Defendants' "*fraud upon the court*" presents a distinct and unfair burden upon "*pro se*" Grievant, while providing prejudicial favor upon the Defendants' attorneys and their corporate law

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<sup>12</sup> See 28 U.S.C. §2072 (1982)

firms. Under the *doctrine of implied rights*, the striking of those filings undermines the substance of the claims themselves – of the filings targeted for “*striking*” – despite their significant relevance to the original claims of this instant case. These documents and the Evidence supporting the facts contained therein, should otherwise be considered in their proper context, so to provide a appropriate address of Grievant’s “*natural rights*,” as well as his federally-created rights, as reflected within the body of *common law*.

Striking the Statements and Evidence of Grievant’s previous filings not only violates the terms of the restrictions imposed by 28 U.S.C. § 2072, but also deprives Grievant of his constitutionally guaranteed due process rights. Additionally, it reflects a similar pattern to that about which these filings set out to prove in all those previous cases, in which Grievant claims the previous judges – being all members of the same State BAR of Michigan as the attorneys committing fraud through gross falsifications and omissions of significant facts – have operated as “*domestic terrorists*” to coerce government policy and practice through similar fraud in their numerous state and federal rulings.

It is for these types of reasons that the Supremacy Clause of the Constitution of the United States was written. Thus, it should instead be the Defendants’ instant lies and their compounding of such fraudulent concealment upon the Court – as well as upon Grievant himself – that should be “*stricken*” with sanctions against



the co-Defendants. At minimum, these claims should be properly investigated by a *special master* and criminal *special grand jury* as otherwise commanded under 18 U.S.C §3332 and other referenced state and federal statutes, as is otherwise required and referenced by Grievant's previous filings themselves.

GRIEVANT OBJECTS TO MAGISTRATE HLUCHANIUK'S "ORDER(S)"  
BECAUSE THE ORDER VIOLATES THE "DUE PROCESS" CLAUSE OF THE  
CONSTITUTION OF THE UNITED STATES

Notwithstanding what is stated and applicable from above to the Fifth and Fourteenth Amendments, the recent actions of Magistrate Hluchaniuk, in writing his recent "*order*" and "*amended order*" – particularly with a 14-day deadline for "*objection*" that falls smack in the middle of the 30-day period in which Grievant had noticed the Court of his "*stay of proceedings for 30 days*" because he would be unavailable and out of state – were a blatant violation of constitutionally guaranteed due process. Again, this falls into the same *pattern and practice* being depicted by the documents Hluchaniuk has marked for "*striking*," by the Evidence they present against Hluchaniuk's peer group of other judges and attorneys that are allegedly operating a criminal racketeering and corrupt enterprise – from the Detroit offices and courtrooms of the so-called "*United States District Court*" – as "*domestic terrorists*."

The Due Process Clause of the Fifth Amendment states, in relevant part, that "*No person shall be....deprived of life, liberty, or property without due process of*

*law...*” To strike Grievant’s filings, as has been proscribed by Magistrate Hluchaniuk, is such a violation of the Fifth Amendment that it is otherwise a “*deprivation of (due process) rights*” masked “*under color of law,*” which constitutes a criminal offense under 18 U.S.C §§ 241 and 242, as well as compounding the instant claims against the co-Defendants under 42 U.S.C. §1983. This is not to be allowed.

GRIEVANT OBJECTS TO MAGISTRATE HLUCHANIUK’S “ORDER(S)”  
BECAUSE THE ORDER VIOLATES THE THIRTEENTH AMENDMENT  
OF THE CONSTITUTION OF THE UNITED STATES

Again, the acts committed by Magistrate Hluchaniuk fall into the same *pattern and practice* depicted against Hluchaniuk’s fellow State BAR of Michigan members by the documents he has targeted for striking. In both form and style, **these are arbitrary and capricious acts being committed against Grievant and others** – primarily those coming to the federal court and operating either in a “*pro se*” capacity or with an attorney kowtowing to an obviously broken and corrupt judicial system – **so to deny litigants their First Amendment rights to redress of grievances**. Each such instant of doing so is thus, a *prima facie* constitutional violation itself. **It is being done to undermine, stop, and oppress individuals and factions of individuals who are otherwise coming forth to the only “system” available to them for reporting government RICO crimes and domestic terrorism.** (Bold emphasis added)

When the judiciary “*strikes*” and/or “*dismisses*” such claims, in denial of such First Amendment rights to free speech and to redress of grievances – whether under *color of law* or (local) court rules – it constructively converts rights to privileges. This is antithetical to the Constitution itself and also constitutes an “*obstruction of justice*,” which is a federal crime under Chapter 73 of Title 18 of the United States Codes. Additionally, such actions tactically and forcefully change this *nation of laws* derived from the supremacy of the Constitution and inspired by the “*Laws of Nature and Nature’s God*”, into a *nation of people under tyranny* characterized by coercion and ambiguity and perpetrated criminally by *domestic terrorists* who are participating in the insurrection and the overthrow of our legitimate government. This is intolerable. (Bold emphasis added)

The Thirteenth Amendment protects against *involuntary servitude* while embodying the Natural Law of individual birth and imbued independence that is embellished by the Constitution of the United States. The federal Thirteenth Amendment established that the only way that any level of government in these United States can acquire authority to command obedience of each individual person is through the government’s attaining a “*conviction*,” or through the voluntary submission of each individual person, as might be done by way of complying with *Local Court Rules*. Aside from either of these two factors, the

compelling of involuntary compliance or substantive penalties for noncompliance with the arbitrary and capricious misuse of “*local court rules*” is unconstitutional, particularly in light of and in context of the substantial facts as presented in this instant case.

It is a FACT that, as established in the federal Thirteenth Amendment, prior to a voluntary act of the individual, wherein the individual voluntarily submits himself or herself to the jurisdiction of the state, the state does not have standing to require conformance of the individual in any manner whatsoever. Grievant David Schied has made this clear from the onset of filing this instant case while attesting to his sovereign status as one of *We, The People*, and repeatedly referring to this instant court as an Article III court operating strictly in Common Law rather than as an administrative, maritime, admiralty, chancery, or any other type of court working under its own peculiar mode of operation and set of *court rules*.

The fact is, in order for each individual to willingly, knowingly, and intentionally volunteer to agree with and to submit to such authoritative control as proffered by the USDC EDM’s<sup>13</sup> “*Local Court Rules*,” such government must establish and prove itself to be an honorable government, with the administrator of that government acting in good faith and in the sole interest of the People for whom it is “*ordained*” and “*established*” to serve. The Facts and the Evidence

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<sup>13</sup> USDC EDM is widely recognized as referring to the U.S. District Court for the Eastern District of Michigan.

presented in this instant case, and in the filings now targeted for “*striking*” prove otherwise.

Under the Thirteenth Amendment, no manner of restrictions and regulation may be properly imposed on those who do not volunteer, or so who have come to learn that they were fraudulently induced into volunteering through deceitful and fraudulent actions by government. Thus, **when the government has violated its trust** – as has been the case with the USDC EDM as determined by and based upon a sovereign individual’s own independent and personal evaluation supported by a plethora of Evidence already in this instant Article III *Court of Record* – **the person making that individual determination has the absolute naturally-imbued right to withdraw his consent, and to formidably stop any further participation with or submission to such tyrannical forces of government. The Thirteenth Amendment is the means by which such a person enforces such a denial or withdrawal of consent, and by which s/he may be barred from the compelling of or furtherance of such forced servitude by an illegitimate government.** (Bold and underlined emphasis added)

**It is notable that the criminal allegations against those administrating and functioning as fiduciaries and *officers* of the courts, as all being members of the State BAR of Michigan supervised by the forces of the Michigan**

**Supreme Court <sup>14</sup> are being significantly ignored by those holding such offices.**

These are state and federal crimes in and of themselves. As such, Grievant's objections to Magistrate Hluchaniuk's actions are sustainable and valid. (Bold emphasis added)

GRIEVANT OBJECTS TO MAGISTRATE HLUCHANIUK'S "ORDER(S)" BECAUSE GRIEVANT HAS ALREADY ESTABLISHED A RECORD OF SUCH OBJECTION UNDER 28 U.S.C. §636(c)(1) WHICH REQUIRES THE "CONSENT OF THE PARTIES" FOR THE ASSIGNMENT OF A CASE TO A MAGISTRATE

Notwithstanding the above, Grievant relies upon his previous filings to base his arguments in regard to 28 U.S.C. §636(c)(1) as found in his earlier filing of "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" incorporated herein by reference as if written in its entirety verbatim.

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<sup>14</sup> **The Michigan Supreme Court has been deemed to be operating tyrannically by even one of their own insiders, the former MSC "chief" judge Elizabeth Weaver who resigned in 2010 and subsequently wrote her book, "Judicial Deceit: Tyranny and Unnecessary Secrecy at the Michigan Supreme Court".**

## **NOTICE OF RELIEF DEMANDED AND HEREBY UNDERTAKEN**

The Statements are detailed and convincing; and the supportive Evidence is damning and plentiful. The FACT is that the Co-Defendants have long been committing fraud upon the court, treason against the government, and domestic terrorism against the Grievant David Schied, and others of *We, The People*.

The additional fact is that these types of racketeering and corruption crimes are not just limited to this case, or to Grievant David Schied's previous state and federal cases. Domestic terrorism is happening elsewhere against others throughout the United States. This is a widely recognized FACT that only the **usurpers** of government functionary positions and the mainstream media as their bed-and-breakfast partners are unwilling to admit.

Thus, less than a month ago Grievant notified the administrators of this instant federal Court that a national call of attention had been started with a march to Washington, D.C., primarily on behalf of the military veterans who have enlisted, served, fought, and sacrificed their limbs, their health, and their lives for Founding Principles and the People of all states of these United States. Since the issuance of that "*notice*," Grievant David Schied has been committing himself to this endeavor – a mission perceived by some as a religious pilgrimage acted upon by an edict from God. While treating that "*notice*" as a "*motion*" however, Magistrate Hluchaniuk "*granted*" that 30-day stay of this case from September 21,

2015 through October 21, 2015; yet he defied and confounded that action arbitrarily and capriciously by then commanding on September 30<sup>th</sup> that “[T]he parties to [his] action [of ‘striking’ Grievant’s multiple filings]...are required to file any objections within 14 days of service as provided for in Federal Rules of Civil Procedure 72(b)(2) and Local Rule 72.1(d).” His actions clearly were otherwise taken with the intent to deprive Grievant of his right to redress under mere “color of law” and federal and local “rules.” Again, this is intolerable.

Based upon the above-referenced arguments supported by the FACTS and the EVIDENCE already in this Court of Record, there is GOOD CAUSE to object to the actions of Magistrate Hluchaniuk, taken in tandem with and under the supervisory consent of the 90-year old federal “judge,” Avern Cohn.

Based upon the above, as well as the filings referenced above, Grievant hereby serves this instant OBJECTION and “Writ of Error” upon this instant Article III Court of Record.



**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,



\_\_\_\_\_ (all rights reserved)

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

David Schied

Dated: 10/13/15

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

David Schied,

*Sui Juris Grievant*

Case No. 15-11840

v.

Karen Khalil, et al

Judge: Cohn

Defendants /

---

**CERTIFICATE OF SERVICE**

**Attn: Clerk of the Court  
District Court of the  
United States  
Federal Bldg. & U.S. Crthse  
600 Church St., Rm. 140  
Flint, Michigan 48502  
313-234-5000**

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

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  
**Karen Khalil  
Redford Township 17<sup>th</sup> 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**

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

Jeffrey Clark, attorney  
Cummings, McClorey, Davis & Acho, P.L.C.  
33900 Schoolcraft Rd.  
Livonia, Michigan 48150  
734-261-2400

I hereby certify that on 10/14/15, mailed 2 copies of the following documents to the United States District Court in Flint (one for the Court and one

for the judge,) and mailed the same (one copy only) to all of the co-Defendants listed above in the preceding page.

- 1) “Grievant David Schied’s ‘Objection’ and ‘Writ of Error’ to Magistrate Michael Hluchaniuk’s ‘Order...’ and ‘Amended Order Striking Responses and Motions (Dkt. 36, 38, 58, 63), Granting Motion to Strike (Dkt.57), Granting Motion to Stay (Dkt.75) and Setting Deadlines’ Based Upon Constitutional Issues Related to the Supremacy Claus and Due Process Clause of the Constitution of the United States; The Thirteenth Amendment of the Constitution; and Based Upon Grievant’s Previously Filed ‘Writ for Change of...Venue Based on Proven History of Corruption’ and Grievant’s ‘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”;
- 2) This “Certificate of Service”

Respectfully submitted,



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

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October 16, 2015 , 3:55 pm	Arrived at USPS Destination Facility	PONTIAC, MI 48340
October 15, 2015 , 1:37 am	Arrived at USPS Origin Facility	BALTIMORE, MD 21233
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